

VIRGINIA:

At a regular meeting of the Board of Supervisors of the County of Northampton, Virginia, held in the Board Chambers of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, on the 8th day of May, 2012, at 5:00 p.m.

Present:

Oliver H. Bennett, Chairman

Willie C. Randall, Vice Chairman

Richard L. Hubbard

Larry LeMond

Absent:

Laurence J. Trala

The meeting was called to order by the Vice Chairman. (The Chairman arrived later in the evening.)

The Vice Chairman read the following statement:

It is the intent that all persons attending meetings of this Board, regardless of disability, shall have the opportunity to participate. Any person present that requires any special assistance or accommodations, please let the Board know in order that arrangements can be made.

Board and Agency Presentations:

There were no reports from boards and agencies.

Consent Agenda:

(1) Minutes of the meetings of April 6, 10, 11, 23 and 30, 2012.

Motion was made by Mr. Hubbard, seconded by Mr. LeMond, that the minutes of the meetings of April 6, 10, 11, 23 and 30, 2012 be approved as presented. All members were present with the exceptions of Mr. Trala and Mr. Bennett and voted "yes." The motion was

unanimously passed.

(2A) Adopt a resolution endorsing “Eastern Shore Juneteenth Festival” to be held June 16, 2012.

Motion was made by Mr. Hubbard, seconded by Mr. LeMond, that the following resolution be adopted. All members were present with the exceptions of Mr. Trala and Mr. Bennett and voted “yes.” The motion was unanimously passed. The resolution as adopted is set forth below:

RESOLUTION

WHEREAS, Northampton County's economic and social well-being requires the best efforts and cooperation of county residents of all races, creeds and backgrounds; and

WHEREAS, for thirteen years, the Juneteenth Festival has been an arena to educate and promote cultural enlightenment and diversity to the residents of the Eastern Shore of Virginia; and

WHEREAS, Juneteenth, also known as “Freedom Day” or “Emancipation Day” is the oldest known festival to celebrate the end of slavery and celebrates African-American freedom, encourages strong family structure, and emphasizes the importance of the church in the African-American community; and

WHEREAS, this year’s festival will be held on Saturday, June 16, 2012 at the Eastern Shore Community College and will be in combined with a health fair to encourage and educate Eastern Shore residents on healthy living practices.

NOW, THEREFORE, the Northampton County Board of Supervisors does hereby endorse the EASTERN SHORE JUNETEENTH FESTIVAL to be held June 16, 2012.

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(2B) Adopt a proclamation proclaiming May 19-25, 2012 as National Safe Boating Week.

Motion was made by Mr. LeMond, seconded by Mr. Hubbard, that the following proclamation be adopted. All members were present with the exceptions of Mr. Trala and Mr. Bennett and voted “yes.” The motion was unanimously passed. Said proclamation as adopted is set forth below:

PROCLAMATION
PROCLAIMING
MAY 19 THROUGH MAY 25, 2012
as
NATIONAL SAFE BOATING WEEK

Recreational boating is fun and enjoyable, and we are fortunate that we have sufficient resources to accommodate the wide variety of pleasure boating demands. However, our waterways can become crowded at times and be a place of chaos and confusion. While being a marvelous source of recreation, boating – to the unprepared – can be a risky sport. Not knowing or obeying the Navigation Rules or the nautical “Rules of the Road”, drinking alcohol or taking drugs while operating a boat, or choosing not to wear your life jacket when doing so is clearly NOT the smart thing to do, and are all examples of human error or a lack of proper judgment. One particular behavior that can reduce the number of boats who lose their lives by drowning each year by approximately 80% is the wearing of a life jacket. It is a simple task that has the potential to reduce terrible loss in lives.

WHEREAS, on average, 700 people die each year in boating-related accidents in the United States; nearly 70% of these are fatalities caused by drowning; and

WHEREAS, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment or environmental factors; and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

WHEREAS, modern life jackets are more comfortable, more attractive and more wearable than styles of years past and deserve a fresh look by today’s boating public; and

WHEREAS, U. S. Coast Guard Auxiliary Flotilla 12-02 Painter, provides safe boat instruction for persons of all ages in order to prevent boating accidents and to teach rescue and survival techniques in case one does occur.

NOW, THEREFORE, I, Oliver H. Bennett, Chairman of the Northampton County Board of Supervisors, do hereby support the goals of the North American Safe Boating Campaign and proclaim May 19-25, 2012, as National Safe Boating Week, and the start of the year-round effort to promote safe boating. And I encourage all boaters to wear their life jackets, boat responsibly, and enroll in a safe boating class.

