

VIRGINIA:

At a regular 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 9th day of March, 2010, at 4:00 p.m.

Present:

| | |
|-----------------------------|-------------------|
| Laurence J. Trala, Chairman | Richard Tankard |
| H. Spencer Murray | Oliver H. Bennett |
| Samuel J. Long, Jr. | |

Absent:

Willie C. Randall, Vice Chairman

The meeting was called to order by the Chairman.

Closed Session

Motion was made by Mr. Murray 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 with the exception of Mr. Randall 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.

Mr. Trala offered the invocation.

The Pledge of Allegiance was given.

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 & Agency Presentations:

(1) Mr. James Elliott, the County’s legal counsel for delinquent real property sales, informed the Board that he had been hired by the County in September 2005 to collect delinquent real estate taxes. He provided a brief overview of the collection process, noting that he represents over 30 jurisdictions and files over 15,000 tax cases per year. He distributed a booklet which he’d developed entitled, “The Treasurers Guide to Delinquent Real Estate Tax Collections”.

Mr. Elliott answered questions from the Board, noting that the Treasurer’s Office provides him with current tax, penalty and interest data on approximately twenty (20) cases per

week. He currently has 60-80 active cases on-going for the County.

Ms. Katherine H. Nunez, County Administrator, distributed the following memorandum:

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: March 4, 2010
RE: Delinquent Taxes

For the last few years, you have requested clarity from the Treasurer on the payment plans utilized by her office for delinquent real estate taxes and more recently a greater understanding of the information contained in the Top 40 Delinquent list and what is legally permissible for public release within that Top 40 list as well as what information is conveyed to our tax attorney.

To that end, County Treasurer Ilva James met with County Attorney Bruce Jones and me as well as participation from the Treasurer's Association legal counsel via phone to discuss these issues and reached concurrence on the various matters as described below:

- 1) Does the Code of Virginia allow for the delinquent tax list (both real and personal) to be "scrubbed" of accounts that have entered into a payment plan or are in bankruptcy? Does the Code of Virginia allow the Board of Supervisors to receive an unedited delinquent tax list? Who can have access to the list? How can we disseminate the list?

There are three sections of the Code of Virginia that need to be taken in tandem to answer the questions above.

The first is §58.1-3, which states "*...the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to §58.1-2712.2. ... shall not divulge any information acquired by him in the performance of his duties with respect to transactions, property, including personal property, income or business of any person, firm or corporation.*"

The second is §58.1-3921, which states, "*The treasurer, after ascertaining which of the taxes and levies assessed at any time in his county or city have not been collected, shall, within sixty days of the end of the fiscal year, make out lists as follows:*

- 1) *A list of real estate on the commissioner's land bank improperly placed thereon or not ascertainable, with the amount of taxes charged thereon.*
- 2) *A list of other real estate which is delinquent for the nonpayment of the taxes thereon. This list shall not include any taxes listed under subdivision 4 or 5 of this section.*
- 3) *A list of such of the taxes assessed on tangible personal property, machinery and tools and merchants' capital, and other subjects of local taxation, other*

than real estate, as he was unable to collect which are delinquent. This list shall not include any taxes listed under subdivision 4, 5 or 6 of this section.

- 4) *A list of the uncollected taxes amounting to less than twenty dollars each for which no bills were sent under §58.1-3912.*
- 5) *A list of uncollected balances of previously billed taxes amounting to less than twenty dollars each as to which the treasurer has determined that the costs of collecting such balances would exceed the amount recoverable, provided that the treasurer shall not include on such list any balance with respect to which he has reason to believe that the taxpayer has purposely paid less than the amount due and owing.*
- 6) *A list of uncollected balances of previously billed tangible personal property taxes on vehicles that (i) were owned by taxpayers, now deceased, upon whose estates no qualification has been made, or (ii) were transferred to bona fide purchasers for value pursuant to §46.2-632, 46.2-633, or 46.2-634 without knowledge, on the part of the persons so transferring, of the unpaid taxes.”*

The third is §58.1-3924, which states, “*Upon the request of the governing body of a county, city or town, the treasurer shall furnish a copy of any of the five lists mentioned in §58.1-3921. ... The governing body may cause the lists mentioned in subdivisions 2 and 3 of §58.1-3921, or such parts thereof as deemed advisable by the treasurer, to be published in a newspaper of general circulation in the county, city or town or to be made available on any Internet site maintained by or for such county, city or town.*”

This means that the Board of Supervisors may request and receive a list that is all inclusive. Any member of the public can then request this list from the Board of Supervisors and, subject to any expenses for copying, we would be obligated to provide this document, since it is “FOIAable” (covered under the Freedom of Information Act as a public document).

If the Board desires to publish this list (as a whole or in a “Top 40” format) in a local newspaper or on the County website, then the Treasurer may advise that the list be edited to remove any accounts under a payment plan or in bankruptcy. Ms. James has indicated that she would exercise that right for any list that is published and would remove anyone on a payment plan or in bankruptcy.

However, the inclusion of the delinquent list or the “Top 40” list in our quarterly financial statements which are provided to the County Board of Supervisors, staff and to members of the press as part of the documentation of the Board agenda packet is not defined as “published” and can be the unedited list. In speaking with the FOIA Advisory Council attorney as well as the attorney for the Virginia Department of Taxation, they cautioned about establishing a uniform procedure to ensure that we did not unintentionally publicize the “unedited” list, contrary to the Code of Virginia.

Therefore, I would recommend that the Board of Supervisors receive the unedited list on a quarterly basis and that we also receive an edited list on a quarterly basis which

will be posted to the County website as well as serve as the basis for the Top 40 list that will be included in the quarterly financial reports.

It was the consensus of the Board to agree with the County Administrator's recommendation.

We have taken steps to utilize certain tools in our computer software that allows the Treasurer's staff and the Finance Department's staff to flag real or personal property accounts that have entered into a payment plan or are in bankruptcy so that we can more efficiently generate reports that omit accounts that are so flagged. Previously, this information was maintained by hand and took several days to vet the list to remove the payment plans and bankruptcies.

- 2) Regarding payment plans, does the Code require any criteria be established for a taxpayer to qualify for a payment plan? Once a payment plan is entered into, how are they maintained and verified for compliance with the plan terms? Is this information public information?

The Code does not require any criteria be established regarding payment plans and the Treasurer has the right to set any terms or conditions within the confines of §58.1-3965(C) which states,

C. Notwithstanding the provisions of subsection B and of § 58.1-3954, the treasurer or other officer responsible for collecting taxes may suspend any action for sale of the property commenced pursuant to this article upon entering into an agreement with the owner of the real property for the payment of all delinquent amounts in installments over a period which is reasonable under the circumstances, but in no event shall exceed 24 months. Any such agreement shall be secured by the lien of the locality pursuant to § 58.1-3340.

Ms. James restated her position that she has the right to enter into a payment plan with whomever she deems appropriate and she was not willing to provide a defined list of criteria for an individual to qualify for a payment plan for repayment of delinquent taxes. Ms. James has updated her delinquent tax repayment agreement (which was previously provided to the Board in your February 9, 2010 agenda packet).

The Treasurer's Office is currently maintaining this information in a paper format. We are determining if our tax software will allow us to include the parameters of a payment plan and allow the staff to enter the individual terms. If we cannot configure our tax software to handle this responsibility, the IT Department will work with the Treasurer's Department to set this up in a database that will allow for easy tracking and monitoring.

As part of this discussion on payment plans, we did discuss in detail the provisions of Code of Virginia, §58.1-3965, particularly Section C and subsequent sections. I have included the whole code section for your own review below:

A. When any taxes on any real estate in a locality are delinquent on December 31 following the second anniversary of the date on which such taxes have become due, or, in the case of real property upon which is situated (i) any structure that has been condemned by the local building official pursuant to applicable law or ordinance; (ii) any nuisance as that term is defined in § 15.2-900; (iii) any derelict building as that term is defined in § 15.2-907.1; or (iv) any property that has been declared to be blighted as that term is defined in § 36-49.1:1, the first anniversary of the date on which such taxes have become due, such real estate may be sold for the purpose of collecting all delinquent taxes on such property.

