

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 13th day of April, 2010, at 4:00 p.m.

Present:

Laurence J. Trala, Chairman

Willie C. Randall, Vice Chairman

Richard Tankard

H. Spencer Murray

Oliver H. Bennett

Samuel J. Long, Jr.

The meeting was called to order by the Chairman.

Closed Session

Motion was made by Mr. Bennett, 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
Age 70 certifications*

(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.

Solar energy projects

(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. Long and voted “yes.” The motion was unanimously passed.

Mr. Long arrived at 4:05 p.m.

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. Bobby Isdell, Residency Administrator, Virginia Department of Transportation, briefed the Board on current VDOT projects including drainage issues, mowing of Rt. 13 and VDOT restructuring as a result of budget shortfalls. He noted that the Residency offices will be focusing on maintenance, safety and emergency response. Mr. Murray stated that this was a “serious deterioration of service from VDOT”.

Mr. Long asked Mr. Isdell to pursue a remediation study for the Cape Charles traffic light/Food Lion intersection area. This matter will be more fully described under the County

Administrator's Report.

(2) Dr. Rick Bowmaster, School Superintendent, briefed the Board on on-going activities including the efforts of the robotics club as well as Oddysey of the Mind. He noted that the March A.D.M. was 1697 instead of the projected 1700 although the FY 2011 budget was based on 1675. Additionally, school staff are working with a structural engineer on the cafeteria wall repair.

Dr. Bowmaster indicated that he was requesting a resolution allowing the school system to use money allocated for retiree's sick leave payout (which program was phased out several years ago.) Mr. Murray asked for more detailed financial projections of this amount and was told that \$100,000 had been budgeted in FY 10 and also in FY 11.

Mr. Tankard asked several questions of the Superintendent and the Director of Finance which were answered.

Consent Agenda:

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

Following a correction to the minutes of March 22, 2010 (in which Mr. Murray was recommending the appointment of six at-large members to the public service authority instead of six members appointed by election districts), motion was made by Mr. Bennett, seconded by Mr. Randall, that the minutes be approved as corrected. All members were present and voted "yes." The motion was unanimously passed.

(4) Consider A-95 Review entitled, "Culls Community Housing Rehabilitation Project"; applicant: County of Northampton

Motion was made by Mr. Tankard, seconded by Mr. Murray, that the A-95 Review be approved as presented. All members were present and voted "yes." The motion was unanimously passed.

County Officials' Reports:

(5) Ms. Glenda Miller, Director of Finance, distributed the following Budget Amendments and Appropriations with a cover memo which stated:

“The first budget amendment is necessary to adjust the FY 10 (current) budget for the delay in receiving the state’s reimbursement for eligible construction costs related to the Eastern Shore Regional Jail. An additional \$3,353,992 was approved by the Virginia Board of Corrections last year for reimbursement, but the request for appropriation was not approved in the final budget passed by the General Assembly. The budget adjustment will fund the shortfall within the General Debt Service Fund for the year of \$818,338 by using the fund’s remaining fund balance (\$440,816), interest earnings within the fund (\$9,640), and \$25,000 in miscellaneous revenue (from the STIP property escrow) and by transferring interest earnings from the capital projects fund of \$306,500; and the true-up of \$36,436 coming from current year’s tax revenue (the year-end estimate for the eight cents earmarked for the debt is \$36,436 over the original estimate).

The second report of supplemental appropriations and budget amendments includes the appropriation of grant revenue from DHCD for a Regional Wastewater Planning Grant (\$3,000), the Culls Community Development Project planning grant (\$15,000), and contributions from SERCAP for the East Fairview project of \$24,000 and from the EMS Council for \$1,250 towards the purchase of Toughbook computers for patient tracking in the EMS department. Also included is an insurance reimbursement of \$1,217 and the appropriation of program income within the East Fairview project of \$1,735.”

G/L Account Number	Account Description	Increase Amount	Decrease Amount
100-0011-40000-2009	Real Estate 2009 Real Estate Tax Revenue	36,436.00	
100-9600-57200	Transfer-General Debt Service	36,436.00	
302-0015-40925	Interest on Investments	306,500.00	
302-9600-57200	Transfer-General Debt Service	306,500.00	
401-0015-40925	Interest on Investments	9,640.00	
401-0018-42375	Other Miscellaneous	25,000.00	
401-0019-42410	Reimb. from State for Reg Jail		3,353,992.00

401-0044-48000	Transfer from General Fund	36,436.00	
401-0044-48075	Transfer from Capital Project Fu	306,500.00	
401-0045-49000	Appropriated Fund Balance	440,816.00	
401-9800-58950	Financing Fees	54	
401-9900-59900	Contingency		2,535,654.00

G/L Account Number	Account Description	Increase Amount	Decrease Amount
100-0018-42025	Gifts & Donations	1,250.00	
100-0018-42075	Insurance Adjustments	1,217.00	
100-0026-44295	Va. Dept. of Housing & Comm Devp	3,000.00	
100-1201-50650	Prof. Services - Mgmt Consulting	3,000.00	
100-3102-55600	Vehicle & Equip Supplies - Other	1,217.00	
100-3205-56350	Other Oper Supplies - Other	1,250.00	
230-0035-45400	CDBG Grant Proceeds	15,000.00	
230-8410-57400	Project Administrative Expenses	15,000.00	
231-0018-42025	Gifts & Donations	24,000.00	
231-0018-42225	Program Income	1,735.00	
231-9700-57825	Proj.Exp. funded by Prog Income	1,735.00	
231-9700-57850	Construction/Improvements	24,000.00	
	Number of Entries: 12	\$92,404.00	\$0.00

Motion was made by Mr. Murray, seconded by Mr. Bennett, that the first paragraph of budget amendments and appropriations be tabled until the May meeting. All members were present and voted "yes." The motion was unanimously passed.

Motion was made by Mr. Murray, seconded by Mr. Bennett, that the second paragraph of budget amendments and appropriations be approved as presented. All members were present and voted "yes." The motion was unanimously passed.

Mrs. Miller also presented the March 31, 2010 Financial Statement Package which contained a cover memo which stated,

“Enclosed please find the monthly financial package as of March 31, 2010. In the General Fund, 82% of budgeted revenues and 71% of expenditures have been recorded for the year compared to 92% and 72% last year at the same time. Revenues for the year exceeded expenditures in the General Fund by \$2,699,839 mainly due to the cyclical nature of the County’s cash flow. Keep in mind, the first forty-five days of tax revenue collections during the FY 10 fiscal year were recorded in FY 09. Likewise on the expenditure side, the first payroll of July 2009 and other FY 09 expenditures paid during July and August were charged back to that fiscal year under the modified accrual basis.

“For the current fiscal year, the School Operating Funds reflect revenue collections at 68% of the budget and expenditures at 73% compared to 69% and 70% respectively last year. The Social Services operating fund reflects revenue collections of 62% and expenditures of 64% of the adopted budget compared to 61% and 65% last year. State and federal reimbursements for Social Services come in one month after the expenditures. The Eastern Shore Regional Jail Fund shows that 69% of revenues have been collected while 65% of expenditures have been recorded. 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. For information on delinquent tax collections, please see the Delinquent Tax Report section of this report. Included are the Top 40 reports as of April 5, 2010, collection percentage reports and other information on delinquent tax collections. On a cash basis, the collection rate for current year taxes decreased from 90.33% at March 31, 2009 to 89.11% at March 31, 2010.”

(6) 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. She also indicated that the Planning Commission awaits guidance from the Board on the draft storm water management ordinance which has been developed.

The Board briefly recessed at 6:45 p.m. for a short dinner break.

At 7:15 p.m., the Chairman reconvened the meeting.

The Pledge of Allegiance was given.

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

- (i) 4/20/10: Joint meeting with Northampton County Planning Commission and Building Official
- (ii) 4/26/10: Budget work session (incl. joint mtg. w/ School Board)
- (iii) 5/5/10: State of the Commonwealth, County & Towns Breakfast
- (iv) 5/24/10: Work session – topic to be announced

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

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: April 8, 2010
RE: Bi-Monthly Update

I. PROJECTS:

A. Regional wastewater/water projects- Subcommittee Report: (2 attachments)

The PSA Exploratory Committee held its fourth meeting on March 23, 2010 with the focus of this meeting to revise and reach consensus regarding the Articles of Incorporation based upon the Board's recent deliberations. 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 March 22, 2010. **I am requesting confirmation from the Board that the draft Articles of Incorporation are reflective of the Board's position as discussed at the 3/22/10 work session.**

Mr. Murray read the following comments:

Northampton County Board of Supervisors
April 13, 2010
Comments on the Proposed PSA Articles of Incorporation

H. Spencer Murray, Supervisor, District #4

Mr. Chairman and fellow Supervisors:

I have carefully read the proposed PSA Articles of Incorporation and am pleased that the Town and County leadership have agreed on membership, purpose, and initial focus. Agreement on structure is a critical first step.

