

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 10th day of April, 2012, at 4:00 p.m.

Present:

Oliver H. Bennett, Chairman

Willie C. Randall, Vice Chairman

Laurence J. Trala

Richard L. Hubbard

Larry LeMond

The meeting was called to order by the Chairman.

Closed Session

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

District Four Waste Collection Site

(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:

While not on the agenda, Dr. Walter Clemons, Division Superintendent of the Northampton County Public Schools, noted that the ADM at March 31st was 1670-1672, a slight increase from the 1659 upon which the budget was built. He also informed the Board that the School Board is working on a comprehensive Capital Improvement Plan which will presented to the governing body soon. Lastly, Dr. Clemons distributed a request from the School Board for lump-sum appropriation for FY 2013. He noted that 64% of Virginia localities utilize the lump-sum method of appropriation rather than the categorical appropriation used by Northampton County. He said that the current practice of developing and presenting the categorical distribution of the proposed and adopted budgets would not change and full detail of expenditures by category will continue to be maintained as is required by the Code of Virginia.

The Board indicated that it would further discuss this request during its normal budget deliberations.

Ms. Brook Thomas, Director of Finance for the School Division, indicated that the Board may be receiving in June a request for an appropriation to the School's Sick Leave Payout Fund, based on her belief that nine teachers intend to retire at the end of the school year, creating a potential pay-out in excess of \$239,000.

Consent Agenda:

- (1) Minutes of the meeting of March 10, 13, 20, and 26, 2012
- (2) Accept the Abstracts of Votes Cast in the Republican Presidential Primary on March 6, 2012 and spread same upon the minutes of this meeting.

Motion was made by Mr. Randall, seconded by Mr. Trala that the Consent Agenda be approved. 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 Amendment and Appropriation Request:

TO: Board of Supervisors
FROM: Leslie Lewis, Director of Finance
DATE: April 6, 2012
RE: Budget Amendments and Appropriations – FY 2012

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

RSAF Grant – 911 Commission

\$17,000 – An RSAF grant was awarded to the 911 Commission to be used for communication equipment.

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

Next, Mrs. Lewis distributed the Financial Package at March 31, 2012 with a cover memo as set out below:

TO: Board of Supervisors, Northampton County
FROM: Leslie M. Lewis, Director of Finance
DATE: April 5, 2012
SUBJECT: March 31, 2012 Financial Statement Package

Enclosed, please find the monthly financial package as of March 31, 2012. In the General Fund, 88% of budgeted revenues and 73% of expenditures have been recorded for the year compared to 83% and 70% last year at the same time. Fiscal year-to-date revenues exceeded expenditures by \$3,361,150 compared to \$3,143,321 at the same time last year. At March 31st, 87.98% of the current year's tax levy had been collected and recorded compared to 90.61% at the same time last year. Supplemental tax billings increased by over 6% in the third quarter of FY12 compared to same time last year.

For the current fiscal year, the School Operating Funds reflect revenue collections at 66% of the budget and expenditures at 62% compared to 67% and 62% respectively last year. The Social Services operating fund reflects revenue collections of 55% and expenditures of 58% of the adopted budget compared to 55% and 55% last year. State and federal reimbursements for Social Services come in one month after the expenditures. The Eastern Shore Regional Jail Fund shows that 70% of revenues have been collected while 64% of expenditures have been recorded compared to 67% and 63% 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, 2012, operating cash balances were \$12,916,137 compared to \$8,895,259 last year at the same time. As depicted in the chart behind the "Collections" tab, delinquent tax collection revenues through March 31st decreased from last year's total by \$132,089. This reduction is reflective of FY12 contractual issue relating to the third party vendor collection services that was not resolved until March 1, 2012. 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, 2012, collection percentage reports and other information on delinquent tax collections.

In summary, three quarters into the FY12 fiscal year, it appears County revenues are consistent with budgeted estimates, delinquent tax collections are increasing and the current year tax collection rate is stable. Minimal growth in local revenue is expected to continue for FY13 and the level of state and federal funding remains in question as we continue the formulation of the County's next operating budget.

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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In response to a question from Mr. Hubbard, Mrs. Lewis agreed to provide a monthly analysis of revenues, such as consumer utility tax, sales tax, building permit fees, etc.

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

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

Mr. Trala left the meeting at this time.

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

The invocation was offered by the Chairman.

The Pledge of Allegiance was given.