In Witness Whereof, I urge all those who boat to “Boat Smart, Boat Safe. Wear it.”, and practice safe boating habits.

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(3) Adopt the annual Revenue Anticipation Note.

It was noted that bond counsel was recommending several minor changes to the resolution as proposed. Motion was made by Mr. Hubbard, seconded by Mr. LeMond, that the following resolution be adopted as revised. All members were present with the exceptions of Mr. Trala and Mr. Bennett and voted "yes." The motion was unanimously passed. Said resolution as adopted is set forth below:

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

WHEREAS, the Board of Supervisors of the County of Northampton, Virginia (the "County") has determined that it is necessary and advisable and in the best interest of the County to borrow money and issue its revenue anticipation note not to exceed \$2,000,000.00 in anticipation of the collection of the taxes and revenues of the County for the current year pursuant to Section 15.2-2629 of the Code of Virginia of 1950, as amended; and

WHEREAS, the Board of Supervisors has determined that it is necessary or advisable and in the best interest of the County to sell such Note through a private placement with PNC Bank (the "Bank"), and to accept the Bank's proposal to purchase such Note, all in accordance with this Resolution.

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

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

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

forth in the proposal of the Bank that was received by the Board.

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

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

5. Designation for Purchase by Financial Institutions. The Board of Supervisors designates the Note as a "qualified tax-exempt obligation" eligible for the exception from the disallowance of the deduction of interest by financial institutions allocable to the cost of carrying tax-exempt obligations in accordance with the provisions of Section 265(b)(3) of the Code. The Board of Supervisors does not reasonably anticipate that it and any "subordinate entities" will issue more than \$10,000,000 in tax-exempt obligations during calendar year 2012 (not including certain private activity bonds) and the Board of Supervisors will not designate more than \$10,000,000 of qualified tax-exempt obligations pursuant to such Section 265(b)(3) in calendar year 2012.

6. Further Actions. The County Administrator and the Treasurer of the County and such officers and agents of the County as either of them may designate are authorized and directed to take such further actions as they deem necessary regarding the issuance and sale of the Note and all actions taken by such officers and agents in connection with the issuance and sale of the Note are ratified and confirmed, including without limitation the appointment of a registrar and paying agent.

7. Effective Date. This Resolution shall take effect immediately and the County elects to issue the Note in accordance with Section 15.2-2601, et. seq. of the Code of Virginia.

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County Officials' Reports:

(4) Mrs. Leslie Lewis, Director of Finance, presented the following Budget Amendment and Appropriation Request:

MEMORANDUM

TO: Board of Supervisors
FROM: Leslie Lewis, Director of Finance
DATE: April 27, 2012
RE: Budget Amendments and Appropriations – FY 2012

Your approval is respectfully requested for the attached budget amendments and supplemental appropriations.

A. Requests from the School Board as follows:

(1) Appropriation of **\$145,750** in the School Operating Fund from the Fund Balance Reserved for Sick Leave Payouts, which includes \$133,643 for Instruction and \$12,107 for Transportation. This is to fund the portion of anticipated sick leave payments to retiring employees that exceed the amount included in the original budget.

Motion was made by Mr. Hubbard, seconded by Mr. LeMond, that the budget amendment and appropriation be approved as presented. All members were present with the exceptions of Mr. Bennett and Mr. Trala and voted "yes." The motion was unanimously passed.

(2) Appropriation of **\$179.88** to reflect a revised award balance for Title II, Part A. Title II, Part A Revenues are tracked separately within the Federal Grants Fund and Expenditures are classified within the category of Instruction.

Motion was made by Mr. Hubbard, seconded by Mr. LeMond, that the budget amendment and appropriation be approved as presented. All members were present with the exceptions of Mr. Bennett and Mr. Trala and voted "yes." The motion was unanimously passed.

(3) Appropriation *decrease* in the amount of **\$8,579.26** for the 2011-2012 School Operating Budget. This is to reflect the correct total of awards received under the 2010-2011 and 2011-2012 Title I, Part A grants. Title I, Part A Revenues are tracked separately as Federal Revenues, and Expenditures are classified under the Federal Grants Fund within the category of Instruction.

Motion was made by Mr. Hubbard, seconded by Mr. LeMond, that the budget amendment and appropriation be approved as presented. All members were present with the exceptions of Mr. Bennett and Mr. Trala and voted "yes." The motion was unanimously passed.