I have supported the exploration of a cooperative structure between the county and the incorporated towns for over a year. As progress is being made, some constituents who reside outside of the towns and who are unlikely to receive sewer and/or water in the near future have posed questions that deserve answers.

Some have asked "Do we really need a County wide (county and towns) Public service Authority?" Although the town and town edge residents and businesses will benefit and their fees should cover all costs, "What is the potential impact to county debt obligations and will taxes go up for all?"

Their questions and concerns are valid. Therefore we should proceed deliberately but carefully with checkpoints and stop/go decisions to assure that critical issues are surfaced and, if not satisfactorily resolved, work is stopped or an alternate path is taken.

Our Comprehensive Plan lays out our vision for the future. It contains some key assumptions and answers some key questions. If my understanding of the Comp Plan is incorrect, then it is possible that a countywide PSA may not be needed. However if, my understanding is correct, I fail to see how the vision will be achieved without one.

Some questions that have already been answered are:

1. Is infrastructure needed for targeted economic growth? I think, YES.
2. Is commercial and residential growth, supported by infrastructure desired in the towns and county town edge? I think, YES, over 15 times in the Comp Plan.
3. Is sewage treatment critical to clean water and support of Aquaculture and Agriculture, two of our economic growth areas? I think, YES.
4. Are we serious about the need for the towns and county to work together and build regional systems that represent a countywide strategy and infrastructure plan? I think, YES.
5. Without a provision for sewer and water, will businesses such as hotels, restaurants, galleries, and shops that create jobs and support destination tourism even consider coming here? I think, NO.

I always remain open to a better idea and I intend to pause at every checkpoint before agreeing to

go further with the creation of a PSA.

However, one thing is clear to me. Without targeted economic growth that expands our tax base, our county, as it is today, is financially unsustainable. We simply cannot tax land and personal property enough to provide services that ALREADY exists.

Some have said that a PSA will open up the county to sprawl, destroy our rural character, and work against the common good. If poorly planned and implemented, this is undoubtedly possible.

But I also argue that limitless taxing of land and personal property will produce the same results, again at the expense of the common good.

So, Mr. Chairman, fellow board members, and all citizens of Northampton, I believe the most important question remaining to be answered is” Can we build a professional PSA, whose members will put aside personal interests, focus on the common good, and make the Comp Plan’s vision a reality for ALL county citizens?”

I ask that these comments be entered into the formal record.

Respectfully submitted,

H. Spencer Murray

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It was the consensus of the Board that the Articles of Incorporation were reflective of the Board’s position.

I have enclosed the minutes from the 4/7/2010 PSA Exploratory Committee meeting and direct your attention to the section where we discussed the skills, fields of expertise, job requirements, etc. to be considered in the selection of potential candidates to the PSA. **If the Board is in concurrence with this, then I will move forward and place an ad in the local papers soliciting interest from citizens to serve and will also solicit on behalf of the towns as well.** Any resumes & letters of interest from town residents of Cape Charles, Cheriton, Nassawadox and Exmore will be provided to the towns for their consideration. I have requested that prior to any entity making final decisions on appointments that this information of potential appointments be shared among all entities to ensure that we are selecting a pool of appointees that represent the range of skills we are seeking.

It was the consensus of the Board that the County Administrator be directed to proceed with solicitation of prospective PSA members utilizing the skills, fields of expertise, job requirements, etc. as detailed in the minutes of the PSA Exploratory Committee.

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 Cape Charles, Cheriton & 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.** Please note that the DHCD approval includes the re-direction of a grant that we had previously applied and received (the Southern Rivers Grant) which we had asked the ANPDC to administer and oversee. With the Board's approval, I will need to request ANPDC to transfer this grant to the County so that we can administer it locally as part of this project.

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 Cape Charles
- The Mayor of Cheriton
- The Northampton County Administrator & Public Works Director
- A representative from the ANPDC
- 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. Bennett, that the Board accept the Cape Charles-Cheriton Planning Grant as detailed above and that the Management Team be appointed as defined. All members were present and voted "yes." The motion was unanimously passed.

Mr. Tankard referenced an earlier set of questions posed by him which had been forwarded to the PSA Exploratory Committee for answers. He was informed by the Chairman that the Committee was still working on the questions. Mr. Tankard then distributed the initial listing of questions as well as new additions as set out below:

General Questions about PSA:

1. Should the PSA reflect the population of the entire County, with its membership proportioned to reflect population numbers in incorp. Towns and those outside incorp. Towns? (3:1)
2. As we learned at the recent meeting in Exmore, Exmore's system is losing money, its users are not covering expenses, is a PSA willing to raise rates to cover expenses? Or will they pass this on to all County residents?
3. Should the PSA absorb any debt associated with any Town's present sewage/water system?
4. In FY 2011, how much are we going to budget for the PSA?

5. Is it safe to say that Cape Charles does not need County or PSA help?
 6. If ARRA funds are not received, does the PSA continue to operate?
 7. Is the Hospital/Heritage Hall our top priority for PSA involvement?
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8. Has Riverside Hospital expressed a desire for County assistance?
 9. Is Exmore's present system efficient enough to protect the watershed just upstream from the aquaculture hatcheries located along Parting Creek? What will an expansion mean for the viability of these hatcheries?
 10. Will any new sewage system be designed for land application of effluent?
 11. How much land will be required for a sewage treatment plant if land application is preferred? Who will purchase this land?
 12. Will mandatory sewer hook-ups be required to be eligible for ARRA funds? Have the Towns discussed the possibility of mandatory hook-ups with their respective citizens?
 13. Does this Board intend on creating a firm list of projects that are prioritized for the PSA? Should the PSA be limited to 1 or 2 clearly defined projects? Any subsequent project would again be initiated by the Board of Supervisors?

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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. We have continued to update and alter departmental content on the website. In addition, we have started work on crafting brochures on several relevant data topics that will be of use to residents, business owners, and potential new residents to our county. The delinquent tax list for both real and personal property will be posted on a quarterly basis to the County website with the first posting on Monday, April 12, 2010. One of the key items that we are working on is ensuring the public is aware of the upcoming renovation on the County Administration building and our move to temporary facilities at the former Middle School which will necessitate our closure to the public for 4 days (May 13 – May 18, 2010). We will have advertisements in the local papers starting next week and running for approximately the next two months. This advertisement will also be run on the local radio station and placed on our website and throughout the County Administration building. We are retaining the same telephone numbers so there will be no disruption in service from that perspective. We are having appropriate signage made for the middle school property as well as signage at the County Admin building to redirect the public to our temporary locations.

C. Federal Stimulus Act: (2 attachments – drawings)

The VA Department of Mines, Minerals and Energy released an additional grant application – “Local Government & School Facility Renewable Energy Utilization Program” on March 13, 2010. We forwarded this grant information to our architects, PMA, Inc. for consideration if this grant might be applicable for our court services building project. They have reviewed the grant requirements and have been able to design a modification to the building project to support a solar photovoltaic installation if we are successful in the grant application. The grant application deadline is 7:00 a.m. on Monday, April 12, 2010. **I have submitted the application but am requesting retroactive authorization from the Board for this application.** We are requesting \$170,000 through this grant. I have enclosed two pictures of how this installation would occur for this building project.

Motion was made by Mr. Murray, seconded by Mr. Randall, that the Board authorize the submittal of the Local Government & School Facility Renewable Energy Utilization Program grant in reference to the proposed court services building. All members were present and voted “yes.” The motion was unanimously passed.

D. Construction Projects – Status Reports:

- 1.) County Administration Renovations: As noted above, we are proceeding with the closure of the County Administration offices (County Administrator, Treasurer, Commissioner of Revenue, Planning & Zoning, Building, Code Compliance, & Information Technology) from May 13 to May 18, 2010 to move us from our current location to our temporary facilities at the former Northampton Middle School. County offices will be located at the back of the school property. Bids are being issued now for the asbestos and lead removal work in order that this contract will be awarded and will commence as soon as we have vacated the premises. It is anticipated that bids will be issued shortly for construction services for this renovation. We are anticipating a 12-13 month construction calendar for this project.
- 2.) Court Services/Probation Services Construction: We are anticipating bid documents to be issued by the end of this month and construction to commence in the month of June 2010. Temporary quarters for Court Services will be within the new Social Services building. We are anticipating a 9 month construction calendar for this project.
- 3.) Cheapside Waste Collection Center Construction: We are still working with our engineer to achieve compliance and approval with the requirements of E&S ordinance and stormwater management. I am scheduled for a conference call with all parties at the beginning of next week to resolve the remaining issues so that we can get this project out to bid.