Upon a finding by the court, on real estate with an assessed value of \$100,000 or less in any locality, that (i) any taxes on such real estate are delinquent on December 31 following the first anniversary of the date on which such taxes have become due or (ii) there is a lien on such real estate pursuant to § 15.2-900, 15.2-906, 15.2-907, 15.2-907.1, 15.2-908.1, or 36-49.1:1, which lien remains unpaid on December 31 following the first anniversary of the date on which such lien was recorded, the property shall be deemed subject to sale by public auction pursuant to proper notice under this subsection.

The officer charged with the duty of collecting taxes for the locality wherein the real property lies shall, at least 30 days prior to instituting any judicial proceeding pursuant to this section, send a notice to (i) the last known address of the property owner as such owner and address appear in the records of the treasurer, (ii) the property address if the property address is different from the owner's address and if the real estate is listed with the post office by a numbered and named street address and (iii) the last known address of any trustee under any deed of trust, mortgagee under any mortgage and any other lien creditor, if such trustee, mortgagee or lien creditor is not otherwise made a party defendant under § 58.1-3967, advising such property owner, trustee, mortgagee or other lien creditor of the delinquency and the officer's intention to take action. Such officer shall also cause to be published at least once a list of real estate which will be offered for sale under the provisions of this article in a newspaper of general circulation in the locality, at least 30 days prior to the date on which judicial proceedings under the provisions of this article are to be commenced.

The pro rata cost of such publication shall become a part of the tax and together with all other costs, including reasonable attorneys' fees set by the court and the costs of any title examination conducted in order to comply with the notice requirements imposed by this section, shall be collected if payment is made by the owner in redemption of the real property described therein whether or not court proceedings have been initiated. A notice substantially in the following form shall be sufficient:

Notice

Judicial Sale of Real Property

On (date) proceedings will be commenced under the authority of § 58.1-3965 et seq. of the Code of Virginia to sell the following parcels for payment of delinquent taxes:

(description of properties)

B. The owner of any property listed may redeem it at any time before the date of the sale by paying all accumulated taxes, penalties, reasonable attorneys' fees, interest and costs thereon, including the pro rata cost of publication hereunder. Partial payment of delinquent taxes, penalties, reasonable attorneys' fees, interest or costs shall not be sufficient to redeem the property, and shall not operate to suspend, invalidate or make moot any action for judicial sale brought pursuant to this article.

C. Notwithstanding the provisions of subsection B and of § 58.1-3954, the treasurer or other officer responsible for collecting taxes may suspend any action for sale of the property commenced pursuant to this article upon entering into an agreement with the owner of the real property for the payment of all delinquent amounts in installments over a period which is reasonable under the circumstances, but in no event shall exceed 24 months. Any such agreement shall be secured by the lien of the locality pursuant to § 58.1-3340.

D. During the pendency of any installment agreement permitted under subsection C, any proceeding for a sale previously commenced shall not abate, but shall be continued on the docket of the court in which such action is pending. It shall be the duty of the treasurer or other officer responsible for collecting taxes to promptly notify the clerk of such court when obligations arising under such an installment agreement have been fully satisfied. Upon the receipt of such notice, the clerk shall cause the action to be stricken from the docket.

E. In the event the owner of the property or other responsible person defaults upon obligations arising under an installment agreement permitted by subsection C, or during the term of any installment agreement, defaults on any current obligation as it becomes due, such agreement shall be voidable by the treasurer or other officer responsible for collecting taxes upon 15 days' written notice to the signatories of such agreement irrespective of the amount remaining due. Any action for the sale previously commenced pursuant to this article may proceed without any requirement that the notice or advertisement required by subsection A, which had previously been made with respect to such property, be repeated. No owner of property which has been the subject of a defaulted installment agreement shall be eligible to enter into a second installment agreement with respect to the same property within three years of such default.

F. Any corporate, partnership or limited liability officer, as those terms are defined in § 58.1-1813, who willfully fails to pay any tax being enforced by this section, shall, in addition to other penalties provided by law, be liable to a penalty of the amount of the tax not paid, to be assessed and collected in the same manner as such taxes are assessed and collected.

This led to a discussion about what information has been supplied to our tax attorney, James Elliott, and which party should/would be providing the delinquent tax list to him for the future. It does appear that a full list has not been supplied to Mr. Elliot since we engaged his services over four years ago. He has been supplied with smaller lists from the Treasurer's Office but it is unclear why only portions or small fractions of the delinquent properties have been released to Mr. Elliot's office. I did state in this meeting that I was not interested in taking on the responsibility of providing a full list to Mr. Elliot's office but am concerned about what parcels are being provided to him as well as the undefined manner in which people have the ability to enter into a payment plan and the inconsistency that has been in place to date for ensuring the terms of the payment plans are adhered. I would recommend that a full unedited list be provided to Mr. Elliot and then if Ms. James would care to suspend action of these proceedings by entering into a payment plan with the applicable property owner in accordance with §58.1-3965 (C-E), then this would be a more precise action in accordance with the law.

I have requested for Mr. Elliot to attend the meeting and he has verified his attendance for this agenda item. I have requested for him to review the process involved for the pursuit of delinquent taxes, according to the Code of Virginia.

I have also requested County Treasurer Ilva James to attend to provide her perspective on this matter as well.

In regard to the County Administrator's recommendation that the Board provide the full unedited list to Mr. Elliott as referenced in the paragraph above, both Mr. Bennett and Mr. Long said that they thought this action would put the Board in the position of doing the Treasurer's job. Mr. Tankard responded that this recommendation was within the purview of the Board and would not interfere with the process at all.

Mr. Elliott reported that during calendar year 2009, his office had collected 189 delinquent accounts and recovered \$427,057.62 in delinquent taxes for Northampton County. Collections for the year 2010 total \$46,021.64. Total collections by his office on behalf of

Northampton County are \$1,227,901.32. Collections have been completed on 639 accounts of which 114 were sold at tax auction.

Ms. Nunez read into the record the following memorandum received from the County

Treasurer:

March 8, 2010

To: Katherine Nunez
County Administrator

From: Ilva M. James
County Treasurer

Subject: Your Memorandum to Board of Supervisors
In Regards to Delinquent Tax Collections

The last page of your Memorandum on delinquent taxes you prepared for the Board of Supervisors states in part:

“It does appear that a full list has not been supplied to Mr. Elliott since we engaged his services over four years ago. He has been supplied with smaller lists from the Treasurer’s Office but it is unclear why only portions or small fractions of the delinquent properties have been released to Mr. Elliott’s office.”

I have just spoken with Mr. Elliott and he never made that statement to anyone. A full list is emailed to Mr. Elliott, with only bankruptcies pulled and the individuals who have payment arrangements with my office. My office has just emailed to Mr. Elliott the 2007 list.

I request this notice be given to each of the Board members at the meeting Tuesday, March 9th.

Following a lengthy discussion, motion was made by Mr. Tankard, seconded by Mr. Murray, that a full, unedited list be provided to Mr. Elliott and if the Treasurer wishes to suspend legal proceedings [following Mr. Elliott bringing suit], then she can do so. Mr. Tankard and Mr. Murray voted “yes”; Mr. Trala, Mr. Bennett and Mr. Long voted “no.” The motion failed.

(2) Ms. Anne Crabbe, Chief Operations Officer for Eastern Shore Rural Health System,

Inc., spoke on behalf of Mrs. Nancy Stern and updated the Board on that agency's operations including the construction of a new medical center in Onley.

(3) Dr. Rick Bowmaster, School Superintendent, distributed a stimulus funding summary and noted that he would like to see ongoing discussions among the Capital Improvements Program staffs of both governing bodies relative to current needs such as the cafeteria wall at the high school.

(4) Mr. Mark Cline, Building Official, was asked to attend the meeting in order to answer questions from the Board relative to the recently-adopted Rental Property Inspection Ordinance. Mr. Cline distributed copies from the Statewide Building Code in regards to the property maintenance code provisions, noting that everything from peeling paint and cracked windows to much more severe deficiencies could be cited as non-compliance issues. Mr. Tankard responded that the Ordinance was adopted as a pilot program for two very small areas encompassing only 153 total properties. The Board deferred further conversation on this matter until a date later to be determined.

Consent Agenda:

(5) Minutes of the meetings of February 3, 9, and 22, 2010.

(6) Consider A-95 Review entitled, "Support Publication of the *Bay Journal*"; applicant: Chesapeake Media Service

Following a correction to the minutes of February 9, 2010 (to include maps referenced by Mr. Tankard), motion was made by Mr. Murray, seconded by Mr. Bennett, that the consent agenda be approved as corrected. All members were present with the exception of Mr. Randall and voted "yes." The motion was unanimously passed.