B. The County has received insurance proceeds as follows:

(1) FEMA reimbursement in the amount of **\$7,257.20** for damages sustained during Tropical Depression IDA. These funds need to be deposited in line item 100-0035-45460, and will be distributed to the Department of Conservation & Recreation, the owner of the property (near the former STIP property) which suffered the damages.

Motion was made by Mr. Hubbard, seconded by Mr. LeMond, that the budget amendment and appropriation be approved as presented. All members were present with the exceptions of Mr. Bennett and Mr. Trala and voted "yes." The motion was unanimously passed.

(2) Reimbursement in the amount of **\$960.00** as a result of damages sustained to the Birdsnest Waste Collection Site when a driver's trailer became detached and crashed into the fence. These funds need to be returned to line item 100-4204-50800.

Motion was made by Mr. Hubbard, seconded by Mr. LeMond, that the budget amendment and appropriation be approved as presented. All members were present with the exceptions of Mr. Bennett and Mr. Trala and voted "yes." The motion was unanimously passed.

(3) Reimbursement in the amount of **\$3,000.89** as a result of damages sustained to one of the Sheriff's vehicles as detailed in the attached VACo correspondence. These funds need to be returned to line item 100-3102-55600.

Motion was made by Mr. Hubbard, seconded by Mr. LeMond, that the budget amendment and appropriation be approved as presented. All members were present with the exceptions of Mr. Bennett and Mr. Trala and voted "yes." The motion was unanimously passed.

C. The County has received grant funds in an increased amount of **\$344.00** from the Virginia Office of Emergency Management for the FY 2012 "Four for Life" funds. These funds need to be returned to line item 100-0026-44075.

Motion was made by Mr. Hubbard, seconded by Mr. LeMond, that the budget amendment and appropriation be approved as presented. All members were present with the exceptions of Mr. Bennett and Mr. Trala and voted "yes." The motion was unanimously passed.

D. The County has received a federal grant award of **\$3,188.00** from the Byrne Justice Assistance Grant Program to help support localities' efforts to reduce crime and improve public safety. These grant funds need to be returned to line item 100-0035-45350.

Motion was made by Mr. Hubbard, seconded by Mr. LeMond, that the budget amendment and appropriation be approved as presented. All members were present with the exceptions of Mr. Bennett and Mr. Trala and voted "yes." The motion was unanimously passed.

passed.

E. The County has received the following request from the Eastern Shore of Virginia 911 Commission for an additional appropriation of **\$4250** to line item 730-0018-42375 and an additional expenditure of **\$4250** to line item 730-3104-58565. This is the 20% local EMS Council match.

Motion was made by Mr. Hubbard, seconded by Mr. LeMond, that the budget amendment and appropriation be approved as presented. All members were present with the exceptions of Mr. Bennett and Mr. Trala and voted "yes." The motion was unanimously passed.

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Mrs. Lewis then presented the following Budget Amendment and Appropriation Request:

MEMORANDUM

TO: Board of Supervisors
FROM: Katherine H. Nunez
County Administrator
DATE: May 3, 2012
RE: Budget Amendments and Appropriations – FY 2012

Your approval is respectfully requested for a budget amendment and supplemental appropriation as set out below:

Based on the settlement as agreed to by the Board earlier in regards to the 245 Mason Avenue property suits, real estate tax refunds are due in the total amount of **\$9,445.93**.

Thank you for your attention to this matter.

Motion was made by Mr. Hubbard, seconded by Mr. LeMond, that the budget amendment and appropriation be approved as presented. All members were present with the exceptions of Mr. Bennett and Mr. Trala and voted "yes." The motion was unanimously passed.

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Lastly, Mrs. Lewis shared with the Board additional information relative to

correspondence received from Mr. John K. Marshall, who is the number one delinquent personal property taxpayer in the County. Mr. Marshall had indicated that the increased monthly payments towards his delinquent account would put his company in “serious jeopardy”. Ms. Lewis read into the record the following response to those allegations:

TO: Board of Supervisors

FROM: Leslie Lewis
Director of Finance

DATE: May 8, 2012

RE: John Marshall

In regards to the correspondence dated April 24th from Mr. John K. Marshall, I wanted to provide you the complete picture of the personal property tax obligations owed the County by Mr. Marshall and the level of communication the County has engaged in over the years in an attempt to resolve this matter. As a point of information, in the most recent quarterly report presented to the Board at your April 12th meeting, Mr. Marshall resides as the #1 outstanding delinquent personal property taxpayer for the Tax Years 2009 and 2010 and holds the #2 distinction for the Tax Year 2008. His total outstanding obligation is \$27,818.96.

