

VIRGINIA:

At a recessed meeting of the Board of Supervisors of the County of Northampton, Virginia, held at the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, on the 27th day of April, 2015, at 5:00 p.m.

Present:

Richard L. Hubbard, Chairman

Oliver H. Bennett, Vice Chairman

Larry LeMond

Laurence J. Trala

Granville F. Hogg, Jr.

The meeting was called to order by the Chairman.

Public Hearing:

1. Conduct a public hearing on “An Ordinance to Repeal an Ordinance entitled, ‘An Ordinance Providing for the Semi-annual Collection of Real Estate Taxes’”. The purpose of this amendment is to repeal the implementation of the semi-annual collection of real estate taxes.

**AN ORDINANCE TO REPEAL AN ORDINANCE ENTITLED,
“AN ORDINANCE PROVIDING FOR THE SEMI-ANNUAL
COLLECTION OF REAL ESTATE TAXES”**

WHEREAS, pursuant to the provisions of Va. Code Ann. §58.1-3916, as amended, a County may by ordinance establish due dates for the payment of local taxes and may provide that payment of such local taxes be made in a single installment or in two equal installments; and

WHEREAS, the Board of Supervisors of Northampton County deems the establishment of semi-annual payment dates to create unintended and undesirable consequences.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF NORTHAMPTON COUNTY, that the ordinance entitled, “An Ordinance Providing for the Semi-Annual Collection of Real Estate Taxes”, codified as Section 33.016 of the Northampton County Code, be repealed and that taxes are to be collected in a single payment as in 2014 and previous years as set out below:

§33.016 Due date of real estate taxes; when same deemed delinquent; penalty for failure

to pay taxes when due; interest.

(A) All taxes assessed on real estate within the territorial boundaries of the County subject to taxation for County purposes under the Constitution and the laws of the Commonwealth of Virginia, shall be due and payable to the County Treasurer, without discount, on or before December 5 of the year in which assessed.

(B) Penalties and interest, administrative cost, attorney's and collection fees.

(1) Penalties. To all real estate taxes that may be delinquent, there shall be added as of the date of delinquency and collected as a part thereof penalties as provided in §33.009.

(2) Interest. In addition to such penalties, interest shall be imposed on such delinquent taxes including penalties from the first day following the day such tax installment is due at the rate of ten percent per year; and thereafter at the rate 10 percent or the rate of interest established from time to time pursuant to section 6621 of the Internal Revenue Code of 1954, whichever is greater.

(C) Effective Date. The effective date of this ordinance shall be April 28, 2015.

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

It is noted for the record that while the original ordinance had been put in place two years ago, the implementation of semi-annual real estate tax billing had been delayed for one year and was due to be implemented in 2015. Tax bills are ready to be released next week. However, direction from the Board had recently been received to put this matter back out to public hearing for possible repealing of same.

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

Motion was made by Mr. Trala, seconded by Mr. LeMond, that the ordinance be approved. All members were present and voted "yes." The motion was unanimously passed.

County Administrator's Report:

2. Revised Tourism Infrastructure Grant Program application

The County Administrator shared with the Board a revised Grant Funding application for the Tourism Infrastructure Grant Program.

Supervisor LeMond asked to have the application revised to include projected and past attendance levels. Supervisor Bennett stated that he would like to see the bountiful tourism revenues available to all of the County's citizens and not just a select few. The Board also asked that the application form be revised so that an explanation of "return on investment" could be provided and, further, that funding be limited to not more than 30% for any one application. Following these comments, it was the consensus of the Board to approve the grant application form as revised.

3. Continued discussion relative to the former Northampton Middle School. DJG Architects will be present to facilitate the discussion.

The County Administrator presented a spreadsheet which illustrated options that the Board may want to consider in its deliberations on the former middle school building.

Mr. Donald Booth and Mr. John Ozmore of DJG Architects were also present and assisted in the discussion.

Supervisors Hogg and Bennett provided comments relative to their recent tours of the facility with Mr. Bennett indicating that he would like to save as much of the building as possible and was in favor of phased renovations, a suggestion made by Mr. Booth, who further noted that the first funding priority should be the roofs and walls to eliminate moisture penetration into the building followed by a determination by the Board of the needed uses and a resulting focusing of the HVAC repairs in those specific areas. Mr. Booth said that DJG would be happy to prepare cost estimates for renovation of specific building areas, such as the gymnasium area which has

been previously mentioned by some Board members as something to be retained. With specific emphasis on the Board's desire to construct a new garage facility for the Emergency Medical Services department, the Board discussed the pros and cons of building the garage at its existing location (once purchased from the private owner, George Drummond) or having to build it at the former middle school, which would also entail renovation into office and bunk-room areas (which are already existing at the Drummond site).

Supervisor Hogg said that he thought it would be cheaper to build on the Drummond site rather than pay for the renovation & demolition costs at the former middle school site.

Supervisor Trala said that we should save the middle school building so that it wouldn't turn into another Exmore-Willis Wharf Elementary School, which had to be recently demolished due to its condition.

Supervisor LeMond again stated his belief that the Board should not be spending lots of money on such an old building and thought that the Drummond site was the ideal location.

When questioned by Mr. Hogg, Mr. Booth indicated that construction costs for a new ambulance garage and/or a new gymnasium would run approximately \$110 - \$120 per square foot.

The Chairman said that he would like to explore with USDA the idea of placing the EMS facility on the Drummond property (to see if they would deem this to be a qualified project and therefore eligible to satisfy the County's \$599,000+ obligation).