County Officials' Reports:

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

Amendments and Appropriations with a cover memo which stated:

“Supplemental appropriations are included for costs associated with the basketball banquet which are offset by collected Parks & Recreation admission fees. Over \$2500 in fees were collected. Also included for appropriation is a reimbursement from the ES Drug Task Force for up to \$5000 for overtime assistance from the Sheriff’s Department.

Further reductions in Compensation Board funding for Sheriff’s are reflected in the budget amendments with a total reduction of \$13,500 in the law enforcement budget and \$9,418 in the Eastern Shore Regional Jail’s budget.”

Mrs. Miller also noted that three budget amendments had been received from the School System representing flow-through grant awards.

| G/L Account Number | Account Description | Increase Amount | Decrease Amount |
|---------------------------|---------------------------------|------------------------|------------------------|
| 100-0016-41530 | Parks & Rec - Admission Fees | 1,922.00 | |
| 100-0019-42400 | Recovered Costs - General | 5,000.00 | |
| 100-0023-42825 | Sheriff | | 13,500.00 |
| 100-3102-50050 | Salaries & Wages-Part-time | | 2,500.00 |
| 100-3102-50150 | Salaries & Wages-Overtime | 5,000.00 | |
| 100-3102-55300 | Misc - Drug Crime (DARE) Prog | | 500 |
| 100-3102-55550 | Vehicle & Equip Supplies - Fuel | | 9,000.00 |
| 100-3102-55900 | Police Supplies - Firearms | | 1,500.00 |
| 100-7101-55350 | Office Supplies - Other | 16 | |
| 100-7101-56150 | Recreational Supplies | 1,444.00 | |
| 100-7101-56150 | Recreational Supplies | 89 | |
| 100-7101-56150 | Recreational Supplies | 373 | |
| 225-0023-42850 | ES Regional Jail | | 9,418.00 |
| 225-3302-50250 | FICA & Medicare | | 888 |
| 225-3302-50300 | Retirement | | 1,651.00 |
| 225-3302-50350 | Health Insurance | | 2,175.00 |
| 225-3302-50400 | Dental Insurance | | 104 |
| 225-3302-51750 | Travel - Meals & Lodging | | 1,000.00 |
| 225-3302-55350 | Office Supplies - Other | | 900 |
| 225-3302-55750 | Housekpg Supplies - Janitorial | | 900 |
| 225-3302-55800 | Housekpg Supplies - Laundry | | 900 |
| 225-3302-55850 | Housekpg Supplies - Linen | | 900 |

| | | | |
|----------------|-------------------------------|-------------|-------------|
| 910-0025-43660 | Jobs for Virginia Graduates | 21,000.00 | |
| 910-0025-43780 | Project Graduation | 6,813.00 | |
| 910-6000-56555 | School Instruction Expenses | 6,813.00 | |
| 910-6000-56555 | School Instruction Expenses | 21,000.00 | |
| 920-0034-44775 | Other Federal Grants | 14,518.00 | |
| 920-6500-55740 | Other Federal Grants Expenses | 14,518.00 | |
| | | \$98,506.00 | \$45,836.00 |

Motion was made by Mr. Murray, seconded by Mr. Bennett, that the budget amendments and appropriations be approved as presented. All members were present with the exception of Mr. Randall and voted “yes.” The motion was unanimously passed.

(8) Ms. Sandra Benson, Director of Planning, presented the Planning & Zoning departmental update including activity reports for the following projects: Board of Zoning Appeals, Staff Activities, AFD’s, Purchase of Development Rights Committee and Planning Commission

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

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

The Pledge of Allegiance was given.

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

- (i) 3/22/10: Budget work session
- (ii) 4/5/10: Joint meeting with Northampton County Farm Bureau
- (iii) 4/26/10: Budget work session

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

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: March 4, 2010
RE: Bi-Monthly Update

I. PROJECTS:

A. Regional wastewater/water projects- Subcommittee Report:

The PSA Exploratory Committee held its second meeting on February 25, 2010 with the focus of this meeting to review, revise and reach consensus regarding the Articles of Incorporation. I have enclosed the minutes of that meeting as well as the draft Articles of Incorporation that were formulated at this meeting. The items in yellow highlight are the items changed from the original ESVA PSA that achieved consensus from all parties, including the discussion and consensus reached by the Board at your work session on February 22, 2010. The items in red are items that require further input from the Board that deviated from our discussion and consensus position developed on 2/22/2010 or items that we did not touch upon. I need the Board to address these points prior to the PSA Exploratory Committee's next meeting on March 10, 2010.

Please note that for purposes of discussion by the PSA Exploratory Committee that the Town of Eastville has been removed as a potential member of a PSA but there was definite concurrence from the group that if and when Eastville would like to participate then all would welcome them coming forward in similar terms as the other towns.

Mr. Murray indicated that he was concerned with the formation of the PSA because the entire County is "on-the-hook" for any debt and the idea of the County having only one representative on the PSA is totally unacceptable to him. Mr. Tankard concurred, noting that that the County should never be in a minority position on any PSA.

Mr. Trala said that he does not see the County as a minority but noted that the towns feel more comfortable with equal representation while realizing that the County will take the lead in this project.

Mr. Murray said that he very strongly felt that the County would not grow economically without infrastructure and the best way to do that was for the county and the towns to work together.

Both Mr. Murray and Mr. Bennett asked Mr. Long, the Board's primary representative to the PSA Committee, to attend the next PSA meeting, scheduled for tomorrow, and seek a fair solution to the membership dilemma.

It was the consensus of the Board to approve the section of the proposed Articles of Incorporation dealing with staggered terms spread among the membership.

It was also the consensus of the Board that when the focuses of the PSA are prioritized, that the Riverside Memorial Hospital project be given a

high priority.

The County has been notified that the request for planning grant assistance has been approved for the study of a regional wastewater system for the Towns of Exmore, Nassawadox & the County. Initially, we must complete certain pre-planning activities for which they have confirmed funding in the amount of \$3,000 and upon successful completion and submission of this information to Department of Housing and Community Development, and then we will be eligible for an additional \$37,000 to complete the study. The Board will need to vote to accept this grant.

In addition, the County will need to formally appoint a Management Team for this project, composed of the following representatives:

- The Mayor and Town Manager of Exmore
- The Mayor of Nassawadox
- The Northampton County Administrator
- A representative from the ANPDC
- A representative of the hospital
- The local building and/or zoning officials
- At least 2 neighborhood representatives from each participating locality.

Motion was made by Mr. Murray, seconded by Mr. Long, that the County accept the planning grant as referenced above and that the management team be appointed as recommended by the County Administrator. All members were present with the exception of Mr. Randall and voted "yes." The motion was unanimously passed.

The county has received verbal notification that our other planning grant request for assistance for the southern end of the project has also been approved. I have not received the written notification yet.

B. Resolution to Improve Communications between County and its Citizens: At the January 12, 2010 Board meeting, a Resolution to Improve Communications between the County of Northampton and Its Citizens was adopted and specified that a report be submitted within 45 days from each department, agency and commission. I have enclosed a cover memo as well as the detailed responses from all County departments under the supervision of the Board as well as responses from the Department of Social Services, Voter Registrar, School Department, Regional Jail, Extension Services, County Treasurer and Commissioner of Revenue. Three of the five Constitutional Officers have declined to respond to this resolution based upon their status as constitutional officers. I have also included these responses for your review.

The County Administrator's cover memorandum as noted above is provided below:

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: March 4, 2010
RE: Resolution to Improve Communications between the County and Its Citizens

Enclosed are reports from all County Departments, Constitutional Officers (replies and non-replies), Social Services Department, School Department and Extension Services. Please note that the Solid Waste Department has been incorporated into the comments prepared by County Administration as part of our review of policies that govern the operations of Solid Waste.

The resolution, adopted by the Board on January 12, 2010, was distributed to all departments by Friday, January 15, 2010 and was a major topic of discussion and review at the monthly department head meeting on Friday, February 5, 2010. Each department shared their thought process on how they were responding and areas of improvement relative to communication with our citizens. In addition, the discussion also identified that each department saw itself as a consumer of services to other county departments and touched upon ways to improve this level of communication which will ultimately benefit the citizens at large.