As a result of an internal review of this account, a letter was issued to Mr. Marshall on April 13th informing him that he needed to increase his payment amounts to address this outstanding obligation along with information of a Warrant In Debt process if the matter is not addressed.

On April 17th, Mr. Marshall responded in person to the letter and indicated that this level of payment would put him out of business. After a heated exchange, Mr. Marshall departed the office making no payment on his account. He did, however, visit the Commissioner of the Revenue’s Office and some minor adjustments were applied to his account to his benefit in the amount of \$73.80.

As a result of Mr. Marshall’s visit, further investigation was conducted by my department which resulted in us learning that Mr. Marshall had recently purchased a 2012 high-end vehicle and two years prior, had also purchased at that time a new high-end truck. These recent purchases seemed to contradict his financial status and inability to pay his local tax obligations when he clearly can and has purchased new vehicles.

As a point of history during the past several years, my office has attempted to offer him payment arrangements to resolve this problem but Mr. Marshall has never executed a payment agreement.

He did make several payments over the last three years but never with any consistency or sufficient to resolve any of the outstanding tax years.

Based upon this pattern and action of Mr. Marshall, I do not believe that we can provide any leniency in collecting this outstanding obligation to the County and are taking any and all steps allowed by the Code of Virginia to collect on this long-standing debt for our #1 outstanding delinquent personal property taxpayer. In addition, as a result of this particular case, I have started a review of current payment plans for personal property accounts and are revisiting and revising, if not outrightly terminating, these payment plans for failure to meet the terms of the agreement. I have frozen the issuance of any new payment plans at this time. Please note that any payment plans being adhered to will remain in existence.

Lastly, as your new Finance Director, I take the responsibility assigned by the Board relative to the collection of personal property tax accounts very seriously and my office will apply a uniform and consistent enforcement collection process as allowed by the Code of Virginia and we will use all methods available to timely resolve these delinquent accounts.

If you have any further questions, please do not hesitate to contact me.

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

Closed Session

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

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

Appointments to Boards/Commissions

(B) Paragraph 3: Discussion or consideration of the condition, acquisition, or use of real property for public purpose, or of the disposition of publicly held property.

District Four Waste Collection Site

(C) Paragraph 5: Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

(D) Paragraph 7: Consultation with legal counsel and briefings by staff members, consultants, or attorneys pertaining to actual or probable litigation, and consultation with legal counsel employed or retained by the Board of Supervisors regarding specific legal matters requiring the provision of legal advice by counsel.

All members were present with the exceptions of Mr. Bennett and Mr. Trala and voted "yes." The motion was unanimously passed.

Mr. Bennett arrived at 5:50 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.

At 7:10 p.m., the Chairman reconvened the meeting.

The invocation was offered by Rev. Harry Crandall.

The Pledge of Allegiance was given.

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

- (i) 5/29/12: Work session (on Tuesday, because Monday is Memorial Day)
- (ii) 6/25/12: Work session (topic to be announced)
- (iii) 7/23/12: 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: May 4, 2012

RE: Bi-Monthly Update

I. PROJECTS:

A. ESVA Public Services Authority Update:

The PSA met on April 17, 2012 and discussed the Northern Node project based upon the meeting held the previous month with state and federal officials. As a result of that meeting, the PSA voted to return the DEQ loan for \$4 million and have indicated to them our intention to apply in the future as we secure other funding sources (USDA, DHCD funds) towards this project.

The PSA discussed the Southern Node project and how to proceed in a more modified scope. The PSA is focusing on the commercial corridor of the Southern Node and has established the May 15, 2012 PSA regular meeting as the date to host the property owners located in this commercial corridor to bring this up to speed on the project to date and to determine their level of interest and possible financial participation in creating a wastewater system serving the commercial corridor.

In addition, within your FYI Packet in your agenda book, the PSA has submitted a letter to the Board requesting consideration that the wastewater project(s) be considered as a qualifying project to meet the outstanding obligation of the County relative to grants from the former STIP project. Please note that the County is required to spend just over \$699,000 from our funds to meet the STIP grant requirements. If the Board should consider this request and would seek to provide funds from our remaining capital funds, we will need to contact bond counsel to determine if this is feasible.

