

VIRGINIA:

At a regular meeting of the Board of Supervisors of the County of Northampton, Virginia, held in the Board Chambers of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, on the 9th day of April, 2013, at 4:00 p.m.

Present:

Willie C. Randall, Chairman	Laurence J. Trala, Vice Chairman
Richard L. Hubbard	Larry LeMond
Oliver H. Bennett	

The meeting was called to order by the Chairman.

Closed Session

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

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

Appointments to boards, committees.

(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.

Oyster right-of-way sale; Collins' offer

(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. Walter Clemons, Division Superintendent of the Northampton County Public Schools discussed the ongoing comprehensive assessment of all buildings in connection with the upcoming SOL testing events. He also noted that staff is working with the graduate completer index (last year’s score was 80%) in a pro-active way to target at-risk students. Dr. Clemons also thanked the Board for the joint session held last week.

Mr. Hubbard asked the Superintendent how the School System was communicating with parents of Kiptopeke Elementary School students in light of its status as “worst case for accreditation”. Chairman Randall asked Dr. Clemons to provide an update on the Pre-K program as well as the Capital Improvements Program. Dr. Clemons responded that he would review the document and present same at the next board meeting.

Consent Agenda:

(2) Minutes of the meetings of March 4, 12 and 25, 2013.

Motion was made by Mr. Bennett, seconded by Mr. Hubbard, that the Consent Agenda be

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

County Officials’ Reports:

(3) Mrs. Leslie Lewis, Director of Finance, presented the following budget amendments and/or supplemental appropriations for the Board’s consideration:

TO: Board of Supervisors
FROM: Leslie Lewis, Director of Finance
DATE: April 2, 2013
RE: Budget Amendments and Appropriations – FY 2013

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

\$414.50 – This represents an insurance claim reimbursement as a result of damage sustained to a Sheriff’s vehicle. Please transfer these funds to the Sheriff’s Vehicle Equipment & Supplies line item (100-3102-55600).

\$3,600.00 - This represents additional funding received from the Eastern Shore Area Agency on Aging for roof repair through the Culls Community Development Block Grant project. Please transfer these funds to the Culls CDBG project line item (230-0026-44055).

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

TO: Board of Supervisors
FROM: Leslie Lewis, Director of Finance
DATE: April 2, 2013
RE: Budget Amendments and Appropriations – FY 2013

Your approval is respectfully requested for the following budget amendment and supplemental appropriation as submitted from Northampton County Public Schools:

\$5,000.00 – This reflects the actual amount of a National Board Certification Incentive Award received from the Virginia Department of Education for one qualifying teacher.

Motion was made by Mr. Hubbard, seconded by Mr. LeMond, that the foregoing budget amendment and appropriation be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

\$2,017.00 - This reflects an additional allocation of Race-to-GED grant funds by the Virginia Department of Education.

Motion was made by Mr. Bennett, seconded by Mr. Hubbard, that the foregoing budget amendment and appropriation be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

\$20,000.00 – This reflects a Capital budget appropriation from the School Operating Fund Balance Reserved for Capital Improvements for the 2012-2013 School Operating budget. In January 2013, the School Board approved a request for an appropriation transfer to perform interior security upgrades, including access control/monitoring systems, stanchions, door alarms, deadbolt locks for classrooms, etc. In addition to approving this request, the School Board asked the Operations Director to meet with Sheriff Doughty to discuss the security measures. After meeting with Sheriff Doughty and administrators in each school building, additional areas for potential exterior security enhancement were identified. The funds from this month’s request will be used to install and relocate fencing to secure the perimeter of the school property and to extend the intercom systems into the pods at the elementary schools, which are not currently connected. This project is currently outlined in the NCPS Capital Improvements Plan in 2014 as “Add fencing across back of parking lot with pedestrian access and gates” for “Security, Safety and Supervision”.

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

\$79,073.21 - This reflects insurance proceeds to be received related to a 2010 Thomas school bus, which was involved in an accident on November 14, 2012, and deemed to be a total loss. These funds will be combined with the insurance proceeds in Appropriation Request #28 (appropriated by the Board of Supervisors on March 12, 2013) to fund towing costs and the remaining portion of one replacement school bus.