I am offering additional comments for improving our communications at all levels (citizens, department staff, and elected and appointed officials, boards and commissions) that are more general in nature to daily office workings rather than specific department tasks or responsibilities.

1. The current layout of the County Administration building is not conducive for the public. During our peak times (real estate tax bill due date in early December, income tax preparation throughout month of February running through April), the hallways are not of sufficient size to accommodate the volume of traffic that is typical for these services. Also, the current layout that encompasses the County Administrator, Building/Planning/Zoning and ½ of the Commissioner of Revenue's office is confusing and not customer friendly. Individuals walk directly into our copy room and then the signage is difficult to notice so individuals are unsure which direction or door to go through to receive the services that brought them into the building to begin with. By necessity, we have departments housed within departments in terms of the layout of the premises and it gives the appearance that anyone can walk through at will, even though it is typically staff walking to and from their office spaces. With limited wall space, it has been difficult to provide information for the public to access and has led to some visual clutter within the walls that does not allow office signage to be distinguished. There is very limited privacy for individuals who are coming in to deal with sensitive circumstances and information (tax payments, delinquent tax issues for both real and personal property, income tax assistance, etc.) and the absence of conference rooms has hampered our operations and has forced the staff to meet at their workstations with the

public; these workstations are generally located with one or more other employees nearby.

The forthcoming renovation of our facility has been focused with resolving these issues – improved signage, defined offices for each department that does not involve walking through one department to reach another department; shared (but larger) counter spaces for departments that have overlapping authorities (such as the land use departments), conference rooms of varying sizes located throughout the premises, and appropriate space for providing access to departmental forms through wall displays and adequate public notice boards throughout the building as well as adequate space for seating in the hallway

As we have been preparing for moving to interim facilities during this renovation, we have planned the layout to start implementing these changes.

2. Phone System: As we have fully transitioned to our Voiceover Internet Phone System (VoIP), we have responded to citizen comments and complaints about its usage and set-up and have made frequent adjustments to improve its usage. All employees located within the County Administration building, Social Services building, new Courthouse building, Sheriff's House and Regional Jail are serviced by the VoIP system. Based upon input from departments, the phone system has been tailored to meet their operational needs which provides for direct extensions for staff and voice messaging. Some of the constitutional officers have removed the capabilities of voice messaging; all board-controlled departments have voice messaging so that if the employee is out of the office or away from their desk then the public is able to leave a message for that employee.

Improvements that need to occur: Allow for a default operator setting at the main message/main level when you call 678-0440 as well as the list of departments. Train all staff on how to remotely access their messaging feature to update the message to be a message of the day – date, status of the employee (on vacation, sick day, furlough day, out on inspections, will be in all day, etc). Train all staff on how to remotely access and receive any messages left by the public. Set up a protocol as to who will monitor messages within a department if a staff member is out for a prolonged absence (week's vacation, extended illness). Improve our closed greeting (closed at end of business hours, closed for the weekend, closed for inclement weather, etc.). Additionally, set up protocol among all staff as to transferring calls to another department and ensure that someone is there to answer that call rather than just transferring the call which could then end up in voicemail if the other employee is away from their desk at the moment a transferred call came through. Develop a master electronic calendar for each department which indicates where staff is (vacation, sick, inspection, meeting, etc.) and allow access to that calendar for each department staff.

3. Provide information on our website and in hard copy format within our buildings about the Freedom of Information Act (FOIA) and what are the general guidelines for requesting copies of documents and receiving said copies and why some requests may be denied based upon the requirements of FOIA.

4. Procurement opportunities and information: the county does not have an assigned staff person or department responsible for handling all procurement for the county. We utilize a decentralized approach that each department has responsibility for compliance with the County Procurement Policy and issues request for quotes, requests for proposals or invitations for bids as needed. We need to improve the reporting of these processes at the outset to ensure we are consolidating this information on one place on our website as well as to allow vendors to notify us of their interest in being a future vendor. We currently handle this responsibility manually through our Finance Department but want to move this to a full electronic function, accessible on-line to all county departments. Lastly, we need to provide the results of any Request for Proposal or Invitation for Bid so that the public can access who has received contracts valued over \$30,000 and for what purpose.
5. County website: When I was hired in October 2005, the County website was maintained by a third party utilizing a standard format that did not provide flexibility to the County as to what information we wanted to include as well as how we provide that information. Throughout 2006, the IT department (at that time, a one man show) worked on a complete redesign of the website which allowed us to bring this feature in-house to be maintained. We went live with the new website in 2007 and continue to alter/improve its layout and content based upon feedback from users of the website (citizens, federal, state and other local government officials, county staff, and visitors to the region). This is a constant item on the monthly department head agenda and will remain so as we continue to refine how we can provide better information to the public and better services on-line. With the upgrades and improvements made in our financial software and are making in the community development software for the land use departments, we are moving ourselves to provide for on-line transactions in a robust manner. This is one of the more far-reaching goals and improvements that is contingent upon available funding, staff training and roll-out of the service for the public.
6. Communications Plan/Policy of the Board: This process has certainly highlighted the various ways each department interacts with the public and other departmental staff, government agencies and elected officials and the need to develop a comprehensive plan for the Board's consideration that develops a standard of communications and how to implement this at a department level. I will be providing a draft communications plan/policy for the Board's consideration within 30 days.
7. Communications Tools to the Public: The County does not have a dedicated Public Information Officer but relies upon each department and my position to develop and serve as the PIO for the County. We have not been effective in integrating these responsibilities into our positions and allocating appropriate time or resources into this function. There are two programs that we can develop to address this issue:
 - (a) The development of a County newsletter which is issued on a quarterly basis and would be available on-line or hard copies available through convenient locations throughout the county. Each department would have responsibility

for providing content to this newsletter and would serve as the vehicle for disseminating the actions of the Board of Supervisors and how this moves us forward in meeting the established goals and objectives.

- (b) The development of a Government Basics class which would be offered to interested members of the public and conducted by County staff and elected and appointed officials, boards and commissions. Initially, we would see this being offered annually. We would also approach the school department about incorporating this program into their civics class.

I would anticipate providing a more detailed presentation on both items within 90 days to the Board.

Lastly, we had once entertained the notion of establishing a pre-set “Northampton County” section of a page in the local newspaper. While there are challenges to such an approach, there is real value in have a defined space in each paper that the public can go to for information about upcoming public hearings, deadline dates for taxes and licenses, vacancies for boards and commissions and other public information. We will commence these discussions with the local newspapers and county staff to determine how we can implement this and at what cost and bring this back to the Board in 90 days.

* * * * *

The County Administrator noted that staff will be moving forward with the recommendations as provided by the various offices and agencies and departments.

- C. Culls CDBG Project: In October 2009, the County received a pre-planning grant in the amount of \$3,000 for the Culls Community Improvement Project, which the Board formally accepted at your November 13, 2009 meeting. We were required to demonstrate an acceptable preliminary level of interest and need in developing plans for this project between the County and the stakeholders of the project area. We submitted this information to the Department of Housing and Community Development on December 13, 2009. On January 26, 2010, we received notification that our submission has met the initial requirements and we have been awarded up to \$15,000 (which includes the initial \$3,000 allocated under the pre-planning grant) to continue next steps to develop solutions to the problems identified (stormwater/drainage, renovation of houses and demolition of abandoned and derelict property) The Board will need to accept this planning grant for the development of a CDBG application for the Culls neighborhood.

Motion was made by Mr. Murray, seconded by Mr. Long, that the County accept the planning grant for the Culls Community Improvement Project. All members were present with the exception of Mr. Randall and voted “yes.” The motion was unanimously passed.

D. Community Services Board (CSB) Resolution: Enclosed is a draft resolution as requested by the Board from our work session on February 22, 2010 to correct the noncompliance issues regarding appointments. I have not provided this draft resolution to Accomack County for their review yet so I am not requesting action from the Board on this matter. In addition, Supervisor Randall requested that the Board hold this matter until he is in attendance at our March 22, 2010 work session.

It was the consensus of the Board to direct the County Administrator to forward this resolution to the Accomack County Administrator and, if necessary, to the Accomack County Attorney and the Northampton County Attorney, so that it may be considered for action by our Board at its regular April 2010 meeting.