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

- (i) 4/11/12: Joint session with Planning Commission
- (ii) 4/23/12: Work session - FY 2013 – Expenditures
- (iii) 4/30/12: *Tentative* session w/ Webster Investors & DHCD (5:30 p.m.)
- (iv) 5/29/12: Work session (on Tuesday, because Monday is Memorial Day)

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

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: March 8, 2012
RE: Bi-Monthly Update

I. PROJECTS:

A. ESVA Public Services Authority Update:

A meeting was held in Richmond on March 20, 2012 with representatives from DHCD, USDA and DEQ to discuss the proposed Northern Node project. At this time, USDA is projecting limited funding and is concerned if it would

be able to provide any funding for this project at this time. Their recommendation is for the PSA/Norhampton County to submit an application as soon as possible for the Northern Node project and that we work toward a potential funding award in 2014. DHCD indicated that they prefer to be the “last money in” and would defer to the timeline proposed by USDA; therefore, it would not be prudent for the County to submit an application to DHCD at this time. In addition, USDA and DHCD indicated that they would need income surveys from all of the intended users of the designated service area and said surveys would need to be no older than 12 months from completion of the survey to submission to either agency with an application. Based upon these discussions, DEQ indicated that it would be best if the PSA/County turned down the Northern Node award of \$4 million and indicate the rationale for our decision and then re-apply within the timelines discussed by USDA. USDA reminded the County that no application will be considered until the County resolves its outstanding obligations from the STIP grants, more specifically that the county must spend just under \$600,000 for a qualified “project”, such as a community facility. Kent Ware of USDA indicated that the definition of a qualified project would also include a wastewater system. Lastly, while the officials were impressed with the level of cooperation that has developed between the towns and the county relative to wastewater system development, they indicated that an additional commitment financially from the county/towns would greatly enhance our status and ranking for consideration of grant funds.

The PSA has reviewed the results of this meeting with the various state officials and concurs with this course of action and will be working with me to complete an application to USDA for the northern node. In addition, we have begun discussions with ANPDC to develop a course of action relative to income surveys and how best to approach that as well as develop a timeline that will work to ensure the surveys are valid for any and all grant applications we submit for this project.

The next meeting of the PSA is Tuesday, April 17, 2012 @ 7:00 p.m.

B. Route 13 Highway Corridor Overlay District

Per request from Supervisors Randall, I am supplying information regarding the Route 13 Highway Corridor Overlay District which is contained in the County Zoning Code (Section 154.165). This zoning ordinance was adopted on October 21, 2009 as a result of the Route 13 study that was conducted by VDOT. This action was taken as a result of Board review and discussion from June 10, 2002 (see excerpt of the Board meeting minutes outlining the Board vote). Supervisor Randall indicated that this ordinance might be an impediment to business development. If the Board would like to discuss this in further detail for consideration to revise or even rescind this ordinance, I would recommend we schedule a work session with our Planning staff and staff from ANPDC since management of Route 13 is a regional consideration.

In addition, I have not had an opportunity to review the updated VDOT Road Regulations to which may supercede any action we take on our local ordinance.

The County Administrator noted that the Plan was initially adopted in 2004. The Board agreed to discuss this matter further at the first available work session.

C. CDBG-R Broadband Grant

As the holder of the CDBG-R Broadband Grant, we have been notified that we have reached the point for administrative close-out of the grant. My office is working with the ESVBA to complete the necessary paperwork for full closeout of the grant, which must be completed by April 21, 2012. This project has been highly successful. When we submitted the application, we anticipated completing about 128,832 feet of fiber installation focused in the communities of Nassawadox, Exmore, Willis Wharf and Belle Haven. At the completion of this grant, we not only surpassed the original scope of work but doubled the number of feet of fiber installation to a total of 258,281 or 49 miles. Fiber installation has now been provided to the following:

| | |
|-----------------------------------|-------------------------------|
| Exmore | Willis Wharf |
| Belle Haven | Nassawadox |
| Occohannock Elementary School | Kiptopeke Elementary School |
| Northampton School Administration | Northampton High School |
| Northampton Bus Garage | Rural Health Corporate Office |
| Rural Health Franktown Clinic | Rural Health Atlantic Clinic |
| Rural Health Onley Clinic | Rural Health Bayview Clinic |
| Nandua High School | Nandua Middle School |
| Metompkin Elementary School | Arcadia Middle School |
| Arcadia High School | Pungoteague Elementary School |
| Accomack Elementary School | Kegotank Elementary School |

D. Fire & Rescue Commission

I attended the March 2012 Fire & Rescue Commission meeting, along with EMS Director Hollye Carpenter and Supervisor Larry LeMond. At this meeting, the Fire & Rescue Commission subcommittee tasked with reviewing the Board commissioned' State Study on Fire & EMS Services provided a draft report. Their report focused on identifying the items that can and should be tackled first from the list of recommended actions. The subcommittee mentioned that they also identified items from the recommended action list that should not be advanced any further as well as items that should be addressed but are more long-term. I have requested to receive a full report that details the sub-committee's recommendations relative to the state study and will provide a copy of that to the Board as soon as I receive it.