4.) Eastville Green Box Site: We have been notified by the property owner that he will be selling the property on Business Rte. 13 and has requested us to remove our green boxes within 30 days of the initial notification. We have posted notifications to the public of this item and are actively searching for both a temporary and permanent location for District 4. We have been contacted and are exploring some additional properties and will provide you a full update at the Board meeting.

E. Enterprise Zone:

I have received notification from the Department of Housing and Community Development that we have received approval of all of the additions of parcels for inclusion in the Enterprise zone. However, they have denied our request to delete the parcels since the total acreage of deletion exceeds the allowable percentage contained in their regulations. The state is working to amend their regulations to remove or increase this percentage amount and feels that this will be completed by fall 2010. Therefore, we will hold these parcels that were proposed for deletion until early next year and hope that the state has amended their regulations so that we can submit them again for deletion from the map.

F. Hazard Mitigation Project Grant:

The County is in the process of closing out a Hazard Mitigation Project Grant that we received in 2005 for the elevation of certain properties in the County who had been subjected to repeated flood damage from hurricane events. Unfortunately, there were still 3 properties that were intended for elevation but due to time constraints associated with the grant these 3 properties were not done. In working with the state officials, ANPDC staff and the property owners, we have been able to submit these 3 properties for a similar grant under the recent storm emergency disaster classification from the November 2009 nor'easter. **We did submit this grant application by the deadline of March 31, 2010 and are requesting to update the Board authorization for this grant application through the Virginia Department of Emergency Management under the FEMA Emergency Disaster Declaration.**

Motion was made by Mr. Long, seconded by Mr. Murray, that the Board authorize the submittal of the grant application through the Virginia Department of Emergency Management. All members were present and voted "yes." The motion was unanimously passed.

G. VDOT Information Follow-up: (2 Attachments)

At your March 9, 2010 Board meeting, you had requested information from VDOT regarding the intersection at Route 184 & Rte. 13 and the potential to request a traffic light study further down from this intersection near the Food Lion/Shore Bank area. Enclosed is a brochure as well as the regulations concerning traffic control signal needs studies. One of the issues to consider

is that if the Board should request a traffic light study and VDOT determines that a traffic light is warranted, then the traffic light will be installed without further consideration from the community if they so desire a traffic light at the location in question. The County might benefit from a broader study request, such as an intersection study that can and will look at different options that might be available to solve the problem beyond just a traffic light.

On the recommendation of Mr. Long, it was the consensus of the Board to request the broad study request as referenced above in regard to the intersection of Route 184/Rt. 13 as well as the Food Lion/Shore Bank intersection.

H. Resolutions under consideration by the Board for Economic Development Advisory Committee & Finance Advisory Committee:

The Board may wish to consider defining timeframes for the existence of these two advisory committees (ad-hoc or permanent standing committees) as well as define a timeframe for reporting back to the board, such as within 90 days and thereafter on an annual basis. If the committees are permanent, then you will need to also define whether the terms of appointment are open ended or have a term limit (one, two or three year terms). As structured, these committees will be subject to all of the meeting requirements contained in the Freedom of Information Act, including the convening and public notification of meetings as well as the generation of minutes.

I. Bi-Annual Tax Billing:

I have convened a meeting of the involved departments (Treasurer, Commissioner of Revenue, Finance, Information Technology, County Attorney and County Administrator) to discuss the merits and obstacles regarding a bi-annual tax billing process. Due to the work load in providing you with an FY2011 budget recommendation for this agenda, I have not finalized my report from this meeting but will have a full report provided to you at the Board meeting. We have not reached a course of action but have identified several key questions that will require input from the Board before we proceed further. I apologize for not having this report completed for inclusion in the agenda packets but will provide to you as early as possible.

It was noted that there will be full discussion of this item at the May meeting.

II. MEETINGS

III. GRANT OPPORTUNITIES

IV. OTHER

Eastern Shore Soil & Water Conservation District: They will be holding Arbor Day/Earth Day events on April 24, 2010. One of the locations will be on the

courthouse green in front of the old courthouse with the event running from 10:00 a.m. – 4:00 p.m. They will be giving away plants, tree seedlings and other ornamentals which are deemed suitable for the Eastern Shore.

Business Seminars: Through our contract with the Northampton County Chamber of Commerce, the first of a series of 4 business seminars has been scheduled for April 22, 2010 with the topic of “Entering International Markets”. The event is free of charge but pre-registration is required which is being handled through the ES Community College. ESCC has partnered with the Chamber to host this event as well.

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The County Administrator presented the following memorandum with regard to the Fiscal Year 2011 budget:

MEMORANDUM

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: April 8, 2010
RE: Draft FY2011 Budget - Balanced

At the March 22, 2010 Board Work Session, I presented a draft budget that showed a substantial deficit; however, the budget was not reflective of the recently passed state budget in terms of the funding levels for the constitutional officers, certain revenue streams derived from state aid, and alterations to the retirement benefits at the Virginia Retirement System (VRS). However, the draft budget did reflect the failure of the state to fund its remaining obligation of jail construction reimbursement to the County. This total obligation is \$3,116,122; we had anticipated applying \$794,768 of this reimbursement within the Debt Service Fund for FY2011.

Following the review of the draft budget with the Board and your instructions to present to you a balanced draft budget for your consideration, I have done so with the following exception: the shortfall in the Debt Service Fund in the amount of \$794,768. This funding is not an item that we had ever anticipated as our responsibility nor factored into the debt structure as being the responsibility of the county, but rather an obligation and commitment from the state when we entered into the agreement for the construction of the Regional Jail in which the state would reimburse the county 50% of all eligible construction expenses. The state has previously paid to the County in Fiscal Year 2009 its share of the original construction costs; however, there were increased construction costs during the course of this project that were primarily mandated by state agencies and all cost increases were approved by the Board of Corrections which were taken up separately from the original reimbursement approvals. While we are working to meet with state officials to discuss this matter and are hopeful that the state will fund its final

obligations on this project, I am recommending that the Board increase the real estate tax by 3.3¢ to specifically fund this item.

Setting aside the jail debt issue from the total deficit and after revising the draft budget to reflect the state budget impacts (Compensation Board funding for constitutional officers, etc = this was an increase in revenue of \$305,097), I began with a deficit of \$1,478,342. Below is the list of reductions implemented to balance the FY2011 budget:

1. Board of Supervisors: Elimination of Professional Services – Eng & Arch of **\$4,750**.
Please note that this budget still contains funding for 2 supervisors to attend the Annual VACo conference.
2. County Administration: Reduction of office supplies - **\$2,000**.
3. Treasurer: Reduction in Fees & Charges - **\$6,000**.
4. Finance: Reduction in Advertising - **\$1,200**.
5. Information Technology: Reduction in Computer Hardware - **\$3,900**.
6. Circuit Court: Reduction in Compensation for Jurors & Witnesses (\$1,960) & Office Supplies - \$1,200. Total reduction is **\$3,160**.
7. Clerk of Court: Increase Telephone (\$1,000); reduce Office Supplies (\$2,000); reduce Printing & Binding (\$6,200); increase maintenance contracts (\$3,700). Total reduction is **\$3,500**.
8. Sheriff Operational Expenses: Increase of retirement obligations (\$676); reduction of Meals & Lodging (\$700); tuition & registration (\$320); Office Supplies – Comp. Hardware (\$2,400). Total reduction is **\$2,744**.
9. Compensation Board Funding – Personnel & Benefits: The state instituted several measures in the funding streams for the Constitutional Officers, including an across the board reduction in the base funding for each constitutional officer. SHERIFF/JAIL - \$192,364; COMMONWEALTH ATTORNEY - \$17,510; CLERK OF COURTS - \$6,295; COMMISSIONERS OF REVENUE - \$16,497; TREASURER - \$19,591. I have proposed to fund the state reductions for the Commonwealth Attorney, Clerk of Courts, Commissioner of Revenue & Treasurer; however, I have not been able to absorb the state reduction for Sheriff/Jail. In consideration of the likelihood of these reductions, the Sheriff has experienced some staffing vacancies over the past year which he has kept vacant, particularly in the staffing the regional jail (7 corrections deputies, 1 cook & 1 nurse). Please note that these positions are part of the minimum staffing required by the Department of Corrections. Total reduction is **\$192,364**.
10. Ambulance & Rescue: Reduction due to use of actual grant pass-thru funds vs. estimate - **\$457**.