B. Fire & Rescue Commission:

At the April 24, 2012 Fire & Rescue Commission meeting, Jeff Flournoy presented the report of their subcommittee who reviewed the state study on Fire & EMS Services. This is enclosed for your information. We will need to schedule a worksession to discuss this in further detail.

C. VA Tourism Grant:

As you may recall, the County partnered with the Town of Cape Charles, the Northampton County Chamber of Commerce, Sunset Beach, Bay Creek Resorts, Chatham Vineyards, and YCMA Camp Silver Beach to receive a marketing grant from the Virginia Tourism Corporation. Through that grant, we have developed a marketing slogan called "Cross the Bay for the Day" as well as "Cross Over to Shore Time". We are targeting the Hampton Roads region to promote day and weekend getaways; we will be engaging in a radio campaign to promote our message. We have almost finalized a rack card brochure with this marketing message and information about our partners as well as additional sponsors – this rack card will be placed in the Southern Visitors Center as you come off the CBBT, in the I-64 Visitors Center and the

Northern Visitors Center before you enter Maryland. We have scheduled a Familiarization Tour or FAM Tour for the media (print and radio journalists) with a host of activities on May 18 to experience lower Northampton County. We have established a website (www.crossthebayva.com) and a Facebook page to promote this campaign.

D. Signage for the Northampton County Government Complex:

One of the remaining items from our capital project for the Eastville Government complex is to establish signage at the front of the premises, which this property has never had and the public has expressed a need for appropriate signage. To that end, we examined several possibilities and have settled on a sign that would be placed near the entrance on the grassy area across from the Northampton Insurance Agency. Based upon the design and size of the proposed sign, it requires us to petition the Town of Eastville for a zoning text change. As we were considering various locations and sign designs, we met with the Eastville Mayor several times to ensure that what was being considered would be complementary to the Town of Eastville and believe that we have met that obligation. However, this type of sign was not anticipated in the Eastville zoning ordinance, thus the need for a zoning text amendment. ***I am requesting Board authorization to apply for said zoning text amendment to the Town of Eastville.***

Motion was made by Mr. Randall, seconded by Mr. Hubbard, that the County Administrator be authorized to submit the application for a zoning text amendment through the Town of Eastville as outlined above. All members were present with the exception of Mr. Trala and voted "yes." The motion was unanimously passed.

E. Cape Charles Harbor – Possible Dredging:

On April 18, 2012, a meeting was held with representatives from the Army Corps of Engineers (ACOE), Cape Charles officials, a Bay Coast railroad representative, Bayshore Concrete representatives and I to discuss the Cape Charles Harbor and possibility for dredging. At this point, the ACOE has received funding through Congress to conduct a study of the Cape Charles harbor relative to dredging. We went through the process required under ACOE regulations as to the purpose and extent of the study as well as what would need to happen to receive federal support and funding to dredge the harbor, beyond a maintenance capacity. At this point, all parties expressed support to proceed with the study, ACOE will appoint a project manager and then a meeting will be convened of all of the interested users of this project to help define the scope of work and to begin detailing the benefits of a proposed dredging pursuant to ACOE regulations. I will continue to apprise the Board of this effort as it moves forward.

F. DEQ – Reissuance of Permit for the former Northampton Middle School:

As part of our application for the reissuance of the permit for the former Northampton Middle School, the Department of Environmental Quality has established a public comment period. Please note that we are seeking to have the permit conditions modified to reflect the changed usage of the premises and to reduce the testing requirements as a result of less public usage of the facility as compared to when it is a middle school. I will keep you informed if we have any difficulties in obtaining this permit.

G. State Meeting discussing “A Local or State Administered Social Services System”:

On April 25, 2012, I attended a meeting in Richmond hosted by the state regarding the Social Services System. This meeting was to inform us regarding upcoming legislative changes at the federal and state levels relative to the social services system, to garner input from the local officials as to the issues and challenges in providing delivery of social services as well as to the effective tools and methods being employed and to share that information among the localities. I have enclosed Northampton County’s profile for 2012 relative to social service usage, for your information.

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The County Administrator distributed a second memorandum and accompanying maps relative to commercial/industrial usage. She noted that the Planning Commission had requested to receive an inventory of all currently zoned commercial, industrial and business parcels in the County and the incorporated towns. Those maps constituted sections “A” and “B” of the packet. The last set of maps, under section “C”, is a follow-up from the Board’s strategic planning retreat to consider identifying property for an industrial park concept. Regardless of existing zoning, staff was instructed to identify parcels in three size categories (up to 25 acres, up to 50 acres and up to 100 acres) adjacent or near to Rt. 13, and possible access to the Railroad. There has been no exploration with any of the current property owners relative to their interest in selling their property for this consideration. Rather, this is just an exercise for the Board’s consideration to see what parcels fit these criteria and if they would make a good fit for an industrial park or business park. A future meeting will be scheduled to discuss this matter in greater detail.