E. Board of Supervisors' Strategic Plan

I am still developing the timeline and implementation plan for the Board's Strategic Plan and will bring this to you at your May meeting. In the interim, one of the items referenced from our Board retreat was the development of a commercial/industrial park. At the last Board meeting, it was suggested that one of the unfinished subdivisions near Eastville might be a potential opportunity to fill that need. I have been working with GIS Coordinator Peter Stith and Commissioner of Revenue Deputy Bonny Lewis identifying parcels in the county that might be ideally situated for a commercial/industrial park. I will bring this item forward at our next meeting for the Board's consideration.

F. Eastville Court Green & Historic Display Room

We have been working with the Northampton County Historic Society to utilize the historic display room we included as part of our renovation project for County Administration. In addition, we are looking to improve the signage on the property to ensure the visiting public is aware of this new display room within our building as well as the display room (that is being updated and revised) at the Eastville Inn. I have authorized use of the county administration building to be open for the Town of Eastville activities they have scheduled as part of the OpSail events in June.

G. Eastville Town Water

Later this month, the Town of Eastville will be doing maintenance work on its water tower which will bring it off-line for about 6 weeks. I have extended use of our water system to the town during this interim; otherwise, the town would have had to bring in a temporary bladder system for the water service.

H. FY13 County Budget

The addition of Leslie Lewis as Finance Director has been much appreciated and needed. We are rapidly working on the FY13 county budget and will have a full presentation of both revenues and expenditures at the April 23, 2012 worksession. Enclosed in your agenda packet is the full School Board requested budget document. Also, for the April 23, 2012 work session, we have requested Davenport & Co (the County's financial advisors) to join us for a discussion about the county debt schedule, including the temporary note we have with the State Lit Loan for the high school back wall repair. With the lack of funding for the State Literary Loan program, it is uncertain when our project will be permanently borrowed; therefore, we are working on a different course of action that will allow us to finance this project in a different manner – please note that this work has already occurred at the high school and we are only dealing with the financing end of the project. We are incorporating this restructuring of the temporary note into a permanent note within our FY13 budget calculations.

I. VDOT Secondary Six-Year Plan

We have invited VDOT representatives to attend your April 23, 2012 worksession to review the proposed plan and available funding in advance of

the May public hearing on the Secondary Six-year Plan.

* * * * *

Citizen Information Period:

Mr. Granville F. Hogg, Jr., referenced the last Six Year Plan process where consideration of a safer Food Lion intersection was discussed. He also told the Board at the last delinquent tax auction event, an unusual event occurred in that there was a minimum bid established.

Additionally, lots on the ends of the subdivision were treated differently than lots in the middle.

Mr. Bob Meyers read the following comments:

TO: ESVA Tourism Board and BOS, Accomack-Northampton Counties

FOR: Reading into the public record 4 Apr 12, Tourism Commission public meeting, Melfa Airport Conference Room

RE: Termination of the Director of Tourism, Ms. Donna Bozza

4 April 2012

The taxes for citizens of both Accomack and Northampton Counties are directly related to the success of tourism. We are facing a potential loss of revenue to both counties as a result of what seems to me, and many others, a very short-sighted decision to terminate the Director. I feel certain that you, as the Tourism Board, have no capability at this time, to make up for that loss. I truly wish you could be held personally responsible for any deficit in the monetary amount resulting from tourism.

Is the Director's replacement going to be held to the success standard Ms. Bozza has established or will that person be terminated for non-performance?

When a potential future employer of Ms. Bozza does a background check with the Eastern Shore Tourism Commission to verify employment, and the response is either a bad report, obvious equivocation or prevarication, is this not the "kiss of death" for any future employment?

These questions are pertinent to this issue of losing the Director of Tourism who has a public record of being the most effective promoter of tourism in the entire Commonwealth last year.

I urge the Tourism Board, and the County Supervisors to whom you report, to:

1. Separate Ms. Bozza with a twelve month salary payment to enable her to reestablish her

employment. She was congratulated for bringing to the two counties approx. \$1.5 million in 2010. A twelve month salary would represent only about 3% of that. It would be a moral business act and indicate to any replacement, the position is a very critical and essential one to the entire tourist industry on the Eastern Shore.