11. Emergency Medical Services: Reclassify requested building improvements (move to Middle School and improve space for EMS Office, including garage facility) from General Fund funding to Capital Plan funding (\$275,000); add revenue of USDA grant for funding the local match for ambulance purchase (\$34,206); reduction in operational expenses (\$4,900). The total reduction is **\$314,506**.
12. Judicial Court Services: Reduction in Contracted Housing (\$14,270) and reduction in office supplies (\$500). Total reduction is **\$14,770**.
13. Solid Waste: Increase Professional Services – Eng. & Arch. to reflect increased DEQ fees which were part of the state budget (\$1,100); reduce Repairs & Maintenance (\$8,260); reclassify expenses within budget to separate out contract for hauling services with Davis Disposal which is currently funded within Repairs & Maintenance and to move to Other Contracted Services – no change in budget numbers; reduce Hauling & Disposal line items (\$30,000 total). The total reduction is **\$37,160**.
14. Facilities Maintenance: Reduction in Other Contracted due to lower than anticipated contract for landscaping/lawn services - **\$9,000**.
15. Planning: Increase in planning fee revenues of **\$17,250**.
16. Planning: Reduction in Postage - **\$1,300**.
17. Code Compliance: Reduction in Misc-Code Enforcement - **\$15,000**.
18. Extension Services: Reduction in Compensation – Other Contracted - **\$16,181**.
19. Extension Services – Johnsongrass: Reduction in Salaries - **\$1,996**.
20. Electricity Line Items in the General Fund across all departments: Reduction of **\$28,000**.
21. Telephone Line Items: Reduction of **\$800**.
22. Fuel Reductions across all Departments: **\$14,300**.
23. Virginia Retirement System – Group Life Benefits: Reduction in county contribution due to alteration of funding percent - **\$57,140**.
24. Regional Agencies: The spreadsheet that was provided to the Board at your March 22, 2010 work session and included again with this memo detailed the amount of funding required from the County based upon Accomack’s proposed funding. These ratio amounts were already included in the draft budget presented at that meeting.
25. Outside Agency Requests: FIRE & RESCUE - Reduce funding by \$2,000 for each company (\$10,000); ANIMAL CONTRIBUTION – Add funding to bring into compliance with funding formula (\$2,347); CAPE CHARLES LIBRARY – level fund

request (reduction of \$4,500); COMMUNITY DEVELOPMENT – eliminate new requests from Cheriton DMV (\$15,000) and Cape Charles Other Contribution for share of breakwater expenses and fireworks (\$105,000); OTHER ECONOMIC DEVELOPMENT – Small Business Development Center Contribution – eliminate request for increase (\$4,000) as well as the original contribution which was instituted in the FY2010 budget (\$1,000). Total reductions are **\$137,553**.

- 26. Social Services: Reduction of 5% in local contribution - **\$24,577**.

- 27. Regional Jail Fund Operational Expenses: Increase in retirement obligations (\$16,174) Reduction in electricity (\$15,000); heating & cooling (\$14,500); postage (\$500); telephones (\$1,360); travel – meals (\$1,500); extradition (\$500); office supplies (\$3,300); food supplies (\$15,000); medical (\$45,000); janitorial (\$2,000); laundry (\$1,000); linen (\$1,000); and firearms (\$2,500). The total reduction in operational expenses is **\$86,986**.

- 28. School Contribution: The FY10 contribution is \$8,122,081 which includes \$363,000 for school bus leases. I backed out the school bus leases and then imposed a 10% reduction which totals \$6,982,993 then I added the actual cost of the school bus leases (whereas we had previously been using an estimated cost of the leases in prior budgets) which total \$325,000 to come to a total recommended school contribution of \$7,307,993. This translates to a reduction of **\$814,088**.

- 29. This budget holds the line on the County contribution towards health insurance that was established in the FY09 budget. Even though we will be experiencing an increase in our health insurance premiums, the increase will reside solely with the employees.

- 30. This budget does not contain any increases (no COLAs, no merit increases) for any of the staff.

- 31. Land Use Exemptions (AFDs & Conservation Easements) – Commissioner of the Revenue Anne Sayers is still processing and finalizing the exact impact of the approved AFDs & Conservation Easements. We are currently using \$1,328,979.96 as the impact of this item. If this item is reduced, then it will increase our tax revenue projection. If this item is increased, then it will reduce our tax revenue projection.

These alterations to the budget total \$1,810,682. When you subtract the deficit of \$1,478,342 from the alteration total, this provides a “surplus” of \$332,340. Again, this is predicated on the separation of the jail debt obligation and funding that through a 3.3¢ tax increase. In the attached budget reports, the bottom line reflects the inclusion of the jail debt expense without any increase in the revenue stream (332,340 surplus - \$794,768 jail debt expense = **<\$462,428>**).

This budget recommendation has been based upon retaining the services necessary to implement the Board’s 2010 Goals & Objectives.

* * * * *

A full discussion of this budget item will occur at the April work session.

Citizen Information Period:

Mr. G. F. Hogg, Jr., read the following comments:

Attached are my comments to the Board. I have concerns over traffic safety. Many citizens have expressed similiar concerns over the same issues but no one has the desire to address the issues in a timely manner. In the attachment I have outlined a proposed solution to the traffic safety issue. It includes a short term improvement and Corrective measures that need to be addressed in coming months. If anyone has a better solution please forward their recommendation to me.

Please advise if there is a need for an AD HOC committee to get the job done.

The median crossing south of the Cape Charles Light is Dangerous!!!

A majority of your constituents agree it is Dangerous. At the March Meeting Board members agreed that the crossing was Dangerous. Not only is it dangerous but because U.S. 13 is considered one of the more dangerous highways in Virginia it affects the automobile insurance rates of county citizens.

Today I am presenting petitions to the Board, signed by persons that use the strip mall facility south of the Cape Charles stoplight and want to see some solution to the traffic problem implemented prior to further development within 1500 feet of the crossing.

In addition, I am presenting some steps for remediation of this public safety issue.

Most recently this particular crossing has become more problematic due to the Board of Zoning Appeals granting several variances for the development of a parcel directly to the west of the crossing. The parcel of land has been used for **approximately 50 years** as a gravel parking lot for the adjacent restaurant business and as a drainfield for the benefit of the restaurant business. In addition the land owner has granted privileges to Shore Bank for access. Now after granting privileges to others the owner claims hardship on

In the past the Board of Supervisors has Challenged "POOR DECISIONS" made by the BZA in the Circuit Court.

This issue was brought before the Board at the February Work session. Time was of the essence and the Board did not have adequate time to have a public meeting prior to the expiration of the 30 day window to appeal the BZA decision. A legal action was brought in a timely manner by citizens. As a part of correcting the problems at the crossing I am requesting the Board of Supervisors to request leave of the Court and join the Petition and Writ of Centatoria as an INTERVENER in order to correct PART of the safety issue.

2) As a second part to Correcting issues at the crossing, I am requesting the Board to send a letter to VDOT requesting the speed limit be reduced from 55 MPH to 45 MPH. A "SPEED STUDY" must be done before April 23 in order for Mr. Isdell to assist in getting this done in a timely manner.

Mr. Isdell informed the Board at the March Meeting that if VDOT is requested to perform a traffic study **the Board and the Citizens may not like the results.**

3) In addition I am submitting a proposal to manage traffic at the strip mall for additional consideration. It includes the following:

a) No EGRESS from the South entrance of the strip mall. Only INGRESS
b) Construction of a access or roadway across the railroad track and tie into BUSINESS U.S. 13 and close off the north exit to the strip mall. This will provide the option of access for southbound traffic at the Cape Charles Stoplight as well as access to other points south via the Seaside Road. It also provides access to Cape Charles via the light.

4) In the future request a STOP LIGHT at the intersection of U.S. 13 and Bayview Circle (S.R. 642)

All parties recognize the need to correct the problem at this crossing. The correction begins with the Board recognizing there is a significant PUBLIC SAFETY issue at hand and correcting the error of BZA. The Board is being given the opportunity to correct that decision to not take the appropriate action would be in error.

I would like to go on record as advising the Board that another crossing similar to this crossing is currently planned for the median crossing 1000' south of this median crossing.

How does something like this happen? We have brought this problem on ourselves!!!! WE have met the enemy, it is us!!!!!!!!!!!!!!

In this county, the developer's engineer, with the assistance of VDOT's Book of Minimum Standards, proposes an entrance to the developer's project. Staff transmits the plans to VDOT for review and compliance with the Minimum Standards. Staff's position is if it meets VDOT's Minimum Standards, it meets the needs of the County. It is obvious to me and many of your constituents that employing VDOT's Minimum Standards may neither be acceptable to the users in the community nor good for the motoring public transiting our community.

Examples are:

We have one of the most dangerous highways in the Commonwealth of Virginia.
The numerous Stoplights in the Exmore area. Are all still needed???
The initial results of the traffic study performed on Townfield Road.

If you have any questions on any of my suggestions I am available.

In order to acquire “STANDING” the Board must join the legal action and take the lead. If the Board elects not to join the legal action the Board sends a signal to their constituents.