E. Business License Ordinance: As you may recall, the Board adopted a Business License Ordinance in the fall 2009 with an effective date of January 1, 2010. The Commissioner of Revenue has developed the application form and process, including the decal that will be issued upon approval of the application by the Commissioner of Revenue. A database has been assembled by the Commissioner of Revenue of businesses in the county that would be subject to this ordinance; however, the database may not be complete. We will continue to ensure that we have developed a comprehensive database of businesses operating in the county and the towns that do not have a Business, Professional and Occupational License (BPOL) ordinance. The deadline for completing this application is March 31, 2010.

F. Solar Generation Plant Ordinance: As you may recall from the recently adopted zoning text amendment concerning solar generation plants at the December 2009 Board meeting, the zoning text amendment did not make any alterations to the lot coverage for this type of development but left the lot coverage at the same requirements defined for the agricultural zone. The staff has determined that the lot coverage would need to be revised in order to make the zoning text amendment viable for a project to occur of this nature in our county. The Planning Commission has received information on this matter from staff and they are also reviewing and developing an alternate approach for the Board's consideration regarding solar power generation plants as compared to the recent changes made in the zoning ordinance to address this issue. I am requesting the Board to formally refer this matter to the Planning Commission to take up the matter of lot coverage and provide a recommendation regarding a zoning text amendment concerning lot coverage for solar generation plants/farms within 90 days to the Board of Supervisors.

Following some discussion regarding the proposed ninety (90) day timeframe, motion was made by Mr. Murray, seconded by Mr. Long, that the Board formally refer the lot coverage issue to the Planning

Commission and request that it provide a recommendation regarding a zoning text amendment concerning lot coverage for solar generation plants/farms as expeditiously as possible but not later than ninety (90) days with the basis being the staff recommendation. All members were present with the exception of Mr. Randall and voted “yes.” The motion was unanimously passed.

G. BOS Goals & Objectives: Enclosed is the final version of the Board’s Goals & Objectives.

H. Federal Stimulus Act: Enclosed is an updated spreadsheet on the status of our requests for various stimulus funding grant opportunities – all changes are reflected in red. On March 2, 2010, the County was notified that it has been awarded the Energy Efficiency Conservation Block Grant in the amount of \$150,000 for the installation of geothermal wells at the County Admin building as part of our renovation project.

I. County Administration Renovation Project: Our architect, Dan DeYoung of DJG, Inc., will be in attendance to review the project status, estimated costs for construction, impact of renovation on some of the future operating costs of the building(s), and to discuss the results of the 1914 Jail study.

In the Board’s goals & objectives, it was listed for a need to review and prioritize this project and comments were offered that the renovation project as outlined at the Board’s January meeting may need to be pared down to a less expansive project. Therefore, I wanted to provide a more detailed history of the project for those members who have not been part of the process since the beginning.

The County had requested PMA, Inc. to conduct a space needs study for the county in early spring 2005 focusing on current conditions as well as future needs for the next ten and twenty years, which assumed some level of growth in County personnel. Based upon that information, the Board requested that the space needs study be re-conducted and to have greater input in each department’s response.

Therefore, in spring 2006, a new space needs study was conducted which resulted in an identified need of 20,041 square feet – this would allow for the incorporation of three of the outlying departments (IT, Code Compliance and Voter Registrar) and restore needed common use space (conference rooms, copy room, supply room, employee break room) and provide adequate work space for each department in a unified layout.

Based upon this space needs study, PMA, Inc. provided three options to accommodate the renovation:

- (1) Re-use the old Social Services building in conjunction with a renovation of the interior spaces of the existing County Administration building and the 1899 Courthouse building and a small addition to the County Administration building. This would also include the demolition of the 1914 Jail. This would provide 26,250 square feet and an estimated cost of \$3.5 million (construction/demo only). While this design allowed for future growth of county departments as well as offered the potential of providing office space for the Environmental Services department of the Health Department, this approach did not meet the primary objective of housing all county departments under one roof. This option was rejected.
- (2) One-Story Addition comprised of approximately 12,000 square feet as well as the interior renovation of County Administration and the 1899 Courthouse building. This would require the demolition of the 1914 Jail. This would provide for 25,650 square feet and an estimated cost of \$3.8 million (construction/demo only).
- (3) Two-story Addition comprise of approximately 15,000 square feet which would provide room for growth. This would provide 28,650 square feet and an estimated cost of \$4.3 million (construction only).

The Board provided input at this time and proposed an examination of re-use of the 1914 Jail as one option for consideration. As a result of these conversations, we developed Options 4 and 5 that factored in a re-use of the 1914 Jail as part of the greater renovation project.

Based upon this analysis, we felt that the project could be adequately met through the renovation of the existing County Administration, the 1899 Courthouse, a small addition to improve access corridors and placement of core building functions (heating, cooling, elevator, mechanical room) and the possibility of re-use of the 1914 Jail in some capacity. The Board then issued the RFP for architectural services that would help us further refine the design, layout and the needed square footage to accomplish our goals.

Through an engaged discussion with our architect, DJG, Inc., we have further refined our space needs and have designed an internal layout that houses all employees of each department within a defined area for that department that will allow interaction and cross-training of staff within each department, sufficient public spaces for meeting spaces that can be utilized by all departments and meet the legal requirements of some departments who require a dedicated conference room for some portion of time (Voter Registrar), improved corridor access for the public to traverse and/or wait for

service, address and bring the building into compliance with ADA provisions, remediate the now known issue of asbestos in portions of the County Administration building and 1899 Courthouse, improve signage throughout the property and provide functionality within the 1899 Courthouse to complement the historic nature of the Courthouse green and to provide services to the visiting public through public restrooms and a dedicated space for displaying historical materials/artifacts. This plan resolves all of the current issues that hamper county employees in the performance of their duties and addresses all of the difficulties our customers encounter as they utilize our services.

As noted in Section H above, the County has been awarded a grant for \$150,000 for geo-thermal wells as part of this renovation project. Unfortunately, the County has also been notified on February 12, 2010, that we have not been selected for a grant award under the VDOT Enhancement Program based upon their position that our application did not demonstrate a clear relationship to transportation. We have reviewed this further with our architect and believe that we can improve components of our application to address the denial rationale for a re-submittal to the VDOT Enhancement.

I will need a final commitment from the Board on this project either to proceed as outlined, proceed but with modifications or to not proceed at all. This decision will need to be forthcoming immediately since we are about to now engage certain services that will move County Administration out of this premises for the duration of renovation and move us to the Middle School. To date, the Facilities Department has been preparing the needed rooms through cleaning, painting, removal of unnecessary equipment (lab sinks, etc.), construction of counters and internal walls/office space and we have contracted for the addition of an improved parking area at the back end of the former Middle School property and the IT Department has wired all of the rooms for our telecommunications needs and we are about to engage in a contract with a provider for internet and phone service at this location. I am also proposing to close our facilities at the end of March for two days to the public to allow staff to commence some of the packing and archiving of files that do not need to be moved to our temporary facilities and then to close our facilities from May 13 thru May 18 for the actual move of our offices to our temporary facilities. I want to provide sufficient public knowledge of our calendar to lessen the impact to the public if we continue down this path. It is our intent to have bid documents released in the coming month to ensure that we will commence this work as soon as possible after our intended move from the property.

Mr. DeYoung made a presentation to the Board with the following highlighted points:

Existing Building Deficiencies

1. *Asbestos and Lead-Based Paint Contamination*
2. *ADA access to Board Room challenging*
3. *ADA toilet facilities lacking*
4. *Inefficient heating & cooling systems*
5. *Wastewater disposal challenges*
6. *Staff housed in several buildings*
7. *Poor customer circulation*

Proposed Facility Provides

1. *Improved customer access to County staff*
2. *Abatement of lead and asbestos containing materials*
3. *Improvements within existing facility (minimal addition)*
4. *Accommodation of ADA requirements*
5. *Elevator to Board Room on second floor*
6. *New wastewater pumping system to existing treatment plant*
7. *Provision for future addition, if required*
8. *Tourist attraction and restroom facilities*
9. *Reduced operating cost and energy consumption*

Current Construction Market

1. *Construction cost 65 to 75% of market value*

Mr. DeYoung also provided a graph which illustrated the significant utility cost savings to be realized through the completion of the renovation project as well as a graph showing that construction costs for four of that firm's most recent projects have come in well under bid. He also showed artist's renderings of the renovated front and rear of the Administrative Complex.