2. And just as important, you as the Tourism Commission should provide her with a written statement, countersigned by both Boards of Supervisors, recognizing her value to the ESVAs as a result of her extreme success in promoting tourism here. This would also be the document in which to mention the advanced place she has put the two counties for improvement of tourism revenues compared to the rest of the Commonwealth.

/s/ RH Meyers
7516 Prettyman Circle
Exmore, VA 23350

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Ms. Lilli Collins of Birdsnest again addressed the Board and noted that she was not satisfied with having received only a partial refund from her denied building permit application. She questioned what her next step should be. The Chairman replied that she would be addressed at the conclusion of the Citizen Information Period.

Dr. S. Dawn Goldstine read the following comments:

April 3, 2012

ESVA Tourism Board
Board of Supervisors – Accomack and Northampton Counties

Re: To be read into the public record on April 4, 2012 at the Tourism Commission public meeting.

During my 14 years as Superintendent of the Northampton County Public Schools I was in the unique position to be involved in many opportunities that would enhance new revenue in our Eastern Shore community. Among these were membership in the Eastern Shore Chamber of Commerce, the organizing committee of the Eastern Shore Birding Festival, the Northampton BOS representative on the development of a bus transportation system throughout our counties, and the business round-table which resulted in major projects such as the ESCC Workforce Training Center.

Tourism has been in the forefront of these and other projects, but it has only been in recent years that the full potential of our efforts has been in sight. The Welcome Center is spectacular and I am increasingly reading about our beautiful Eastern Shore in newspapers and magazines, not

only in our community, but in regional and national publications as well.

A broad-based and forward thinking approach to marketing tourism is necessary in today's competitive world. It is gratifying that data is showing that we are moving forward more rapidly than ever before, and that efforts are being long-term results.

Normally the leader of such progress would be lauded, but my husband and I were disheartened to learn that Ms. Donna Bozza has been removed from her position. While employment issues are the business of the employer and the employee, in this case they are also the business of all of us who work for the betterment of our community.

In this light we hope you not only have a plan for a future that will continue the progress Ms. Bozza has made possible, but that you will, in recognition of her success, provide her with a detailed personnel recommendation that will enable her to continue her work elsewhere. Further, it is respectfully suggested that you match her annual salary in an advance that will enable her to provide for her family while seeking other employment.

Sincerely,

/s/ Dr. S. Dawn Goldstine

/s/ James R. Goldstine.

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Ms. Martina Coker read the following comments:

I am here to speak in support of Donna Bozza and to express my dismay at the handling of this situation by the Tourism Commission.

Ms. Bozza's accomplishments have been widely recognized with awards such as Public Servant of the Year from the Northampton County Chamber of commerce just last year, she has brought hundreds of thousands of dollars of publicity to the Shore with media placements, and she increased funding to the tourism commission and increased tourism revenue shorewide, during a recession.

Those are measurable indicators. Beyond those measurable indicators, it is clear from the public outpouring of support that Ms. Bozza is well respected by the people she has served. It is difficult to imagine a more effective Director of Tourism. We are all negatively impacted by this action. At this time, the honorable action would be to at least provide Ms. Bozza with a fair severance packet to allow her time to recover from the capricious action of the Tourism Commission and with good references. I would also recommend that the Northampton County Board of Supervisors consider a way to retain Ms. Bozza's considerable skills and connections to benefit our county.

Respectfully submitted,

/s/ Martina Coker
1530 Elliott's Creek Lane
Cape Charles, Va

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Ms. Kristin Willis, a small business owner, spoke in support of Ms. Bozza, crediting her with being of tremendous assistance to Ms. Willis in the start-up of her business. She said that she was afraid that there would be a "lot of damage as a result of her loss."

Mrs. Mary Miller read the following comments:

Public Comment
10 April 2012

Mary Miller – small business owner

Gentlemen:

In the past few weeks the tourism industry has suffered a blow in the loss of the highly effective Director of the Tourism Commission. The Commission has given no rationale for its action, right at the start of the tourist season.

I am very concerned about the process of an appointed body, using taxpayer dollars, trying to exploit its authority in such a destructive manner. Its meeting and firing processes are being questioned, the unsupported bases for the officer's public statements to you are being examined, and its willingness to let rumors and innuendo about internal Commission activities burn out of control, has undermined the confidence of the tourism business community. The lack of professionalism and transparency in the handling of this situation is inexcusable.

And now it's understood that the Commission is using taxpayer dollars to pay for legal counsel. What has the Commission done that requires legal help to clean up the mess? Or are we paying for legal help for individual Commissioners who might have over-stepped their authority?