* * * * *

(The petitions as referenced by Mr. Hogg are on file in the Office of the County Administrator.)

Mr. Robert Richardson questioned what he called “excess spending” by the Board, noting that the County is in dire financial condition. He urged the Board to conduct quarterly constituents’ meetings.

Mr. Jack Ordeman spoke in regard to item #16 on the agenda, noting that recruitment of well-qualified CSB members is critically important. He stated that the two most recent appointees, Mr. Murray and Dr. Claudia Johnson Upshur, are imminently qualified.

Mr. Roy Ballard noted the various activities currently or soon-to-be held through the Parks & Recreation Department including volleyball, softball and summer camp.

Dr. Claudia Johnson Upshur, speaking as a member of the Community Services Board for the past 6-8 months, said that the CSB was becoming a good custodian of its \$10 million budget.

(8) Mr. Edward Lewis, President of the Virginia Watermen’s Association, noted that the group was continuing to meet and to raise funds for the construction of its proposed monument and requested another five-years on its easement. Mr. Johnny Crumb was also present and indicated that there was no problem with the lack of dedicated right-of-way to the memorial from the driveway on the property.

Motion was made by Mr. Murray, seconded by Mr. Long, that the Board amend the Deed of Easement with the Friends of the Virginia Waterman’s Memorial on the Eastern Shore, Inc.,

specifically paragraph #2, to read, “2. This easement shall expire if the memorial is not fully installed by December 31, 2014.” All members were present and voted “yes.” The motion was unanimously passed.

Mr. Tankard indicated that there was still concern over the lack of dedicated right-of-way as well as lack of parking in the area.

Public Hearings:

The Chairman called to order the following public hearing:

(9) Conduct public hearing to solicit public comment on the proposed transfer of Tax Map 90-0A-00-004C (Nature Preserve Parcel) consisting of 28.8 acres, from the County of Northampton to the Commonwealth of Virginia, Department of Conservation & Recreation.

The County Administrator provided background on this matter with a memorandum which stated,

MEMORANDUM:

TO: Northampton County Board of Supervisors
FROM: Katherine H. Nunez, County Administrator
DATE: April 6, 2010
SUBJECT: Transfer of Nature Preserve Parcel

As some of you may recall from the Sustainable Technologies Industrial Park (STIP) project, we received numerous grants to assist in the purchase and development of this project. One of those grants was through the Department of Conservation & Recreation (DCR) who in turn received funds from the U. S. Fish & Wildlife Service for the purchase of 28.8 acres to be dedicated as a nature preserve as well as dedication of an additional 25 acres under a conservation easement within the Park boundaries.

In 2007, we regained control of the property from the IDA and began resolving the various grant conditions. As we proceeded forward with a sale to private economic developers, we had reached concurrence with DCR that we would transfer ownership of the nature preserve to them. However, we were unable to fulfill the other obligation of dedicating 25 acres as a conservation easement since some of the STIP property had previously been sold to an adjacent property owner for use as a parking lot.

Therefore, after a series of negotiations, we reached agreement reserving certain funds in escrow from the sales proceeds that we equated to the value of the 25-acre conservation easement less

the value of the right-of-way that the County preserved to access the nature preserve (without said right-of-way, the nature preserve is a land-locked parcel). This matter was not fully executed at the time of the sale of the STIP properties to South Port, LLC, because DCR needed to gain full approval from U.S. Fish & Wildlife Service for these substantial changes to the original grant conditions.

In November 2009 as requested and required, we did release the escrow funds to meet the first condition and now we are holding a public hearing to move forward with the official transfer of this property with the approved language agreed to by all parties which will satisfy the remaining grant conditions.

* * * * *

Mr. Robert Richardson said that the County should not give this property to anyone and requested that the Board table action on this issue.

Mr. G. F. Hogg, Jr., spoke of the County's efforts to encourage tourism and suggested the possibility of a property transfer between the County and DCR.

Mr. Roy Ballard said that he had spent time on this parcel assisting with the construction of the boardwalk .

Mr. Bob Meyers stated that he supported the transfer of the parcel to DCR.

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

Motion was made by Mr. Murray, seconded by Mr. Tankard that the Board adopt the following resolution and approve the Deed therefor relative to the transfer of the subject parcel to DCR. All members were present and voted "yes." The motion was unanimously passed. Said resolution as adopted is set forth below:

**RESOLUTION OF THE
NORTHAMPTON COUNTY BOARD OF SUPERVISORS**

WHEREAS, Northampton County ("County") and the Commonwealth of Virginia, Department of Conservation and Recreation ("DCR") entered into an Agreement dated February 10, 1997 ("First Agreement"), for the purchase of the Cape Charles Natural Area Preserve (the "Preserve") with National Coastal Wetlands Conservation Grant Program funds provided through DCR from United States Fish & Wildlife Service ("USF&WS") Grant Agreement #VA C-4-L-1; and

WHEREAS, the First Agreement provided that DCR would transfer funds it received from USF&WS to the County, and the County would (1) purchase a 28.8-acre natural area with those federal grant funds, (2) dedicate that property into the Virginia Natural Area Preserve System, and (3) contribute, as a required match for the federal grant, an open-space easement to protect 25 acres of wetlands in the adjoining Cape Charles Sustainable Technologies Industrial Park as shown on Attachment D attached to the First Agreement; and

WHEREAS, the County completed the first two commitments, having acquired the 28.8 acre natural area by deed dated February 25, 1997, and recorded in the Clerk's Office of the Circuit Court of the County of Northampton, Virginia, in Deed Book 287, page 70, and having dedicated the 28.8 acre parcel into the Virginia Natural Area Preserve System by Deed of Dedication dated March 13, 1997, and recorded in the aforesaid Clerk's Office in Deed Book 287, page 74; and

WHEREAS, the County no longer owns all of the land proposed as, and shown as the Match Parcel (25 acres) on Attachment D attached to the First Agreement; and

WHEREAS, the County and DCR entered into a Second Agreement signed on February 27, 2008 by the County and signed February 26, 2008, by DCR, (the "Second Agreement"), which Second Agreement contained additional terms and conditions to complete the requirements under the First Agreement and the Grant, including *inter alia*: an agreement for the County to provide a match parcel equivalent in value and usefulness to the original proposed match parcel shown on Attachment D attached to the First Agreement, an agreement for the County to convey fee title of the Cape Charles Natural Area Preserve to DCR together with a deeded fifty (50) foot wide right-of-way for DCR and the public to access the Preserve by vehicle and on foot, and an agreement that these actions would be completed by December 31, 2008.

WHEREAS, Northampton County, as Grantor in that certain deed dated February 27, 2008, recorded in the Clerk's Office of the Circuit Court of Northampton County, Virginia on February 28, 2008, as Instrument Number 080000441, reserved for itself and its successors and assigns a non-exclusive, perpetual fifty (50) foot wide easement for pedestrian and vehicular access, ingress and egress from State Route 1117 to serve the 28.8 acre Parcel 90-A-4C in, to, over, under, along and across adjoining tracts further identified below; and

WHEREAS, by Amendment to the Second Agreement Between the Commonwealth of Virginia, Department of Conservation and Recreation and Northampton County, Virginia, signed December 19, 2008, by the County and signed December 12 2008 by DCR ("Amendment One"), the deadline for completion of the requirements contained in the Second Agreement was extended to December 31, 2009; and

WHEREAS by Second Amendment to the Second Agreement Between the Commonwealth of Virginia, Department of Conservation and Recreation and Northampton County, Virginia signed by the County on December 29, 2009, and signed by DCR on December 30, 2009 ("Amendment Two"), the time period for the conveyance by the County and the

acceptance by DCR of title to the “Cape Charles Natural Area Preserve” was extended to July 1, 2010.

NOW, THEREFORE, Be It Resolved that the Board of Supervisors of Northampton County does hereby resolve to grant, transfer and convey with **SPECIAL WARRANTY OF TITLE** unto the Commonwealth of Virginia, Department of Conservation and Recreation, an agency of the Commonwealth of Virginia, the following described parcel of land, in consideration of the County’s obligations under the First Agreement and the Second Agreement, as amended by Amendment One and Amendment Two, and further in consideration of the public interest and other good and valuable consideration, the receipt of which is hereby acknowledged by the party of the first part, to wit:

All that certain lot, piece or parcel of land, with the buildings and improvements thereon, situate, lying and being in the Town of Cape Charles, Capeville District, Northampton County, Virginia, also known as Tax Parcel No. 90-A-4C, containing 28.8 acres +/- and designated as “Area = (to approximate mlw 28.8 acres+/-” as shown on that certain plat of survey entitled “Parcel of Land to be Conveyed to the “Sustainable Technologies Industrial Park” Cape Charles, Capeville District, Northampton County, Virginia” dated January 13, 1997, and prepared by Shore Engineering Co., Inc., Engineers - Surveyors, which said plat is recorded in the Clerk’s Office of the Circuit Court of Northampton County, Virginia, at Plat Book 25, pages 12 and 13.