The County Administrator referenced correspondence received from the County's financial advisors, Davenport & Company, which indicated that while it was possible to return some of the outstanding bond funds, the County would be subject to substantial penalties to do so.

Motion was made by Mr. Murray, seconded by Mr. Tankard, that the County Administrator be instructed to move forward with the Administration Renovation Project plans as outlined and to provide the Board with reports and project schedules as necessary. All members were present with the exception of Mr. Randall and voted "yes," with the exception of Mr. Long who voted "no." The motion was passed.

II. MEETINGS

III. GRANT OPPORTUNITIES

IV. OTHER

Federal Green Jobs Legislative Conference: On March 2, 2010, I attended the Federal Green Jobs Legislative Conference in Portsmouth. We heard from officials from the Department of Energy, Department of Defense, VA Department of Mines, Minerals and Energy and Climate Communities as well as representatives in the private sector engaged in green energy – the discussion focused on the job growth in the green energy sector, programs available at the federal and state level that may have funding (grant and/or loans) available as well as other programs that could be adopted at the local level to encourage community initiatives around the “green economy”, such as the Energy Star program.

Furlough Day – Friday, April 2, 2010: The County Administration building will be open on Friday, April 2, 2010 with limited staffing since the majority of the staff will be on a furlough (unpaid day of leave). This is in accordance with the furlough schedule adopted in October 2009 in which we imposed two mandatory furlough days for County Administration employees (October 9, 2009 and December 28, 2009) and then would start having increased staffing for the remaining furlough days (February 12, April 2 and May 28, 2010) with the higher paid employees receiving the greater number of furlough days.

The majority of staff will be reporting to work with the following exceptions:

- County Administrator – Katie Nunez, Janice Williams
- Planning & Zoning – Sandra Benson, Melissa Kellam, Peter Stith
- Finance – Glenda Miller, Jackie Davis
- Code Compliance – Gwen Cummings-Thompson
- Treasurer – Cheryl Nottingham
- Public Works – Mike Thornes
- Information Technology – Mark Heneghan
- Building – Mark Cline

Please note that the Commissioner of Revenue has instituted the furlough for all of their staff for the full five days to address the budget reductions in their department. Therefore, this office will not be open on Friday, April 2, 2010.

In a matter not contained in the County Administrator’s Report, Ms. Nunez indicated that a grant has been received from the Virginia Rescue Squad Assistance Fund for the purchase of a new ambulance. She requested authorization from the Board to apply to USDA for the \$50,000 matching funds required for this grant. Motion was so made by Mr. Murray and seconded by Mr. Bennett. All members were present with the exception of Mr. Randall and voted “yes.”

The motion was unanimously passed.

In another matter, Ms. Nunez indicated that in accordance with the Board's Goals & Objectives, it was time to update the County's Emergency Operations Plan and requested authority to apply for Hazard-Mitigation Emergency Planning Assistance grant funds for same. Motion was so made by Mr. Bennett and seconded by Mr. Tankard. All members were present with the exception of Mr. Randall and voted "yes." The motion was unanimously passed.

Citizen Information Period:

Mr. G. F. Hogg, Jr., requested the percent of collections in regard to current and delinquent taxes in the County. He also spoke of his concern with the implications of the Rental Property Inspection Ordinance referenced earlier in the evening.

Mrs. Alice Morehouse presented the following comments:

Comments to the Northampton Board of Supervisors
March 8, 2010

Regarding:
Cape Charles and Cheriton Boundary Adjustment Committee Work Related to the Tower Hill Estates

Submitted by: David C. and Alice M. Morehouse, 22067 Verlinda Lndg N, Cape Charles, VA 23310-2594

My husband and I want to emphasize that we are opposed to an annexation or boundary adjustment that would include Tower Hill Estates within the boundaries of the town of Cape Charles. We are signers of the petition from private property owners in the development that sends the same message to the decision makers in this process (copy attached for information purposes).

We believe that a great deal of angst, confusion, and anger could be avoided if the residents of the areas being considered for this boundary adjustment believed that they were being involved in the process. To date, no formal communication has come to the residents regarding this planning effort. No inclusive public hearings or comment periods have been held. No clear and convincing evidence has been presented to lead us to believe that this change is in the best

interest of the public or the residents of Tower Hill Estates.

We have not been advised of the goals, the long term advances or disadvantages of this proposal. We are not clear on the parameters of the boundary adjustment, the analytical process being used, the timelines, and the bigger picture. We are left then to send petitions, testify in open comment periods of meetings like this one and send correspondence in opposition and hope that we are heard.

In the absence of information and by not actively including the residents in the conversation we are left to “imagine” why Cape Charles would want to include us in its boundaries. Our perception is that we are merely a source of revenue to the community.

We have been led to believe that one of the rationales for this proposed boundary adjustment is environmental quality. Individuals involved in boundary adjustment conversations have indicated that a study of the Kings Creek watershed has revealed that there is contamination in the creek from human waste from failed septic systems. We recently reviewed the data from that study and cannot find a plausible link in the data that would indicate that the primary source of the fecal coliform load in the creek is attributable to the Tower Hill development.

We also must emphasize that the entirety of the residents and private property owners in Tower Hill are opposed to this boundary adjustment. Sadly, not everyone has the time, the willingness or the stamina to come and sit through public meetings in hopes of being heard. Several owners are not full time residents of the County. Please remember that just because we are not all sitting here in the audience, it does not mean that we don't care. The petition we all signed should make it clear that we are all in opposition.

(Mrs. Morehouse's comments with attached petition are on file in the office of the County Administrator.)

Mr. Charles Thain, speaking as operator of the Eastville Inn, spoke of his current enthusiasm with the increased business he is receiving as a result of the Visitors Center located at the entrance to the Chesapeake Bay Bridge & Tunnel. He called it the “greatest thing that has happened to his business in the last six years.” He urged the Board not to cut tourism funding, saying that the center, etc. provides real, full-time employment for Shore residents.

Mrs. Pam Barefoot thanked the Board for its support of tourism initiatives in the past and noted that the Visitors Center is a great asset to her company. She urged the Board to provide increased funding for tourism efforts.

Mr. Dave Kabler, speaking as a member of the Parks & Recreation Advisory Board, noted the importance of recreation programs for the County's citizens and congratulated Director Laura Jenrette on her efforts in bringing in increased revenues.

Mr. Dave Burden of Cheriton questioned how the County can take the lead in the PSA when neither of the two Board appointees were in attendance at the last PSA meeting. He said that he supported the idea of a PSA and help for the towns. He also asked the Board to provide to the public its reasons and rationale for its votes.

(10) Ms. Rita Hutton, Friends of the Virginia Watermen's Memorial of the Eastern Shore, Inc.

Ms. Hutton was not in attendance.

Public Hearings:

The Chairman called to order the following public hearing:
Along with Mr. Bobby Isdell of the Virginia Department of Transportation, Chairman

Trala called to order the joint public hearing as set out below:

(11) Conduct joint public hearing with the Virginia Department of Transportation on the proposed Secondary Road Six Year Plan: 2010-2011 to 2015-2016 and Improvement Priorities for Fiscal Year 2010-2011 for Northampton County.

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

Mr. Isdell discussed with the Board the four listed priorities as follows:

- Priority #1 – Rt. 636 (Cobb Station Road)
- Priority #2 – Rt. 602 (Cemetery Road)
- Priority #3 – Rt. 618 (Bayside Road)
- Priority #4 – Rt. 636 (second part – Cobb Station Road)

Mr. Long said that he was concerned about the Food Lion intersection just south of the Cape Charles traffic light and wondered if VDOT could examine this area. Mr. Isdell responded that he would provide some materials to Mr. Long in this regard.

Mr. G. F. Hogg, Jr., reiterated Mr. Long's comments, noting that the Food Lion intersection is dangerous and a public safety issue which needs to be addressed and asked that this item be included in the Six Year Plan for improvement.