Citizen Information Period:

There were no citizens requesting to speak.

Public Hearing:

Chairman Bennett called to order the following public hearing:

(7) Conduct public hearings, in conjunction with the Nassawadox Town Council, on the following ordinances, respectively:

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED,
"NORTHAMPTON COUNTY BOARD OF SUPERVISORS ORDINANCE RE:
JOINDER OF THE INCORPORATED TOWNS OF CAPE CHARLES, CHERITON,
NASSAWADOX AND EXMORE and AMENDMENT TO ARTICLES OF
INCORPORATION FOR EASTERN SHORE OF VIRGINIA PUBLIC SERVICE
AUTHORITY"

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED,
"NORTHAMPTON COUNTY BOARD OF SUPERVISORS
ORDINANCE**

**RE: JOINDER OF THE INCORPORATED TOWNS OF CAPE CHARLES, CHERITON,
NASSAWADOX AND EXMORE**

and

**AMENDMENT TO ARTICLES OF INCORPORATION
FOR EASTERN SHORE OF VIRGINIA
PUBLIC SERVICE AUTHORITY"**

WHEREAS, the Northampton County Board of Supervisors did, on the 28th day of June, 2010, adopt an ordinance entitled, "Northampton County Board of Supervisors Ordinance Re: Joinder of the Incorporated Towns of Cape Charles, Cheriton, Nassawadox and Exmore and Amendment to Articles of Incorporation for Eastern Shore of Virginia Public Service Authority"; and

WHEREAS, as a result of Redistricting, the membership of such Authority is hereby reduced from ten (10) members to nine (9) members.

NOW, THEREFORE, BE IT RESOLVED, that the following provisions of such Ordinance be amended as set out below:

RECITATIONS:

B. Upon conclusion of said Public Hearing, and upon consideration of

*matters pertinent to the joinder of the incorporated Towns of Cape Charles, Cheriton, Nassawadox and Exmore to the Eastern Shore of Virginia Public Service Authority (“the Authority”) and the amendment of the Articles of Incorporation, the Board has concluded to approve the joinder of the Towns of Cape Charles, Cheriton, Nassawadox and Exmore as members of the Authority and that the Articles of Incorporation should be amended to provide that the number of members of the Authority’s Board of Directors to be increased from five (5) to ~~ten (10)~~ **nine (9)** and for the powers of the Authority shall be exercised by ~~ten (10)~~ **nine (9)** Authority Board members, all of whom shall be appointed in the following manner: One (1) Authority Board member shall be appointed by each of the four (4) member towns (Towns of Cape Charles, Cheriton, Nassawadox and Exmore), and ~~six (6)~~ **five (5)** At-Large Authority Board members shall be appointed by the Northampton County Board of Supervisors, which appointees may or may not be members of the respective governing bodies.*

Paragraph (4) of the Articles of Incorporation for the Eastern Shore of Virginia Public Service Authority is hereby rescinded, and the following language shall be substituted therefore:

*4. The powers of the Authority shall be exercised by ~~ten (10)~~ **nine (9)** Authority Board members, all of whom shall be appointed in the following manner: One (1) Authority Board member shall be appointed by the town council of each of the four (4) member towns (Towns of Cape Charles, Cheriton, Nassawadox & Exmore), and ~~six (6)~~ **five (5)** At-Large Authority Board members shall be appointed by the Northampton County Board of Supervisors, which appointees may or may not be members of the respective governing bodies.*

IT IS FURTHER ORDAINED:

The Authority’s attorney is hereby authorized and directed to apply to the State Corporation Commission for this approval of the aforesaid amendment to the Ordinance and for the amendment to the Authority’s Articles of Incorporation.

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It was noted that the Nassawadox Town Council was also present and in session. They had elected to participate in the scheduling and conduct of the required public hearings at this time as well.

The Chairman if there were any present desiring to speak.

Ms. Nunez reported that the amendment was needed to the ordinance as a result of the 2010 Redistricting which reduced the number of the members of the governing body from six to

five. The County membership of the PSA must mirror that arrangement.

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

(The Nassawadox Town Council conducted its respective public hearing on the Town ordinance at this time.)