IT BEING Tract 3 of the property conveyed to Northampton County by deed from the Joint Industrial Development Authority of Northampton County and its Incorporated Towns, a political subdivision of the Commonwealth of Virginia, by deed dated August 18, 2006, and recorded in the aforesaid Clerk’s Office as Instrument No. 06002409.

TOGETHER WITH that certain non-exclusive, perpetual fifty (50) foot wide easement for pedestrian and vehicular access, ingress and egress from State Route 1117 to Parcel 90-A-4C in, to, over, under, along and across:

(a) that portion of Tract 2 (being Parcel 90-8-1A1) designated as “50’ Ingress/Egress Easement To Be Reserved To Benefit Tax Parcel #90-A-4C” on that certain plat dated February 13, 2008, made by Shoreline Surveyors, entitled “Subdivision of Sustainable Technologies Industrial Park, Tax Parcels #90-A-1A & #90-8-1A1 Town of Cape Charles Northampton County, Virginia for County of Northampton”, which plat is duly recorded in the aforesaid Clerk’s Office in Plat Book 39 Pages 88, 89 and 90; and

(b) that strip of land that is 11.29 feet wide and 80 feet long beginning at the southeasterly corner of the property designated on the aforesaid plat as ‘Parcel 1A2 AREA = 139,394 SF or 3.200 AC”, thence running S 11° 18’ 29” E a distance of 11.29 feet, thence running S 78° 41’ 31”W a distance of 80 feet, thence running N 11° 18’ 29” W a distance of 11.29 feet, thence running N 78°

41' 31"E a distance of 80 feet.

Be It Finally Resolved that the Chairman and is authorized to execute the requisite deed to effect such transfer.

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

(10) Special Use Permit 10-04: Bobette Price has applied to locate an accessory living unit on property owned by Robert L. Lewis located at 5105 Plantation Drive (SR 643). The property, zoned A/RB Agriculture/Rural Business District, is described as being Tax Map 92, double circle 1, parcel 3A. **THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT**

While the Chairman noted that the applicant has requested to withdraw this petition, he said that if there were any present desiring to speak, they would be heard. No one spoke.

It was the consensus of the Board to approve the withdrawal at the request of the applicant.

The Chairman called to order the following public hearing:

(11) Zoning Text Amendment 10-03: The Northampton County Planning Commission proposes to amend the Northampton County Code §154.003 (C) *Specific Definitions* by amending the definitions of **ACCESSORY LIVING UNIT, ARTISAN STUDIO, ARTIST STUDIO, DESIGN STUDIO,** and **DWELLING UNIT.** The Planning Commission also proposes to amend Chapter 154 Appendix A-Use Regulations, Category 3-Commercial Uses in the Northampton County Code to revise the references to "Art Studio" to read "Artist Studio" and to allow **DESIGN STUDIO** with a Minor Special Use Permit in the Waterfront Village-Neighborhood Business District.

He asked if there were any present desiring to speak.

Ms. Benson indicated that the Planning Commission was recommending approval of this petition.

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

Motion was made by Mr. Tankard, seconded by Mr. Murray, that Zoning Text Amendment 10-03 be approved as presented in keeping with Planning Commission

recommendation and staff report. All members were present and voted “yes.” The motion was unanimously passed.

Chairman Trala called to order the next public hearing:

(12) Zoning Text Amendment 10-04: The Northampton County Planning Commission proposes to amend Northampton County Code §154.249 **PROVISIONS FOR SPECIAL USES** by inserting the following language: *“Single-section or multi-section manufactured homes that comply with the current HUD manufactured housing code are exempt from the requirements of this Section in accordance with §154.246 (D) (2) provided that the degree of nonconformity is not increased.”* Both sections referenced are under the general category of **Nonconforming Uses & Vested Rights Policy**.

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

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

Mr. Robert Richardson said that he was assuming that the amendment would not interfere with the State Code.

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

Motion was made by Mr. Tankard, seconded by Mr. Bennett, that Zoning Text Amendment 10-04 be approved as presented in keeping with Planning Commission recommendation and staff report. All members were present and voted “yes.” The motion was unanimously passed.

Action Items

(13) Consider Sole Source Determination in regard to the acquisition of two compactor units for the remaining two waste collection centers (Districts One and Four)

Motion was made by Mr. Murray, seconded by Mr. Tankard, that the Board select Mid-Atlantic Waste Systems as the sole source for the acquisition of the two remaining compactor units for the District One and District Four Waste Collection Centers and that the determination therefore be so adopted. All members were present and voted “yes.” The motion was unanimously passed.

(14) Consider renewal of scrap metal contract to Schultz & Sons for the period March 20, 2010 – March 19, 2011.

Motion was made by Mr. Tankard, seconded by Mr. Bennett, that the Board approve a renewal of the scrap metal contract to Schultz & Sons for the period March 20, 2010 through March 19, 2011 in accordance with its proposal of \$101.30 per long ton. All members were present and voted “yes.” The motion was unanimously passed.

(15) Consider adoption of a concurring resolution in regard to Accomack County’s application for Enterprise Zone Amendment.

Motion was made by Mr. Randall, seconded by Mr. Bennett, that the Board adopt the following resolution, concurring with Accomack County’s proposed amendment to its Enterprise Zone. All members were present and voted “yes.” The motion was unanimously passed. Said resolution as adopted is set out below:

RESOLUTION

WHEREAS, the Counties of Accomack and Northampton constitute the Accomack-Northampton Enterprise Zone; and

WHEREAS, the County of Accomack deems it necessary to amend its boundaries of the Accomack-Northampton Enterprise Zone; and

WHEREAS, it is required that all participating jurisdictions approve any amendment to the boundary of the Enterprise Zone.

NOW, THEREFORE, BE IT RESOLVED, that the County of Northampton hereby approves the amendment to the Accomack-Northampton Enterprise Zone as petitioned by the County of Accomack.

* * * * *

(16) Consider adoption of a Resolution to Revise Previous Resolutions Relating to the Eastern Shore Community Services Board to Assure Conformity with Chapter 5 of Title 37.2 of the Code of Virginia.

A Resolution to Revise Previous Resolutions Relating to the Eastern Shore Community Services Board to Assure Conformity with Chapter 5 of Title 37.2 of the Code of Virginia

Whereas, Chapter 5 of Title 37.2 of the Code of Virginia, 1950, as amended, provides for every county or city to establish a community service board, by itself, or in combination with another city or county; and

Whereas, the currently enacted resolutions of Northampton County relating to a community services board are not in accordance with current amendments to the Code of Virginia or current Northampton County ordinances regarding election districts; and

Whereas, by separate resolutions, of the Board of Supervisors of Accomack County and Northampton County dated April 21, 1971, both jurisdictions established the “Eastern Shore Community Mental Health and Mental Retardation Services Board”, such board to be comprised of fifteen members, appointed by the Chairman of the Board of Supervisors, ten from Accomack County and five from Northampton County, for staggered three-year terms as set forth in those resolutions; and

Whereas, by resolution dated October 14, 1980, the Board of Supervisors of Northampton County agreed to reduce by attrition the size of the Mental Health and Mental Retardation Service Board from fifteen to nine, with six members being from Accomack County and with three members being from Northampton County, “one to serve from each district in Northampton County”; and

Whereas, by resolution dated October 15, 1980, the Board of Supervisors of Accomack County agreed to reduce by attrition the size of the Mental Health and Mental Retardation Services Board from fifteen to nine members, “six of whom will represent Accomack county and three to represent Northampton County” with no limitation as to district from which the member will be appointed; and

Whereas, by resolution dated July 8, 1991, Northampton County ceased to use a system of three magisterial districts for election purposes and embraced the use of six election districts; and

Whereas, over the years, specially in 2006, the Northampton County Board of Supervisors has appointed members to the Eastern Shore Community Services Board without regard to magisterial district; and

Now, therefore; be it enacted, and upon adoption by the Board of Supervisors of Accomack County of the same or a substantially similar resolution, this resolution is adopted as set out below:

**A RESOLUTION ESTABLISHING
THE EASTERN SHORE COMMUNITY SERVICES BOARD**

Section 1. Name.

The name of the board described herein is the Eastern Shore Community Services Board.

Section 2. Joint Board of Northampton and Accomack Counties.

The Eastern Shore Community Services Board is a joint board of Accomack County and Northampton County and is a continuation of the Eastern Shore Community Mental Health and Mental Retardation Services Board established by both jurisdictions by separate resolutions April 21, 1971.