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

Motion was made by Mr. Tankard, seconded by Mr. Murray that the Board approve the resolution for the Secondary Road Six Year Plan as outlined. All members were present with the exception of Mr. Randall and voted "yes." The motion was unanimously passed. Said resolution as adopted is set forth below:

RESOLUTION

WHEREAS, the Virginia Department of Transportation and the Northampton County Board of Supervisors have jointly established the Six Year Plan for Fiscal Years 2010-2011 to 2015-2016 and Priority List for the Fiscal Year 2010-2011; and

WHEREAS, the Virginia Department of Transportation and the Northampton County Board of Supervisors have jointly held a Public Hearing on the Six Year Plan for Fiscal Years 2010-2011 to 2015-2016 and Priority List for the Fiscal Year 2010-2011.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Board of Supervisors hereby approves the Six Year Plan for Fiscal Years 2010-2011 to 2015-2016 and Priority List for the Fiscal Year 2010-2011.

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

(12) Special Use Permit 10-03: Franktown United Methodist Church has applied to expand the existing Montessori School by offering primary education through age 9 and to construct a new school building on property owned by the church located at 7551 Bayside Road in Franktown. The property, zoned H-Hamlet District, is described as being Tax Map 20-A-65.

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

Mr. Murray indicated that as a member of Franktown United Methodist Church, he would be abstaining from this matter.

Ms. Benson indicated that the Planning Commission was recommending approval.

Dr. Drury Stith, Vice President of the Montessori School Board and Church Member, requested the Board's favorable consideration of this petition.

Rev. Alex Joyner, Pastor of Franktown United Methodist Church, said that they were very pleased with the development of the school and asked for the Board's approval.

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

Motion was made by Mr. Tankard, seconded by Mr. Bennett, that Special Use Permit 10-03 be approved as presented. All members were present with the exception of Mr. Randall and voted "yes," with the exception of Mr. Murray who abstained. The motion was passed.

The Chairman called to order the following public hearing:

(13) Conduct a public hearing to solicit public input on the County's Community Development and housing needs in relation to Community Development Block Grant funding. Information will be made available on the amount of funding available, the requirements on benefits to low- and moderate-income persons, eligible activities, and plans to minimize displacement. Citizens will be given the opportunity to comment on Northampton County's past use of CDBG funds.

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

Mr. John Aigner of the Accomack-Northampton Planning District Commission distributed the following information sheet relative to CDBG projects:

Northampton County Public Hearing
Community Development Block Grant Informational Handout
March 9, 2010

Funding Available:

Local governments are limited to \$2.5 million in open CDBG projects. Currently, Northampton has a \$1.25 million open project within the community of East Fairview and a \$592,400 open project within the community of West Fairview. Neither of these projects was complete as of March 1, 2010, leaving a balance of \$657,600 that can be applied for in the Culls Community. CDBG funds are awarded on a competitive basis to rural local governments by the Virginia Department of Housing & Community Development.

Benefits To Low-and Moderate-Income Persons:

Most CDBG grants are awarded on the basis of meeting the national objective of benefiting low- and moderate income households. HUD defines a low-and moderate-income household as

having a total family income equal to or less than 80% of the area median income. The HUD published FY 2010 median family income for Northampton County is \$47,700. The FY 2010 low-and moderate-income limit for a one person family in Northampton is \$29,750.

Eligible Activities:

The Virginia Department of Housing & Community Development will accept applications for CDBG funds that address a variety of needs including:

- | | |
|-------------------------------------|----------------------------------|
| Comprehensive Community Development | Housing Rehabilitation |
| Economic Development Grants | Business District Revitalization |
| Community Facility Grants | Community Service Facility |

Plans to Minimize Displacement:

All CDBG projects must adopt plans to minimize displacement resulting from CDBG funded activities. An example of displacement is the relocation of a family residence to make room for a federally assisted construction project such as a highway or community facility. Housing rehabilitation and community development type projects contain no activities that would cause displacement.

Past CDBG Projects:

Northampton County has used CDBG funds for housing rehabilitation projects in the communities of Treherneville, West Birdsnest and West Fairview, and for Comprehensive Community Development projects for the communities of Bayview and East Fairview.

Northampton County
CDBG Housing Projects
March 2010

Past Projects

| <u>Community</u> | <u>Year</u> | <u>Houses/Units</u> | <u>Infrastructure</u> | <u>CDBG</u> | <u>Total</u> |
|------------------|-------------|---------------------|--------------------------------|----------------------|---------------------------------|
| Treherneville | 1989 | 31 | | 700,000 | 784,335 |
| Birdsnest I | 1993 | 26 | | 500,000 | 500,000 |
| Birdsnest II | 1995 | 14 | | 480,000 | 480,000 |
| New Road | 1995 | 45+ | water/sewer streets | 1,750,000 (regional) | 4,581,853 |
| Bayview | 1999 | 73 | subdivision/water sewer system | 1,250,000 | 7,287,000 |
| East Fairview | 2000 | 38 | streets | 1, 250,000 | 1,615,300 |
| West Fairview | 2007 | 12 (proposed) | | 592,400 | 628,200 |
| | | | | Totals: | \$6,522,400 \$15,876,688 |

Current Open Projects

CDBG

| | |
|---|---------------------|
| East Fairview Comprehensive Community Development Project | \$ 1,250,000 |
| West Fairview Housing Rehabilitation Project | 592,400 |
| Total | \$ 1,842,400 |

CDBG Funding Limits

Local governments are limited to \$2.5 million in open CDBG projects. Assuming there are no open submission projects between now and next competitive round, the County will be eligible to apply for \$657,600.00 in new CDBG funding in March of 2010.

Mr. Dave Burden of Cheriton said that the CDBG program was a great program but it could be maximized through the rental property inspection ordinance discussed earlier in the meeting.

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

Mr. Tankard indicated that he supported the CDBG grant application for the Culls neighborhood.

Motion was made by Mr. Long, seconded by Mr. Bennett, that the County proceed with the CDBG grant application process for the Culls neighborhood. All members were present with the exception of Mr. Randall and voted “yes.” The motion was unanimously passed.

Action Items

(14) Consider adoption of resolution authorizing the issuance and sale of the County’s revenue anticipation note (annual line of credit).

Motion was made by Mr. Murray, seconded by Mr. Tankard, that the Board adopt the following resolution. All members were present with the exception of Mr. Randall and voted “yes.” The motion was unanimously passed. Said resolution as adopted is set forth below:

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF NORTHAMPTON, VIRGINIA
AUTHORIZING THE ISSUANCE AND SALE OF
THE COUNTY'S REVENUE ANTICIPATION NOTE**

WHEREAS, the Board of Supervisors of the County of Northampton, Virginia (the "County") has determined that it is necessary and advisable to borrow money and issue its revenue anticipation note in anticipation of the collection of the taxes and revenues of the County for the current year pursuant to Section 15.2-2629 of the Code of Virginia of 1950, as amended:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF NORTHAMPTON, VIRGINIA:

1. Authorization of Note. The Board of Supervisors hereby determines that it is advisable to borrow money and to issue and sell the County's revenue anticipation note (the "Note") in the maximum principal amount of \$2,000,000 in anticipation of the collection of the taxes and revenues of the County for the current year. The issuance and sale of the Note are hereby authorized.

2. Details and Sale of Note. The Note shall be issued upon the terms established pursuant to this Resolution and upon such other terms as may be determined in the manner set forth in this Resolution. The Note shall be issued in fully registered form, shall be dated the date of its issuance and delivery, shall be in the form of a single registered note and shall mature not more than twelve months from its date, subject to prepayment as set forth therein. The Treasurer, or such officer as the Treasurer may designate, is authorized and directed to accept a proposal for the purchase of the Note and to approve the terms of the Note, provided that the principal amount of the Note shall not exceed \$2,000,000, the Note shall mature not more than twelve months from its date and the interest rate on the Note shall not exceed 5.75%.

3. Execution of Note. The Treasurer of the County and the Clerk of the Board of Supervisors of the County are authorized and directed to execute an appropriate negotiable Note and to affix the seal of the County thereto and to deliver the Note to the purchaser thereof.

4. Non-Arbitrage Certificate and Tax Covenants. The Treasurer of the County and such officers and agents of the County as the Treasurer may designate are authorized and directed to execute a Non-Arbitrage Certificate and Tax Covenants setting forth the expected use and investment of the proceeds of the Note and containing such covenants as may be necessary in order to comply with the provisions of the Internal Revenue Code of 1986, as amended ("Code"), including the provisions of Section 148 of the Code and applicable regulations relating to "arbitrage bonds."