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

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED,
“NORTHAMPTON COUNTY BOARD OF SUPERVISORS
ORDINANCE**

**RE: JOINDER OF THE INCORPORATED TOWNS OF CAPE CHARLES, CHERITON,
NASSAWADOX AND EXMORE**

and

**AMENDMENT TO ARTICLES OF INCORPORATION
FOR EASTERN SHORE OF VIRGINIA
PUBLIC SERVICE AUTHORITY”**

WHEREAS, the Northampton County Board of Supervisors did, on the 28th day of June, 2010, adopt an ordinance entitled, “Northampton County Board of Supervisors Ordinance Re: Joinder of the Incorporated Towns of Cape Charles, Cheriton, Nassawadox and Exmore and Amendment to Articles of Incorporation for Eastern Shore of Virginia Public Service Authority”; and

WHEREAS, as a result of Redistricting, the membership of such Authority is hereby reduced from ten (10) members to nine (9) members.

NOW, THEREFORE, BE IT RESOLVED, that the following provisions of such Ordinance be amended as set out below:

RECITATIONS:

B. Upon conclusion of said Public Hearing, and upon consideration of matters pertinent to the joinder of the incorporated Towns of Cape Charles, Cheriton, Nassawadox and Exmore to the Eastern Shore of Virginia Public Service Authority (“the

Authority”) and the amendment of the Articles of Incorporation, the Board has concluded to approve the joinder of the Towns of Cape Charles, Cheriton, Nassawadox and Exmore as members of the Authority and that the Articles of Incorporation should be amended to provide that the number of members of the Authority’s Board of Directors to be increased from five (5) to ~~ten (10)~~ **nine (9)** and for the powers of the Authority shall be exercised by ~~ten (10)~~ **nine (9)** Authority Board members, all of whom shall be appointed in the following manner: One (1) Authority Board member shall be appointed by each of the four (4) member towns (Towns of Cape Charles, Cheriton, Nassawadox and Exmore), and ~~six (6)~~ **five (5)** At-Large Authority Board members shall be appointed by the Northampton County Board of Supervisors, which appointees may or may not be members of the respective governing bodies.

Paragraph (4) of the Articles of Incorporation for the Eastern Shore of Virginia Public Service Authority is hereby rescinded, and the following language shall be substituted therefore:

4. The powers of the Authority shall be exercised by ~~ten (10)~~ **nine (9)** Authority Board members, all of whom shall be appointed in the following manner: One (1) Authority Board member shall be appointed by the town council of each of the four (4) member towns (Towns of Cape Charles, Cheriton, Nassawadox & Exmore), and ~~six (6)~~ **five (5)** At-Large Authority Board members shall be appointed by the Northampton County Board of Supervisors, which appointees may or may not be members of the respective governing bodies.

IT IS FURTHER ORDAINED:

The Authority’s attorney is hereby authorized and directed to apply to the State Corporation Commission for this approval of the aforesaid amendment to the Ordinance and for the amendment to the Authority’s Articles of Incorporation.

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

(8) Conduct a joint public hearing with the Virginia Department of Transportation on the Proposed Secondary Road Six Year Plan: 2013-2014 to 2017-2018 and Improvement Priorities for Fiscal Year 2012-2013 for Northampton County.

Mr. Tony Gibson and Mr. Chris Isdell of the Virginia Department of Transportation, presented information on the proposed Six Year Plan and the questions posed by the Board when it conducted a work session on this matter at the April 23rd meeting. Mr. Gibson noted that the minor repairs as proposed to Cemetery Road would be unable to be performed by VDOT and

that the road project must remain in its original state in order to remain on the priority list. At this time, the Board's proposed improvement priorities are:

- Priority #1 – Rt. 641/642 (Old Cape Charles Road)
- Priority #2 – Rt. 602 (Cemetery Road)
- Priority #3 – Rt. 618 (New Connector Road)

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

There being none, he closed the public hearing.