Section 3. Type of board, powers and duties.

The Eastern Shore Community Services Board shall be an “operating board” as defined in Va. Code Section 37.2-100, the members of which are appointed in accordance with Va. Code Section 37.2-501 and which shall have the powers and duties enumerated in subsection A of Va. Code §37.2-504 and §37.2-505, as amended from time to time.

Section 4. Own Fiscal Agent.

The Eastern Shore Community Services Board is authorized to act as its own fiscal agent.

Section 5. Membership.

The Eastern Shore Community Services Board shall consist of nine members, to be appointed by the governing bodies of the two member jurisdictions, consisting of Accomack County and Northampton County. The governing body of Accomack County shall appoint six members from that locality and the governing body of Northampton County shall appoint three members.

Prior to making appointments, the governing body of each jurisdiction shall disclose the names of those persons being considered for appointment

Appointments to the Eastern Shore Community Services Board shall be broadly representative of the community. One-third of the appointments to the board from each jurisdiction shall be identified consumers, former consumers or family members of consumers or former consumers. At least one member shall be a consumer receiving services. If at any time there is no member who is a consumer receiving services, the jurisdiction first having a vacancy shall appoint a member from this category or persons. One or more appointments may be nongovernmental service providers. Sheriffs or their designees also shall be appointed, when practical. No employee of any community services board or employee or board member of an organization that receives funding from any community services board shall be appointed a member of that board. The board shall not be composed of a majority of local government officials, elected or appointed, as members, nor shall either county be represented on the board by more than two officials, elected or appointed.

The currently serving members of the Eastern Shore Community Services Board shall continue in accordance with their terms of appointments, the terms of which were set forth in the resolutions of both counties dated April 21, 1971. Subsequently, vacancies shall be filled for unexpired terms in the same manner as original appointments, staggered terms of three years,

beginning on January 1 of the year of appointment. No person shall be eligible to serve more than three full three-year terms; however, persons appointed to fill vacancies may serve three additional full three-year terms.

Section 6. Removal of Member for Cause.

Any member may be removed by the appointing jurisdiction, for cause, after being given a written statement of the causes and an opportunity to be heard thereon.

Section 7. Withdrawal of Either Locality from Joint Community Services Board.

In accordance with Section 37.2-510 of the Code of Virginia, neither jurisdiction shall withdraw from participation in the joint Eastern Shore Community Services Board without providing two years' notice to the other participating county, unless both counties agree to an earlier withdrawal.

* * * * *

Mr. Murray read the following comments:

Northampton County Board of Supervisors
April 13, 2010

Resolution to Revise Previous Resolutions Relating to the Eastern Shore
Community Services Board

Comments of H. Spencer Murray
Supervisor, District #4

Mr. Chairman and fellow Supervisors:

The Eastern Shore Community Services Board is an extremely complex agency addressing the mental health, intellectual disability, and substance abuse issues facing both Northampton and Accomac Counties.

We have before us tonight a revision to a resolution passed in 1980, a time when Northampton County had three magisterial districts which were also voting districts for the then three Northampton Supervisors. Three appointees to the Community Services Board were to be made, one from each magisterial/voting district.

In 1991, the county ceased to use magisterial districts for voting and adopted six voting districts for six supervisors. Over the past two decades numerous revisions to commission and board resolutions have been made to appoint both by voting district and at-large members to serve. For instance, the Northampton School Board has eight members, one from each voting district and two at-large, serving staggered four year terms.

After my appointment to the CSB in December 2009 someone initiated an extensive search of county records which revealed that the 1980 resolution had not been revised to reflect the 1991 resolution which eliminated use of magisterial districts. It was also discovered that Dr. Claudia Johnson, a current CSB board member and I reside in the same old magisterial district.

The resolution revision we have before us tonight was written by the County Attorney to bring the county into full compliance with its current CSB appointments and to comply with the VA Code requirement that one-third or one appointment be a consumer, former consumer, or family member of a consumer receiving CSB services. The revision calls for members to serve three year staggered terms and are appointed at-large. I support this revision because I believe the county should have the flexibility to appoint the three most qualified citizens, unrestricted by their residence.

There has been discussion on this board suggesting that appointments continue to be made by old magisterial district. Other than to nullify the most recent appointment to the CSB, namely this supervisor, I can find no reason to make the CSB appointments the only use of magisterial districts for appointments. Furthermore, if appointments are **not** made at large but have staggered terms, the one third, or member who is a consumer or family member will always come from the same district, unless the county is willing to be non-compliant with this VA Code provision for at least one year every three years.

I do not know what forces are driving these attempts to nullify my appointment, which began at the first meeting of this board in January and have continued ever since. If it is petty and shameful local politics, Mr. Chairman, I suggest that this board has more important matters to which we should all direct our attention. After all, the larger issue is **not** about me or Dr. Johnson. It is about serving our citizens.

By vote of the majority of the board, it can do whatever it will. If old magisterial districts are used only for CSB appointments, I do respectfully request that an explanation be given to me and the citizens of the county.

I request my remarks be made a part of the official record.

Sincerely,

H. Spencer Murray
Supervisor, District #4

* * * * *

Mr. Randall stated that he was concerned because some appointments were made prior to the new Board taking office in January. His only concern was the joint resolution in place with Accomack County. He stated that he wanted to make sure that the Board is following the rules

and for that reason, would not support the proposed resolution.

Mr. Murray said that he saw no reason to continue the use of magisterial districts for appointments and that he failed to understand the motivation to do so in this case when magisterial districts are not used for any other board or committee.

Mr. Tankard stated that the Board has two choices: (1) they can stick with the earlier resolution (“dinosaur”); or (2) go with the new resolution allowing greater flexibility with appointments.

Motion was made by Mr. Murray, seconded by Mr. Tankard, that the foregoing resolution be adopted as presented. All members were present and voted “yes,” with the exception of Mr. Randall who voted “no.” The motion was passed.

(17) Consider approval of Moral Obligation Agreement with the Accomack-Northampton Planning District Commission, committing each County to provide for a secondary source of repayment in regard to the railroad carfloat repair loan.

Mr. Murray noted that he is a member of the Accomack-Northampton Planning District Commission and serves as Chairman of its Loan Committee. He said that he has been advised by legal counsel that he is permitted to vote on this issue.

Mr. Tankard also noted his membership on the ANPDC but believes that it is not a conflict of interest for him to vote on this matter.

Messrs. Trala, Randall and Bennett also disclosed their membership on the Accomack-Northampton Transportation District Commission.

Motion was made by Mr. Murray, seconded by Mr. Bennett, that the Moral Obligation Agreement be approved contingent upon review of legal counsel. All members were present and voted “yes.” The motion was unanimously passed.

Mr. Randall discussed the following two items jointly:

(18) A Resolution to Create a Finance Advisory Committee

A RESOLUTION TO CREATE A FINANCE ADVISORY COMMITTEE

WHEREAS, under Section 15.2-1411 of the Virginia Code, the Board of Supervisors is designated as the policy-determining body of the county and vested with all rights and powers conferred on boards of supervisors by general law; and

WHEREAS, Section 15.2-403 (B) provides that the Board may require of all departments, divisions, agencies and officers of the county of the several districts of the county such annual reports and other reports as may in its opinion the business of the county requires; and

WHEREAS, the current economic conditions within the County have strained the Board of Supervisors' ability to provide the number and quality of services appropriate to fully protect the health, welfare and safety of the county and its residents, and threatens to jeopardize future funding of needed projects and services, and;

WHEREAS, the need for increased revenues is essential for the continuing health, welfare and safety of the county; and

WHEREAS, Northampton County is disproportionately reliant upon the property tax as a source of revenue; and

WHEREAS, the county's sources of tax revenues are already limited by existing debt and the lack of economic growth, and the need for innovative suggestions and proposals requires special consideration in order to minimize or avoid possible tax increases.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Northampton establish a Financial Advisory Committee, composed of 2 Supervisors elected by a majority of the Board, the Commissioner of the Revenue, the Treasurer of Northampton County, the Finance Director of Northampton County, the Chairperson of the Northampton County School Board, and 3 residents of Northampton County who have special expertise in financial matters, which such residents shall be appointed by a vote of a majority of the Board of Supervisors. The members shall serve without compensation.

The function of this Advisory Committee shall be to review the financial condition of Northampton County and propose recommendations for improving the management of the County's existing revenues and obligations and identify potential sources of new revenue streams that might reduce the county's reliance upon the property tax to finance government operations.

The Chairman of the Finance Advisory Committee shall be a member of the Board of Supervisors, as determined by a majority vote of the Board of Supervisors. The Vice Chairman shall be elected by a majority vote of the members of the Advisory Board.