Motion was made by Mr. LeMond, seconded by Mr. Hogg, that the Board proceed with negotiations to acquire the Drummond property, regardless of whether it is deemed to be a qualified project by USDA. All members were present and voted "yes", with the exceptions of Mr. Trala and Mr. Bennett who voted "no." The motion was passed. It was noted that the

Board is still considering uses for the middle school property and may also consider other potential USDA-qualified projects.

4. Other

The County Administrator distributed the following memorandum to the Board for its consideration:

MEMORANDUM

TO: Board of Supervisors
FROM: Katherine H. Nunez, County Administrator
DATE: April 23, 2015
SUBJECT: Special Use Permit 2015-07

There is a pending application forthcoming from Cherrystone I, LLC, relative to an historic inn use in the Oyster area. In order for that application to be deemed complete, one element requires the applicant to have already been predetermined to have an historic inn pursuant to our Zoning Code designation for “historic inn”.

NC ZONING CODE – DEFINITION OF HISTORIC INN: A pre-1950 structure of historic or architectural significance as determined by the County's Historic Review Board or the Board of Supervisors in which overnight lodging and/or food service is offered to guests. All such inns must meet applicable Health Department, Building Code or other county and state regulations.

Since the County has never activated the Historic Review Board, this matter resides before the Board of Supervisors. Enclosed is material from Cherrystone I, LLC regarding the history of this building in order for the Board to determine that it meets that definition and declare it as such.

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Based on evidence provided by the applicant, motion was made by Mr. LeMond, seconded by Mr. Trala, that the Board issue its determination that the building in question is a “pre-1950 structure of historic or architectural significance”. All members were present and voted “yes.” The motion was unanimously passed.

The County Administrator distributed the following memorandum for the Board's

review:

MEMORANDUM:

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: April 23, 2015
RE: Willis Wharf Harbor Dredging

As you are aware, the County has been in the process of obtaining the necessary permits and engineering to dredge Willis Wharf Harbor. In anticipation of this project, the County applied for and received grant funds from the Virginia Port Authority in the amount of \$90,000 which was allocated July 1, 2014. Typically, \$90,000 is the total project amount which is composed of two elements:

- (1) Grant funding from the Port Authority, (approximately 75% of that total); and
- (2) County match, which is 25% of the total.

The County, as part of the FY 2015 budget, included its match out of the Reserve – Harbor Fees account in the amount of \$30,000 for this project.

As we have worked with our engineer and the Army Corps of Engineers in getting the dredging application and appropriate permits ready and complete for the actual dredging, we have now received a revised cost estimate for construction costs up to \$180,000. With the inclusion of our costs incurred for the engineering, it places the project cost at \$200,000, which is clearly over and above the grant award of \$90,000 already in hand from the Port Authority.

In our attempts to locate other funding, Mike Thornes, Director of Public Works, has had conversations with Port Authority personnel to see if we could re-direct a new grant the County is expecting to receive in FY 2016. We have received confirmation from the Port Authority that, with the Board's concurrence and support, the FY 2016 grant award (in the amount of \$30,000) can be re-allocated from Morleys Wharf, and applied towards the dredging of Willis Wharf Harbor. With the \$30,000, the County's match has been budgeted at \$15,000.

This would provide total funding of \$120,000 from the Port Authority and the County match for FY 2015 & FY 2016. In addition, the Port Authority is willing to fund exactly \$120,000 and to allow the County match to be applied *on top of* the grant funds. So, with our total match funds of \$45,000, we remain short of funding by \$35,000.

Therefore, I am requesting the Board's approval to transfer the remaining \$35,000 from the Reserve – Harbor Fees account (see spreadsheet attached).

Should the Board not want to re-direct the grant that was scheduled for FY 2016 (Morleys Wharf), and wants us to wait and submit a new grant application next spring for the balance of the Willis Wharf dredging project, please note that one of the conditions that will be attached to the Army Corps of Engineers' dredging permit is that we can only dredge during the months of September and October. This condition comes as a result of public comments from the aquaculture industry based in Willis Wharf who indicated that dredging at any other time of the year would be detrimental to their operations.

While we planned on a loss of slip rental fees for this coming summer, delaying the application process until next spring will also result in a loss of slip fees for next summer as well.

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Motion was made by Mr. Trala, seconded by Mr. Bennett, that the Board request that the Virginia Port Authority re-direct the FY 2016 grant award to the County to be used towards the dredging of Willis Wharf Harbor instead of repairs to Morleys Wharf as originally planned, and to transfer the balance of funds necessary for the dredging (\$35,000) from its Reserve – Harbor Fees account in order to accomplish the dredging in Calendar Year 2015. All members were present and voted “yes.” The motion was unanimously passed.

Closed Session

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

(A) 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.

Drummond property: development of new purchase offer

(B) 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 such counsel.

Town of Eastville Boundary Adjustment Request

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 3 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. Hogg said that at the next meeting, he would have a list of property owners who have expressed concerns regarding the proposed rezoning. It was noted that a work session dedicated to continued zoning discussions was planned for June 29th and that staff could be working on the list of issues if Mr. Hogg would supply same ahead of time.

Also, Mr. Hogg distributed a map of the Cape Charles traffic light and Food Lion intersection which illustrated possible modifications to that area as suggested by citizens over the years as well as that contained within the Priority Listing from the Accomack-Northampton Planning District Commission which was shared with the Board earlier this month.

Adjourn

Motion was made by Mr. LeMond, seconded by Mr. Hogg, that the meeting be adjourned. All members were present and voted “yes.” The motion was unanimously passed.

The meeting was adjourned.

_____CHAIRMAN

_____ COUNTY ADMINISTRATOR