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

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At this time, Mrs. Lewis shared with the Board the third quarterly financial reports which contained the following cover memo:

TO: Board of Supervisors, Northampton County
FROM: Leslie M. Lewis, Director of Finance
DATE: April 5, 2013
SUBJECT: March 31, 2013 Financial Statement Package

Enclosed, please find the quarterly financial package as of March 31, 2013. In the General Fund, 88% of budgeted revenues and 74% of expenditures have been recorded for the year compared to 88% and 73% last year at the same time. Fiscal year-to-date revenues exceeded expenditures by \$3,649,476 compared to \$3,361,150 at the same time last year. At March 31st, 92% of the current year's tax levy had been collected and recorded compared to 87.98% at the same time last year. For the first time, late notices for current year's tax levies were mailed in February which was instrumental in collection rate increase just noted above.

For the current fiscal year, the School Operating Funds reflect revenue collections at 69 % of the budget and expenditures at 63% compared to 66% and 62% respectively last year. The Social Services operating fund reflects revenue collections of 59 % and expenditures of 59 % of the adopted budget compared to 55% and 58% last year. State and federal reimbursements for Social Services come in one month after the expenditures. The Eastern Shore Regional Jail Fund shows that 63% of revenues have been collected while 66 % of expenditures have been recorded compared to 70% and 64% last year. Information on all capital projects' budget performance for the year and life-to-date is included behind the Capital Projects Performance Report divider.

A chart depicting the County's cash flow pattern is included in the report after the Treasurer's statement of account. At March 31, 2013, operating cash balances were \$13,503,715 compared to \$12,916,137 last year at the same time. The \$587, 578 increase in operating cash balances is due to the increase in collection of general property taxes. As depicted in the chart behind the "Collections" tab, delinquent tax collection revenues through March 31st increased from last year's total by \$832,511. For more information on delinquent tax collections, please see the Collections section of this report. Included are the Top 40 reports as of March 30, 2013, collection percentage reports and other information on delinquent tax collections.

In summary, three quarters into the FY13 fiscal year, it appears County revenues are consistent with budgeted estimates, delinquent tax collections continue to increase and the current year tax collection rate is also rising. Minimal growth in local revenue is expected to continue for FY14 and the level of state and federal funding remains in question as we continue the formulation of the County's next operating budget. Please note, this report was prepared less than 5 days after the close of the quarter. Therefore some state and federal revenues may not have been received and/or recorded at the date of this report.

If you have any questions about the financial reports or need more information, please give me a call at 678-0440, extension 550.

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At 6:00 p.m., the Board recessed for supper.

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

The invocation was offered by Rev. Jonathan Carpenter.

The Pledge of Allegiance was recited.

(4) Ms. Katherine H. Nunez, County Administrator presented the following bi-monthly report for the Board's review.

- (i) 4/22/13: FY 2014 Budget
- (ii) 4/29/13: 5 p.m. – joint mtg w/ stakeholders (stand-alone E.R.)
- (iii) 5/28/13: **Tuesday** (Monday is Memorial Day): topic to be announced
- (iv) 6/3/13: Reassessment public hearing

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

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: April 5, 2013
RE: Bi-Monthly Report

I. Projects:

A. Public Service Authority:

The Public Service Authority Economic Development Subcommittee met on April 2, 2013 and discussed the revised cost projections as well as to develop a recommendation regarding the pricing options for the Southern Node wastewater project. The subcommittee is recommending to the PSA the pricing model that would establish a service district that pays 75% of the cost and a tax increase on the general

real estate tax that would cover the remaining 25% cost of the project. The project would entail the commercial area from Cheriton south beyond the Cape Charles light to the Corner Mart on Route 13. The Fairview Mobile Home Park has been priced separately to run a connection from Route 13 to the mobile home park and is not included in the main project cost. At the suggestion of Supervisor LeMond, I am running a pricing model that will have the sewer line run up US Route 13 instead of Business Rte 13.

This recommendation from the PSA Economic Development Subcommittee will be presented to the full PSA at their meeting on April 16, 2013 @ 7:00 p.m.

Therefore, at the Board's April 22, 2013 work session, I will provide the Public Service Authority's full recommendation regarding a pricing structure as part of our budget deliberations.

B. Facilities Management Renovation Project:

As reported at the last meeting, Facilities Management is completely moved into their new location on Stumptown Road. The renovation of that property is complete and I have enclosed the budget from that project for your review. As you will see, we have come in under budget and will be providing a budget amendment to the capital fund at the May meeting for your consideration.