The Finance Advisory Committee shall have the power to review the budgets and operations of each department, division, agency, board and commission of the Northampton County government, and shall have the authority to conduct such meetings as it deems necessary and appropriate, subject to the requirements of Section 2.2-3700 of the Virginia Code of 1950, as amended.

The Financial Advisory Committee shall report directly to the Northampton County Board of Supervisors and shall submit such recommendations to the Board as it deems appropriate.

* * * * *

(19) A Resolution to Create an Economic Development Advisory Committee

**RESOLUTION TO CREATE AN
ECONOMIC DEVELOPMENT ADVISORY COMMITTEE**

WHEREAS, under Section 15.2-1411 of the Virginia Code, the Board of Supervisors is designated as the policy-determining body of the county and vested with all rights and powers conferred on boards of supervisors by general law; and

WHEREAS, Section 15.2-403 (B) provides that the Board may require of all departments, divisions, agencies and officers of the county of the several districts of the county such annual reports and other reports as in its opinion the business of the county requires; and

WHEREAS, over the last few decades, Northampton County has experienced a significant decrease in population and a lack of economic growth; and

WHEREAS, the average medium income within Northampton County is far below the average medium income within the Commonwealth of Virginia; and

WHEREAS, the lack of economic development is jeopardizing the ability of the county's residents to obtain meaningful employment opportunities on the Eastern Shore, and jeopardizes their ability to improve their standard of living comparable within the Commonwealth as a whole.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Northampton establish an Economic Development Advisory Committee, composed of 2 Supervisors elected by a majority of the Board, and 3 residents of Northampton County, which such residents shall be appointed by a vote of a majority of the Board of Supervisors, and whose members shall serve without compensation.

The function of this Advisory Committee shall be to examine the current economic condition of Northampton County and propose recommendations for actions by the Board of Supervisors which will encourage economic development and which provide meaningful work for its residents.

The Chairman of the Economic Development Advisory Committee shall be a member of the Board of Supervisors, as determined by a majority vote of the Board of Supervisors. The Vice Chairman shall be elected by a majority vote of the members of the Advisory Board.

The Economic Development Advisory Committee shall work through the County Administrator and seek whatever additional assistance which may be available from the agencies and departments of the Commonwealth and the Federal government, and shall have the authority to conduct such meetings as it deems necessary and appropriate, subject to the requirements of Section 2.2-3700 of the Virginia Code of 1950, as amended.

The Economic Development Advisory Committee shall report directly to the Northampton County Board of Supervisors and shall submit such recommendations to the Board as it deems appropriate.

Mr. Randall indicated that he would like these two committees to be permanent committees. When asked by Mr. Tankard if the individuals referenced had agreed to serve, Mr. Randall noted that he would take this matter under advisement.

Mr. Murray questioned why the County Administrator was not included as a member on these committees. Mr. Randall indicated that he has no problem with the County Administrator being a member of both committees.

Mr. Murray also questioned whether the Board should delegate the budget-review function to a committee. He also asked if there was going to be any funding proposed for the economic development advisory committee for research or attending conferences.

Mr. Tankard read from the Board Member Manual with regard to the creation of ad-hoc committees as follows:

“The Board of Supervisors may establish various ad hoc committees for the purpose of gathering information and assisting the rest of the Board members in decision-making. The purpose of these committees is to develop greater expertise and more widespread participation than might otherwise be available. All ad hoc committees appointed by the Board are advisory for it is the Board’s ultimate responsibility to discharge its obligations.

The Board will give each ad hoc committee a written charge, which shall include the work to be

undertaken, the time in which it is to be accomplished, and the procedures for reporting to the Board. The Board will discharge the ad hoc committee(s) upon completion of their work.”

He asked Mr. Randall if this was what Mr. Randall intended with the resolutions. Mr. Randall agreed.

Following suggestions by the Board members, it was agreed that the revised resolutions would be brought back to the Board for consideration at its April work session.

(20) Consider adopting the Transfer Agreement re: Bayview System.

The County Administrator provided background information relative to the Bayview Water and Wastewater Systems and noted that the Transfer Agreement would provide for the ownership, management and operation of those systems, which services are currently being provided by the County without any method of securing payment from the users of those systems.

Mr. Murray indicated that he had certain reservations regarding the conditions as noted in the Transfer Agreement and any potential transfer back to the Bayview Citizens for Social Justice after U.S.D.A. relinquishes control in June 2012. He noted that he was “very uncomfortable” with the document and asked that the County Attorney review it again to address his concerns with particular emphasis on gaining clear title to the remaining 4-5 parcels.

It was the consensus of the Board to table action on this matter pending further work by legal counsel and staff.

(21) Consider approval of FY 2010 Health Department Local Government Cooperative Agreement Amendment.

Motion was made by Mr. Tankard, seconded by Mr. Murray, that the Board approve the FY 2010 Health Department Local Government Cooperative Agreement Amendment as presented. All members were present and voted “yes.” The motion was unanimously passed.

Matters Presented by the Board Including Committee Reports & Appointments

Motion was made by Mr. Murray, seconded by Mr. Randall, that Mr. George “Rusty” Gowen, Jr., be appointed to replace Mrs. Elizabeth Neal, who has resigned, on the Industrial Development Authority of Cape Charles-Northampton County. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Long, seconded by Mr. Bennett, that Mr. Bob Bloxom be appointed to the offshore Wind Energy Task Force. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Randall, seconded by Mr. Murray, that in accordance with the Board’s Personnel Policies, that the Board approve the continued employment of three Board of Supervisors’ employees who have reached the age of 70. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Randall, seconded by Mr. Bennett, that the County Administrator be directed to develop an amendment to the Board’s Personnel Policies allowing Age-70 certifications to be handled at the County Administrator level. All members were present and voted “yes.” The motion was unanimously passed.

(22) Mr. Trala: amendment to Board Member Manual

Mr. Trala indicated that he was proposing an amendment to the Board Member Manual in which board members must address the Chairman before speaking, a modification specifically to Appendix A: Robert’s Rules of Order for Small Boards. He noted that he thought this practice was common courtesy and respectful of the chairman.

Mr. Tankard said that he thought the current policy was sufficient and felt that he has not abused his speaking privileges.

Mr. Bennett said that he thought the amendment was within reason.

Mr. Randall said that the amendment would keep order in the proceedings.

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the Board Member Manual be amended as set out below. All members were present and voted “yes, with the exception of Mr. Murray and Mr. Tankard who voted “no.” The motion was passed. The first bullet-point of Appendix A in the Board Member Manual is hereby amended to read as follows:

* Members are required to obtain the floor before making motions or speaking, which they can do while seated.

(23) Mr. Tankard:

(A) EZ Policy: Mr. Tankard requested that the following proposed addition to the Board’s Enterprise Zone Policy be added to the Board’s May agenda. The Board agreed.

Said proposed policy language is set out below:

"While administering the Enterprise Zone program, it is the policy of the BOS that only parcels without an outstanding local real estate tax liability may be considered for inclusion in the EZ."

(B) Ad-hoc Committee for hunting on Landfill Property: Mr. Tankard asked that the Board put on the May agenda a suggestion to form an ad-hoc committee, described as follows. The Board concurred.

“I would like to form an ad hoc committee to present to the BOS a plan for lease of the former landfill site for deer hunting. Of course, this would exclude the area now leased to the Golf Assoc. As pointed out by farmers at the meeting we had with Farm Bureau, the landfill is presently a refuge for deer during hunting season. When they leave that refuge, they pose a substantial financial risk to neighboring farm crops both from grazing and fecal coliform contamination. As we also learned from Farm Bureau, Northampton County is the highest volume producing County in the USA of fresh market snap beans. The headquarters for that bean production is about a mile north of the landfill.”

(C) Towns: Mr. Tankard noted that this item was submitted for the Board’s information. It was e-mail correspondence to Mr. Long requesting further information on

historic town-county relationships.

(D) AFD Program: Mr. Tankard noted that this item was also submitted for the Board's information. It was e-mail correspondence to Mr. Randall requesting explanation of comments relative to past abuses within the County's AFD Program.

Mr. Randall informed the Board that he was conducting a District One Town Hall Meeting on April 22nd, with School Superintendent Rick Bowmaster as guest speaker.

The County Administrator noted that an official Boundary Adjustment request had been received this date from the Town of Eastville.

Recess:

Motion was made by Mr. Long, seconded by Mr. Bennett that the Board recess until 5:00 p.m., Tuesday, April 20, 2010 in the former circuit courtroom, 16404 Courthouse Road, Eastville, Virginia, for the purposes of a joint meeting with the Planning Commission and continued discussions with Mr. Cline relative to the rental property inspection ordinance. All members were present and voted "yes." The motion was unanimously passed.

The meeting was recessed.

_____ CHAIRMAN

_____ COUNTY ADMINISTRATOR