5. Designation for Purchase by Financial Institutions. The Board of Supervisors designates the Note as a "qualified tax-exempt obligation" eligible for the exception from the disallowance of the deduction of interest by financial institutions allocable to the cost of carrying tax-exempt obligations in accordance with the provisions of Section 265(b)(3) of the Code. The Board of Supervisors does not reasonably anticipate that it and any "subordinate entities" will

issue more than \$30,000,000 in tax-exempt obligations during calendar year 2010 (not including certain private activity bonds) and the Board of Supervisors will not designate more than \$30,000,000 of qualified tax-exempt obligations pursuant to such Section 265(b)(3) in calendar year 2010.

6. Further Actions. The County Administrator and the Treasurer of the County and such officers and agents of the County as either of them may designate are authorized and directed to take such further actions as they deem necessary regarding the issuance and sale of the Note and all actions taken by such officers and agents in connection with the issuance and sale of the Note are ratified and confirmed.

7. Effective Date. This Resolution shall take effect immediately.

(15) Consider accepting all bids received at the January 27, 2010 delinquent tax auction event.

Following staff recommendation, motion was made by Mr. Tankard, seconded by Mr. Murray, that the Board accept all bids as received at the delinquent real estate tax auction held on January 27, 2010. All members were present and voted “yes,” with the exception of Mr. Randall who was absent and Mr. Bennett who abstained (he had participated in the event himself). The motion was passed.

(16) Consider adoption of Disclosure Forms in accordance with Section 2.2-3112, Code of Virginia.

Motion was made by Mr. Murray, seconded by Mr. Tankard, that the following Disclosure Forms be adopted by the Board and made a part of the Board Member Manual. All members were present with the exception of Mr. Randall and voted “yes.” The motion was unanimously passed. Said forms are set out as follows:

STATEMENT OF DISCLOSURE

Declaration of interest with respect to transactions in which Members of the Board of Supervisors may participate in accordance with Section 2.2-3112 (A)(2) VA Code Ann.

This Declaration is made with respect to those transactions in which a Member of the Board may participate even though he or she is a member of a business, profession, occupation,

or group the members of which are affected by the transaction.

“The Virginia State and Local Government Conflict of Interests Act requires that I make disclosure of certain interests in order to participate in a transaction which otherwise affects my personal interest as a member of certain defined groups. Therefore, I make the following disclosure:

1. The transaction involved is:
2. My personal interest affected by this transaction is:
3. I am a member of the following business, professional, occupation, or group, the Members of which are affected by this transaction:
4. I affirmatively state that, notwithstanding my personal interest, and the effect it may have on the aforementioned group, I am able to participate in the transaction fairly, objectively, and in the public interest.”

Date: _____

Member of the Board of Supervisors

This form may be used verbally at meetings of the Board of Supervisors, and the substance thereof included by the Clerk in the Board’s minutes. Alternatively, this form may be completed, signed and dated by the Supervisor and provided to the Clerk not later than the next business day after any meeting where disclosure is required. The Supervisor shall orally disclose the existing of the interest during each Board meeting at which the transaction is discussed and this disclosure shall be recorded in the minutes.

* * * * *

STATEMENT OF COMPLETE DISQUALIFICATION

Declaration of interest with respect to transactions in which Members of the Board of Supervisors may not participate in accordance with Section 2.2-3112 (A)(1) VA Code Ann.

This Declaration is made with respect to those transactions in which a Member of the Board may not participate at all, by virtue of law or by reason of his or her choice.

“The Virginia State and Local Government Conflict of Interests Act requires that I make disclosure, to be recorded in the County records in any case in which I am forbidden, or choose not, to participate. Therefore, I make the following disclosure:

1. The transaction involved is:

2. My personal interest affected by this transaction is (if the interest involves a business or real estate, give the full name and address of business and the address and parcel number for the real estate involved):

OR

3. I choose not to participate for the following reasons:

4. I affirmatively state that I will not vote or in any manner act on behalf of the Board in this matter.”

Date: _____

Member of the Board of Supervisors

This form may be used verbally at meetings of the Board of Supervisors, and the substance thereof included by the Clerk in the Board’s minutes. Alternatively, it may be completed, signed and dated by the Board Member and provided to the Clerk.

* * * * *

(17) Consider ratification of Northampton Fire & Rescue Commission membership in accordance with its By-laws.

Motion was made by Mr. Long, seconded by Mr. Murray, that the Board ratify the Northampton Fire & Rescue Commission membership roster in accordance with its Bylaws. All members were present with the exception of Mr. Randall and voted “yes.” The motion was unanimously passed.

Matters by the Board:

(18) Mr. Trala:
(A) Waste Collection Center Policy

Mr. Trala asked the Board to consider an amendment to its Waste Collection Center Policy relative to the volume limit of 2 thirty-gallon trash bags of residential household waste. Several of the Board members indicated their desire to modify the volume limit and several options were discussed from no limit to 15 bags of trash. Motion was made by Mr. Murray,

seconded by Mr. Bennett, that the policy be modified as set out below. All members were present with the exception of Mr. Randall and voted “yes.” The motion was unanimously passed. Said revised language is set out below:

Afford individuals a pleasant area in which to dispose of limited quantities of household garbage, bulk items such as furniture and minor home improvement project debris, metal and recyclables.

Household garbage is loosely defined as the waste generated within a family household such as kitchen waste, newspaper or trash from within the home. “Limited” is defined as twelve trash bags.

(19) Mr. Tankard:

- (A) Cape Charles Annexation Agreement (1991)
- (B) Cape Charles Map

Mr. Tankard read the following comments:

“Let’s annex a portion of lower Accomack County. Say, all land south of the headwaters of Craddock Creek and the Machipongo River. We all know that Northampton County has to grow and we need the space. We need to control the peninsula.

Now that I have your attention, let me say that I don’t advocate that position. But I use that scenario to illustrate that this is the same logic presently employed by some elected officials in Cape Charles who advocate a Boundary Line Adjustment with Northampton County. Some of the Council members have stated that more County territory is needed in order to grow. Also, they contend, the Town rests on a peninsula between Plantation and Kings Creek, and therefore, should command the entire peninsula to the headwaters of those creeks. A map of the area they wish to incorporate is in your packet. All new territory is shown in blue.

Clearly this logic is flawed. In addition, hard data stand in their way. Don’t get me wrong when I offer these criticisms. I am a Cape Charles booster. Maybe it’s in the blood—my mother’s father was a Richardson from Cape Charles. I wish the Town all the best with their ambitious plans. Their leadership represents the most proactive and thoughtful Town Council in the County.

But surely, their growth does not depend on more acreage ceded from the County. The Annexation Agreement of 1991, also in your packet, between Northampton County and Cape Charles quadrupled the size of the Town from 626 acres to 2,817 acres. Most all of that new acreage comprises the Bay Creek and Marina Villages developments. As of May 2007, according to Cape Charles documents, those developments were only 10% completed. Of its roughly 3,000 residential lots, only about 300 are built upon.

Ironically, Northampton County has about the same number of subdivided lots. But of its

3,000 subdivision lots, 1,000 are built upon. In other words, the County's subdivisions are 30% complete while Cape Charles's are 10% complete. We, the County lands, are more developed.

In 1990, Cape Charles's population was 1,398. By 2005 it had grown by 25 to 1,423. Quadrupling the size of the Town has yet to precipitate a significant population influx. More than a decade ago the Town hitched its future onto the development plans of the Bay Creek developer. For their sake I hope their plans come to fruition. Their success or failure rests on the success or failure of Bay Creek.

In conclusion, it will take time for the Bay Creek developments to fill out. Perhaps decades more. That development represents an incredible capacity for growth in Cape Charles. The County will do nothing to interfere with that growth. Maybe 30 years from now they will knock on the County's door and proclaim, "We're full." In the meantime, please leave the County alone."

Recess:

After discussing multiple meeting dates for a joint meeting with the Planning Commission and continued discussions with Mr. Cline relative to the rental property inspection ordinance, no specific date could be selected. Motion was then made by Mr. Long, seconded by Mr. Bennett, that the meeting be recessed until 5:00 p.m., Monday, March 22, 2010 in the former circuit courtroom, 16404 Courthouse Road, Eastville, Virginia, in order to conduct the regular work session. All members were present with the exception of Mr. Randall and voted "yes." The motion was unanimously passed.

The meeting was recessed.

_____ CHAIRMAN

_____ COUNTY ADMINISTRATOR