C. Eastville Waste Collection Site:

Bids have been received for the construction of this project (see the action items on the April 9, 2013 agenda). As noted above, we will be providing a budget amendment to the capital fund at the May meeting for this project budget.

D. Update of the County's Solid Waste Management Plan

In accordance with solid waste regulations, each solid waste planning unit must update its Solid Waste Management Plan every five years. The last plan, adopted in 2009, is due for review & update by June 20, 2013. The County's planning unit includes all five incorporated towns.

Our engineers, Draper Aden Associates, have provided a draft of the plan, which is currently being reviewed by county staff. We are anticipating the public hearing for consideration of the Solid Waste Management Plan to be held at the work session in May 2013.

E. Correspondence re: Request for County to issue Request for Proposals for a Free-Standing Emergency Department

A meeting is being scheduled with all concerned parties for Monday, April 29, 2013 to discuss this request in greater detail and determine how to proceed.

F. Landfill Gas Monitoring

As part of the compliance requirements associated with a landfill (active or capped), there are gas wells located around the landfill that we test quarterly. We have

received notification from our testing agent, the Hampton Roads Sanitary District (HRSD), that one of the gas wells has not provided gas samples, most likely a result of a higher than average water table in the area. We have retested over the last two months but have not been able to secure the required gas tests to meet our reporting requirements to the Department of Environmental Quality (DEQ).

DEQ is now requiring action by the county to correct this problem. Our engineering firm, Draper Aden Associates, has developed the following plan of action:

1. Conduct second quarterly 2013 landfill gas monitoring during May 2013. Waiting until May is to allow groundwater potentiometric surface levels to return to normal.
2. If samples are obtained in all probes, continue monitoring on the normal quarterly frequency.
3. If samples cannot be obtained in all probes, conduct another monitoring event in June 2013.
4. If samples can be obtained during the contingency event in June, continue monitoring on the normal quarterly frequency.
5. If samples cannot be obtained from all probes during the June event, construct new landfill gas monitoring probes in the vicinity of the probes that could not be sampled. Probe construction logs will be submitted to the Department with a request for a minor permit modification to include the newly constructed probes in the compliance network.

This proposed course of action has been submitted to DEQ for review and approval. Draper Aden has based this course of action on the belief that the conditions at our landfill do not endanger health or the environment due to the fact that methane has not been detected in any of the probes at the landfill since the monitoring program began in December 2000; high groundwater levels impede subsurface migration of landfill gas, if migration is occurring; and the low flow readings obtained during the first quarter of 2013 was only the second occurrence since the probes were installed in 2000.

G. Tall Ships 2013:

Enclosed is the required progress report pursuant to our contract with ESVAF, Inc. for the Tall Ships Initiative.

H. Ditch Maintenance:

Pursuant to Board discussions regarding ditch maintenance, I am scheduling a team meeting of involved parties (VDOT, Public Works, Legal, etc.) and have pulled forward the maps that former Extension Agent Bill Shockley provided to the County in the early 2000's outlining the ditch issues by voting district. The intent of the meeting is to update the maps to see where there are existing ditch issues, review and identify the responsible parties and to develop a plan of action.

Enclosed is correspondence received from the Town of Exmore in response to forwarding the complaints from Supervisor Bennett regarding Virginia Street.

I. Request from the Randy Custis Memorial Fund/Park:

Tim Holloway, representative for the Randy Custis Memorial Park, has requested the Board to send correspondence to Virginia Logos, the agency hired by the state to oversee the sign programs(s) on state maintained roads, indicating the County's support that signage for the Randy Custis Memorial Park should be granted the exception status as a municipal park under the supplemental sign category. Enclosed is the proposed letter.

Motion was made by Mr. Bennett, seconded by Mr. Trala, that the letter of support be provided as requested. All members were present and voted "yes." The motion was unanimously passed.

J. VDEM – Redistribution of the Local Emergency Management Grant Program:

The state has announced that the Local Emergency Management Grant program is transitioning from a competitive grant program to an allocated grant award to each locality in the Commonwealth. There is a match component to this program as well as certain requirements that must be adhered to in order to qualify for the allocation. I have enclosed the correspondence from VDEM for your review. Ms. Hollye Carpenter, in her capacity as Emergency Management Coordinator, is attending a training session on this program on April 18, 2013 and we will have additional information on this in order to make an appropriate decision about opting in or out of this program, as required.