This may well be past an issue of hiring and firing and gone straight into the possibility of defamation of the character of a former employee. You write the check for this Commission – you can help them clean up the mess. You have the leverage to take a lead role in insisting that a fair settlement be reached, compensation be approved for damage done and that a general release put an end to this sorry matter.

You can also take steps to insure that the county won't lose the experience, the personal contacts, the business skills and professional expertise of the former Director.

I request that my statement be included in the public record.

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Mr. Dan Bowen, Chairman of the Artists Guild, disagreed with last month's statement from the Tourism Commission Chairman that "business as usual" was going on, noting that the Board was adding to the innuendo being circulated and it should find a reason to keep Ms. Bozza here.

There being no further public comment, Mr. Bennett asked Ms. Nunez to report on the Collins' building permit issue referenced earlier. Ms. Nunez reported that seventy-five percent (75%) of the building permit fee had been refunded to Ms. Collins as per the adopted Board ordinance. In addition, the fire levy fee was waived for Ms. Collins' second permit application.

Mr. Randall referenced the earlier comments relative to the Eastern Shore Tourism Commission and noted that the public is owed an explanation as to the Commission's intent with regard to Ms. Bozza. Following some discussion, it was the consensus of the Board that the County Administrator be directed to write a letter to the Tourism Commission relative to their intentions with regard to the dismissal of the former Executive Director.

Mr. LeMond, who serves on the Tourism Commission, stated that he could not comment on personnel issues but related that the Commission has received seventy-four (74) applications for the position of Executive Director, with seven (7) being deemed "highly qualified". Interviews will be conducted soon with the anticipation of the new Director commencing work in mid-May.

Public Hearing:

Chairman Bennett called to order the following public hearing:

(6) Solicit public comment regarding the Board's intent to pursue, by condemnation, the acquisition of real property located on Courthouse Road, identified as Tax Map 58, double circle A, parcels 13 and 14. The Board intends to utilize this property for public purposes; specifically,

for a waste collection center to collect solid waste and prepare it for transport outside the County.

He asked if there were any present desiring to speak.

Ms. Nunez provided background on the matter indicating that the proposed site will be the last remaining waste collection site to be constructed and will serve District Four.

Mr. G. F. Hogg, Jr. urged the Board to be considerate of the aesthetics of the site, being as it was on the main route to the county seat.

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

Motion was made by Mr. Hubbard, seconded by Mr. Randall, that the following resolution be adopted. All members were present with the exception of Mr. Trala and voted "yes." The motion was unanimously passed. Said resolution as adopted is set forth below:

**A RESOLUTION DIRECTING ACQUISITION OF PROPERTY FOR PUBLIC USE
BY CONDEMNATION**

Whereas, there exists a public need and necessity for waste collection centers at locations within the County, to collect solid waste and prepare it for transport outside the County; and

Whereas, there exists a public need and necessity for a waste collection center for receipt, and preparation for transport out of the County, of solid waste to be constructed and located in the Eastville area of Northampton County; and

Whereas, the County, to fulfill this public need, must acquire a suitable tract of land of at least two acres in size; and

Whereas, the County has identified two suitable, contiguous parcels, designated on the tax map of the County as parcels: 00058-0A-00-013 and 00058-0A-00-014, with a total combined size of approximately 4.35 acres; and

Whereas, the County has determined what it believes to be just compensation for parcels 00058-0A-00-013 and 00058-0A-00-014, said amount being the value assigned to the property by a duly qualified and licensed appraiser; and

Whereas, the County, through correspondence, has made a *bona fide* but ineffectual effort to purchase the parcel; and

Whereas, persons believing themselves the owners of parcels 00058-0A-00-013 and 00058-0A-00-014 have indicated a willingness to sell the parcels to Northampton County; and

Whereas, those persons believing themselves to be the owners of the said parcels are unable to convey valid title and the identity of all owners is unknown; and

Whereas, a public necessity or an essential public convenience requires that the County enter upon the aforesaid parcels for the purpose of constructing its works or improvements thereon, as provided in Va. Code §25.1-223, prior to the time when just compensation can be determined and the amount so determined be paid into court therefore; and

Whereas, an emergency necessitates that the County enter upon the aforesaid parcel for the purpose of constructing its works or improvements thereon, prior to the time when just compensation can be determined and the amount so determined be paid into Court, as the waste collection center is necessary to sort and prepare solid waste for transport elsewhere.

NOW, THEREFORE, BE IT RESOLVED that the County Attorney is directed to institute proceedings pursuant to Title 25.1 of the Code of Virginia, as amended, to condemn the fee simple estate of the owner in these parcels, and to seek entry upon the lands thereof for the purpose of constructing works or improvements thereon, as prior to the time when just compensation can be determined and the amount so determined be paid into court.

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Action Items:

(7) Actions re: delinquent tax auction events:

(i) Consider accepting an offer received through James Elliott's office for acquisition of all lots and roadways in the subdivision of Townfield Meadows.

The Board requested that the County Administrator obtain additional information from Mr. Elliott with regard to other offers received at the auction event concerning this property and to bring this matter back for consideration at the next work session.

(ii) Consider accepting all bids received at the March 6, 2012 event.

Motion was made by Mr. Randall, seconded by Mr. Hubbard, that the Board accept certain bids as received at the March 6, 2012 event and as detailed by Mr. Elliott's letter of March 16, 2012. All members were present with the exception of Mr. Trala and voted "yes."

The motion was unanimously passed.

(8) Consider amendments to the County's Agricultural and Forestal Districts (AFDs) Policy as per changes in the Code of Virginia and staff recommendations.

Motion was made by Mr. Hubbard, seconded by Mr. LeMond that the revised Agricultural and Forestal Districts (AFDs) Policy be adopted as presented. All members were present with the exception of Mr. Trala and voted "yes." The motion was unanimously passed.

Said policy as adopted is set forth below:

Northampton County Agricultural and Forestal Districts (AFDs) Policy

Reviewed: August 11, 2009
Adopted: August 11, 2009
Amended: August 25, 2009
Adopted: April 10, 2012

- I. Declaration of policy findings and purpose. It is the policy of the Commonwealth of Virginia and Northampton County to conserve and protect and to encourage the development and improvement of agricultural and forestal lands for the production of food and other agricultural and forestal products. It is also the policy of the Commonwealth of Virginia and Northampton County to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for clean air sheds, watershed protection, wildlife habitat, as well as for aesthetic purposes. Agricultural and forestal lands are recognized as economic and environmental resources of major importance.
- II. Procedure.
 - (A) Creation of new districts and additions to existing districts.

Northampton County AFDs shall be established through the enactment of ordinances following the application and review process set forth in §15.2-4300 *et seq.*, the Agricultural and Forestal Districts Act, of the Code of Virginia as amended.

- (1) Applications may be submitted each year between January 15 and February 15 on forms supplied by the Northampton County Department of Planning and Zoning. No application will be accepted for land for which any applicable taxes are delinquent.

- (2) At a minimum each district shall consist of a core at least 200 acres in one parcel or in contiguous parcels. A parcel not part of the core may be

included in a district **(i)** if the nearest boundary of the parcel is within one mile of the boundary of the core, ~~or~~ **(ii)** if it is contiguous to a parcel in the district the nearest boundary of which is within one mile of the boundary of the core, **or (iii) if the local governing body finds, in consultation with the AFD Advisory Committee or Planning Commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land.**

- (3) Upon receipt of an application for creation of a new district or an addition to an existing district, ~~Planning & Zoning Department staff~~ **the program administrator shall refer such application to the AFD Advisory Committee which shall review and make recommendations concerning the application or modification thereof to the Northampton County Planning Commission. The Planning Commission shall** ~~will publish the required newspaper ads and notify by first-class mail all adjacent property owners~~ **and where applicable, any political subdivision whose territory encompasses or is part of the district, of the pending application. The notice shall contain: (i) a statement that an application for a district has been filed with the program administrator; (ii) a statement that the application will be on file open to public inspection in the office of the clerk of the local governing body; (iii) where applicable a statement that any political subdivision whose territory encompasses or is part of the district may propose a modification which must be filed with the Planning Commission within thirty days of the date of the notice; (iv) a statement that any owner of additional qualifying land may join the application** ~~and the ability of owners of qualifying land to join the application within 30 days from the date of the first public notice or, with the consent of the Board, at any time before the required public hearing before the Board;~~ **(v) a statement that any owner who joined in the application may withdraw his land, in whole or in part, by written notice filed with the Board of Supervisors, at any time before the Board acts; and (vi) a statement that additional qualifying lands may be added to an already created district any time by following the process and application deadlines prescribed for the creation of a new district.** ~~Staff will also post a notice of the application in five (5) conspicuous places within the district, and convene a meeting of the AFD Advisory Committee for their review of and recommendations on the application, following which~~ ~~The Northampton County Planning Commission will conduct a public hearing and forward recommendation on the application to the Board of Supervisors. Following the planning commission hearing, a notice shall be published in the local paper describing the district or addition, any proposed modifications, and recommendations of the AFD Advisory Committee and the planning commission; the notice shall also be sent to adjacent property owners. The Board,~~ **after receiving the report of the Planning Commission and the AFD Advisory Committee,** will conduct a public hearing on the application and act to adopt, modify, or reject the application.