K. USDA Request for Proceeds from Sale of the former STIP in Cape Charles:

Enclosed is correspondence from USDA indicating that since we have not fulfilled the agreement regarding the \$599,734.80 (part of the negotiation in 2008 & 2009 to fulfill the grants provided for the development of the STIP project), then they are seeking these funds be repaid to USDA.

As you may recall from our June 22, 2012 Board meeting, I provided an update on our capital plan, including a discussion about the former Middle School property and seeking a direction from the Board on the intended use of the property. As part of that discussion, I included a reminder to the Board that we still needed to resolve our obligation to USDA and discussions with USDA previously regarding a re-use of this property for location of the EMS facility as well as other additional community uses (cafeteria, auditorium, classrooms for EMS training, etc.) appeared to meet the program requirements for these funds to be spent on. Please note that there are sufficient funds assigned to the renovation of the former Middle School and relocation of the EMS into this facility within our capital fund to meet our obligation USDA. However, if we are obligated to repay USDA, we would need to discuss where that source of funding would come from since the capital funds would not qualify this payment as eligible. See note below pulled from my report on June 22, 2012:

Please note that the improvements considered for the former Middle School property were going to serve another obligation of the County – meeting our outstanding obligation to USDA relative to three outstanding grants associated with the former STIP property. More specifically, the County needs to expend \$599,734.80 on a project that meets the requirements of USDA in a manner similar to which the original grant proceeds had been extended. If the County fails to do this, then USDA will require us to re-pay \$599,734.80 to them to resolve the remaining grant obligations. The conversion of the former middle school into a mixed use community center (public safety, recreation, office space, community meeting rooms) meets the USDA qualifications and is in keeping with our bond requirements. If the Board chooses not to proceed forward with the former middle school, we would need to determine how we will meet this outstanding obligation to USDA.

I will be reaching out to USDA to see if we can obtain a reprieve from the March 26, 2013 correspondence. If we are able to obtain said reprieve, I am sure that we will need to have a very definite timeline and project scope defined and submitted in writing to USDA; therefore, we will need to move this matter forward in our priorities

II. OTHER

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Citizen Information Period:

Mr. G. F. Hogg, Jr., said that the Board should utilize existing county property, such as the Facilities Management property on Stumptown Road, for the waste collection site for District Four, indicating that it would not be in the best interest of the Town to have such a facility located nearby.

Mrs. Price Mears Clarke, an adjacent property owner to the site of District Four location, said that its placement would have a negative impact on her property and would put a damper on future commercial growth in the area.

Public Hearings:

(5) Zoning Map Amendment 2013-01: The Robert H. Wells Revocable Living Trust has applied to rezone property containing approximately 20 acres of land from C, Conservation District, to ESD-RVR, Existing Subdivision District–Rural Village Residential. The parcel,

described as Tax Map 38A1, double circle 1, lot A1, is located at 12432 Trout Lane.

The Chairman called the public hearing to order and asked if there were any present desiring to speak.

Mr. Peter Stith, Long Range Planner, indicated that the Planning Commission was recommending approval of this petition including a voluntary proffer as submitted, which would eliminate the possibility of any future subdivision of the property.

Mrs. Cela Burge, agent for the applicant, asked for the Board's favorable consideration and noted several "findings" for the Board's review:

1. the rezoning is consistent with the adopted Comprehensive Plan and applicable zoning regulations as well as criteria contained in the Code of Virginia.
2. the rezoning will render the existing nonconforming lot into a conforming one;
3. the existing lot was included in the original Vacluse subdivision plat and originally zoned Agricultural/Residential.

She reiterated the submission of a voluntary proffer from the applicant agreeing that the parcel will not be further subdivided in the future.

Mr. Joseph Paschall, a resident of Vacluse Subdivision, requested assurance that there would be no further subdivision of the property; i.e., future construction of rental units or condominiums, which would be a drain on the aquifer.

Mr. Richard Myer, another resident of Vacluse, urged that the density remain as one unit on the parcel. He also commented that several loads of soil had been seen entering the property recently and wondered as to the purpose of those deliveries.

Ms. Burge was allowed to respond to the comments and indicated that the soil and sand deliveries were to repair damage from Hurricane Sandy. He concurred that no further

subdivision of the property would be allowed, thus negating the concerns about rental units and/or condominiums with the current density remaining one dwelling unit on the 20-acre parcel.