(4) The Northampton County Board of Supervisors may direct that a second application period be offered in any given year. Notice of any supplementary application period shall be posted at least one (1) week prior to the beginning of the application period and a press release shall be published in the local newspaper. The Board shall act to adopt or reject applications or any modifications thereof no later than 180 days from February 15 and the other application deadline as may be selected in a given year.

(B) Criteria for review of applications.

Applications shall be reviewed by the AFD Advisory Committee based upon certain criteria, including the suitability of soils, substantial agricultural and/or forestal operations, size of each parcel and number of parcels.

(C) Withdrawal of land from an AFD.

At any time any owner of land lying within an AFD may file **with the program administrator** a written request to withdraw all or part of his land from the district for good and reasonable cause. The request should detail the reason for the request, and if development of the land is contemplated, a description of the proposed development should be included. The withdrawal request shall be referred to the AFD Advisory Committee **for its recommendation to the Planning Commission, which shall hold a public hearing and make recommendations to the Board of Supervisors** ~~and the Planning Commission for their recommendations following which the Board of Supervisors shall conduct a public hearing on the request.~~ If the request is approved **by the Board of Supervisors**, land which is no longer part of an AFD will be subject to the assessment of roll-back taxes as determined by the Commissioner of the Revenue in accordance with Virginia tax law.

Upon the death of the owner of property within an AFD, any heirs have the right to withdraw the land from the AFD provided that written notice of withdrawal is filed with the Board of Supervisors and the Commissioner of the Revenue within two (2) years of the date of death of the owner.

(D) Fees.

The fee for any application to create a new district or to add land to an existing district shall be \$500.00 as provided in Virginia Code §15.2-4303. Owners of qualifying property wishing to join an application following initial publication of the required notice of application will be assessed a fee based on actual costs of processing the modification of the application, not to exceed \$500.00. **The \$500.00 application fee shall also apply to the ten-year renewal of applications.**

III. Effects of AFDs; review of AFDs.

(A) Taxes.

Land lying within an AFD automatically qualifies for agricultural or forestal use-value assessment by the Commissioner of the Revenue in accordance with Virginia tax law.

Pursuant to Code of Virginia §58.1-3235, if property receiving special land use assessment through an AFD is delinquent in taxes at June 1, the Commissioner of the Revenue shall remove such property from the land use program.

(B) Land use within an AFD.

The Northampton County Comprehensive Plan will be updated to reflect adopted AFDs, and the plan, zoning ordinance, and subdivision ordinance will continue to apply to land within an AFD to the extent that such ordinances are not in conflict with conditions to the creation or continuation of the district set forth in the ordinance creating or continuing the district. In addition, land use planning and administrative decisions and procedures affecting parcels of land adjacent to any district shall take into account the existence of the AFD.

(C) Review of districts.

The ordinance creating a district shall specify a time period for review of the district of not less than four (4) years nor more than ten (10) years from the date of its creation and every four (4) to ten (10) years thereafter. Historically, Northampton County AFDs have been established for a period of ten (10) years. The review shall begin at least ninety (90) days prior to the expiration of the period established when the district was created. Both the AFD Advisory Committee and the Planning Commission shall provide recommendations to the Board of Supervisors concerning the continuation, modification, or termination of a district. Either the AFD Advisory Committee OR the Planning Commission shall conduct a public meeting with owners of land within the district under review. The Board of Supervisors shall conduct a public hearing prior to action to continue, modify, or terminate a district. **The Board of Supervisors may stipulate conditions to continuation of the district and may establish a period before the next review of the district, which may be different from the conditions or period established when the district was created. Any such different conditions or period shall be described in a notice sent by first-class mail to all owners of land within the district and published in a newspaper having a general circulation within the district at least two weeks prior to adoption of the ordinance continuing the district.** At any time during the review process up until the time of the Board's action, land may be withdrawn from the AFD at the owner's discretion by filing a written notice with the Board.

If the Board determines that a review of an AFD is unnecessary, it shall set the year in which the next review shall occur.

POLICY STATEMENT

~~In light of the following considerations, the Northampton County Board of Supervisors does not anticipate the ability to approve new or additions to existing Agricultural and Forestal Districts (AFDs) for the 2012 Tax Year (window for applications: January 15 – February 15, 2011).~~

- ~~(1) There is little or no expected growth in revenues for the upcoming year.~~
- ~~(2) The Fiscal Year 2010 and Fiscal Year 2011 annual budgets have contained substantial funding identified as American Recovery and Reinvestment Act (ARRA) to supplant state and federal funding for education and public safety; said funding expires at the end of Fiscal Year 2011 and there is no indication that the state or federal budgets will be able to resume their full funding obligations to localities.~~
- ~~(3) Eastern Shore Regional Jail debt remains a significant liability.~~
- ~~(4) General uncertainty of the economic environment.~~
- ~~(5) County's reliance on real estate property tax revenues and the trend of becoming more reliant on real estate taxes which would be affected by revenue losses from the approval of additional AFDs. For tax year 2010, residential and raw land assessed values make up 93.7% of total real estate values compared to 88.9% in 1999. Residential real estate values have increased at almost three times the rate of commercial real estate values over the same time period. Some localities strive to achieve a 70-30 ratio between residential and commercial/industrial tax bases as a benchmark.~~

~~The Board of Supervisors is in the process of developing an evaluation system for future years to include factors as outlined in Code of Virginia 15.2-4306.~~

~~Although by law, applications for AFDs must continue to be accepted, applicants should apply only after careful consideration of the foregoing factors.~~

~~Adopted by the Board on November 10, 2010 (to serve as an addendum to the Policy adopted August 2009)~~

* * * * *

(9) Consider approving a letter of support for a grant application by The Nature Conservancy to improve the public birding and wildlife trail at the Brownsville Preserve near Nassawadox.

Motion was made by Mr. Randall, seconded by Mr. LeMond, that the letter of support be provided as requested. All members were present with the exception of Mr. Trala and voted “yes.” The motion was unanimously passed.

On a related note, and at Mr. Bennett’s request, the Board directed the County Administrator to write to the Nature Conservancy and request that they be more considerate and polite in their dealings, not only with their neighbors in the area but the working watermen as well.

In a matter not on the agenda, motion was made by Mr. Hubbard, seconded by Mr. Randall, that the following resolution be adopted, stating the County’s intent to join with Accomack County in the development of a combined plan for program services in accordance with the Virginia Juvenile Community Crime Control Act. All members were present with the exception of Mr. Trala and voted “yes.” The motion was unanimously passed. Said resolution as adopted is set forth below:

Virginia Juvenile Community Crime Control Act (VJCCCA) RESOLUTION

Be it resolved that Accomack County will participate in the Virginia Juvenile Community Crime Control Act and accept funds appropriate for the purpose set forth in this Act until it notifies the Department of Juvenile Justice, in writing, that it no longer wishes to participate.

Be it further resolved that the County of Northampton will combine with the governing body of Accomack County as it pertains to participation in the Virginia Juvenile Community Crime Control Act and funds appropriated for the purpose set forth in this Act until it notifies the Department of Juvenile Justice, in writing, that it no longer wishes to participate. Accomack County will act as fiscal agent for these localities.

Be it further resolved that the Northampton County Administrator is hereby authorized to execute a local plan on behalf of the County of Northampton.

* * * * *

In another matter, the County Administrator distributed information from the Planning Director and the Accomack-Northampton Planning District Commission in regards to development of a “Working Waterfronts Plan”, which will be a point of discussion for the next ANPDC meeting.

Closed Session

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

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

Appointments to Boards/Commissions

All members were present with the exception of Mr. Trala 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.

Motion was made by Mr. LeMond, seconded by Mr. Randall, that Mr. David Burden be reappointed to the Eastern Shore RC&D Council for a new term of office commencing January 1, 2012. All members were present with the exception of Mr. Trala and voted “yes.” The motion was unanimously passed.

Matters Presented by the Board Including Committee Reports & Appointments

Mr. Bennett updated the Board on a meeting he had had with Mr. Phil Custis. Mr. Custis requested that the old bleachers at the former Northampton middle school be donated to the Little League group. Ms. Nunez replied that she'd approved the same request from Mr. Custis last year. Additionally, Mr. Custis requested assistance on the acquisition of advertising signs for the Little League. Ms. Nunez replied that the VDOT paperwork for this type of sign has already been provided to Mr. Custis and that she believed the permit and annual fees associated with the signs were of concern to him.

Recess:

Motion was made by Mr. Randall, seconded by Mr. Hubbard, that the meeting be recessed until 7:00 p.m., Wednesday, April 11, 2012 in the Department of Social Services Training Room, 5265 The Hornes, Eastville, Virginia, to conduct a joint meeting with the Northampton County Planning Commission. All members were present with the exception of Mr. Trala and voted "yes." The motion was unanimously passed.

The meeting was recessed.

_____CHAIRMAN

_____ COUNTY ADMINISTRATOR