Ms. Lora DiBrazio, a nearby property owner, asked for verification that the property is part of the original Vaucluse subdivision. Ms. Burge concurred.

The President of the Vaucluse Homeowners Association said that the applicant has never paid dues to the Association.

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

Motion was made by Mr. Hubbard, seconded by Mr. Trala, that Zoning Map Amendment 2013-01 be approved including the voluntary proffer as submitted. All members were present and voted “yes.” The motion was unanimously passed.

(6) Special Use Permit 2013-02: Thomas W. Edmonds has applied to locate a single-wide mobile home on property located at 6550 Bayside Road in the Hare Valley area. The property, described as Tax Map 15, double circle A, parcel 12A, is zoned V-2, Village Two District, and contains approximately 1 acre of land.

The Chairman called to order the public hearing and asked if there were any present desiring to speak.

Mr. Peter Stith indicated that the Planning Commission was recommending approval of this petition. He read a letter into the record as follows:

“This is to advise the Commission that the heirs of Rosean Beckett (deceased) have no objection to the above-referenced applicant putting a single-wide mobile home on his property at 6550 Bayside Road in the Hare Valley area. Our property at 6532 Bayside Road should not be affected. Thank you for informing us of this matter.

Sincerely,

/s/ Judith A. Graves”

There being no speakers, the public hearing was closed.

Motion was made by Mr. Trala, seconded by Mr. Bennett, that Special Use Permit 2013-02 be approved as petitioned. All members were present and voted “yes.” The motion was unanimously passed.

(7) Consider leasing of the following property: All that certain main floor of the Eastville Inn located in Eastville and most recently operated as a restaurant. The Board proposes to enter a lease with Brent J. Schmidt.

The Chairman called to order the public hearing and asked if there were any present desiring to speak.

The County Administrator indicated that with the termination of the lease with former tenant Tim Abraham, the Board had requested that a Request for Proposals be issued. One response was received – that of Mr. Schmidt, and a public hearing was the next step in that process.

Mr. Schmidt said that he had operated restaurants for the past 20+ years and plans to serve lunch on Monday-Friday and also dinner.

Ms. Eleanor Gordon of the Eastville Town Council, welcomed Mr. Schmidt to the community.

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

Motion was made by Mr. Hubbard, seconded by Mr. LeMond, that the Board enter into a lease with Mr. Brent J. Schmidt for the Eastville Inn. All members were present and voted “yes”. The motion was unanimously passed.

Action Items:

(8) Consider award of bid for collection and transportation of solid waste

Mrs. Nunez reported that two bids had been received as a result of the County’s RFP for solid waste collection and transportation services and staff was recommending that Davis

Disposal be awarded this contract in accordance with its alternate proposal. Motion was so made by Mr. Trala and seconded by Mr. Bennett. All members were present and voted “yes.” The motion was unanimously passed.

(9) Consider award of bid for construction of the District Four Waste Collection Site.

The County Administrator indicated that three bids had been received as a result of the County’s bid for construction of the sixth (and final) waste collection site. While staff had been successful in reducing the apparent low bid by exercising bid alternates, the proposal still was in excess of the project budget. At the recommendation of the County Administrator, motion was made by Mr. Hubbard, seconded by Mr. Trala, that the County Administrator and Director of Facilities Management be authorized to negotiate with the apparent low bidder, Branscome Eastern Shore, to award a contract for a sum not to exceed \$475,000.00. All members were present and voted “yes.” The motion was unanimously passed.

Matters Presented by the Board Including Committee Reports & Appointments

There were no matters brought forth by the Board for discussion.

Closed Session

Motion was made by Mr. Bennett, seconded by Mr. LeMond, 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.

County Administration evaluation

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 1 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:

While the Board indicated that several of its members would be attending the Eastern Shore of Virginia Chamber of Commerce's Eggs-n-Issues breakfast on April 10th, they indicated that they would not be discussing any county business and determined that this would not be considered a meeting of the Board. Therefore, motion was made by Mr. Trala, seconded by Mr. LeMond, that the meeting be recessed until 5:00 p.m., Monday, April 22, 2013 in the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, in order to conduct the regular work session. All members were present and voted "yes." The motion was unanimously passed. The meeting was recessed.

_____CHAIRMAN

_____ COUNTY ADMINISTRATOR