Motion was made by Mr. LeMond, second by Mr. Randall, that the Board adopt the Secondary System Six Year Plan for Fiscal Years 2013-2014 to 2017-2018 and Improvement Priorities List for Fiscal Year 2012-2013 with priorities as set out below:

- Priority #1 – Rt. 641/Rt. 642 (Old Cape Charles Road)
- Priority #2 - Rt. 602 (Cemetery Road)
- Priority #3 – Rt. 618 (New Connector Road)

All members were present with the exception of Mr. Trala and voted "yes." The motion was unanimously passed. Said resolution effecting this adoption is set forth below:

RESOLUTION

WHEREAS, the Virginia Department of Transportation and the Northampton County Board of Supervisors have jointly established the Six Year Plan for Fiscal Years 2013-2014 to 2017-2018 and Improvement Priorities List for the Fiscal Year 2011-2012; and

WHEREAS, the Virginia Department of Transportation and the Northampton County Board of Supervisors have jointly held a Public Hearing on the Six Year Plan for Fiscal Years 2013-2014 to 2017-2018 and Improvement Priorities List for Fiscal Year 2012-2013.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Board of Supervisors hereby approves the Six Year Plan for Fiscal Years 2013-2014 to 2017-2018 and Improvement Priorities List for Fiscal Year 2012-2013.

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Mr. Randall requested that Board consider submitting a request to VDOT to conduct a speed study on Old Cape Charles Road, near the Baycreek Subdivision, with the idea of reducing

the speed limit there from 35 mph to 25 mph in order to accommodate golf cart traffic. Motion was so made by Mr. Randall and seconded by Mr. Hubbard. All members were present with the exception of Mr. Trala and voted “yes.” The motion was unanimously passed.

Mr. Hubbard also remarked that he had a similar concern with the Vaucluse Subdivision and noted that he will be contacting Mr. Isdell with regard to this matter.

In response to a question from Mr. Hubbard, Mr. Isdell reported that progress had been made on the safety issues near the Cape Charles Food Lion intersection including “Watch for Turning Vehicles” and “Watch for Deer” signs.

Chairman Bennett called to order the next two public hearings, to be conducted simultaneously:

(9) **Zoning Text Amendment 2012-04:** The Nature Conservancy has applied to amend the Northampton County Code, Chapter 154 Zoning Code, by adding to **Appendix A: Use Regulations, Category 4 Community Service Uses** a new use to be known as *research radar installation with or without ancillary structures* as a major special use in the A/RB Agriculture/Rural Business, V-1 Village-One, and WV-1 Waterfront Village-One Districts.

(10) **Special Use Permit 2012-01:** The Nature Conservancy has applied for a major special use permit to locate a research radar installation in the WV-1 Waterfront Village-One District on property known as Tax Map 85-10-A near Oyster. The property contains 143.5 acres and has frontage on Seaside Road (SR 600) and on Crumb Hill Road (SR 1802).

He asked if there were any present desiring to speak.

Ms. Benson indicated that the Planning Commission was recommending approval of both petitions.

Mr. Barry Truitt of the Nature Conservancy indicated that the radar unit was used for three years prior to its traveling around the country and noted that current plans call for permanent power to be located at the site. A generator, to be located inside an insulated trailer, will be located on-site for emergency needs only.

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

Motion was made by Mr. Hubbard, seconded by Mr. LeMond that Zoning Text Amendment 2012-04 and Special Use Permit 2012-01 be approved as presented. All members were present with the exception of Mr. Trala and voted “yes.” The motion was unanimously passed.

The Chairman called to order the final public hearing of the evening, as set out below:

(11) **Zoning Text Amendment 2012-06:** The Northampton County Planning Commission intends to amend the Northampton County Code, Chapter 154 Zoning Code, **§154.127 Low Impact Commercial Uses Section (A) Home occupation** to read: An occupation in a **an owner-or-renter-occupied** dwelling unit (or dwelling accessory structure) provided that...; amend (A) **(6)** to read: The business owner shall have no more than one full-time employee or ~~two~~ **equivalent part-time employees or one full-time equivalent.**; amend (A) **(7)** to read: Home occupations shall be divided into ~~two~~ **three** categories:(a) Home Office, (b) Home Business **and (c) Micro-Business.**; and to add **(c) A Micro-business shall be an owner- or renter-occupied home or farm based business requiring a Zoning Clearance and meet the following criteria:**

1. A Micro-business shall have no employees, other than the owner/operator;

2. A Micro-business shall have no identifying signage;

3. A Micro-business shall have no outside storage or additional vehicle traffic beyond that generally found for a household or on a farm;

4. There shall be no retail sales on the premises, and any products must be delivered off-site;

5. The micro-business shall utilize no specialized machinery or equipment beyond that generally found in a household or on a farm.

He asked if there were any present desiring to speak.

Ms. Benson indicated that the Planning Commission was postponing further discussion on the matter pending receipt of additional information from staff. No recommendation is provided at this time.

When Mr. LeMond asked for an example of a micro-business, Ms. Benson responded that the incident which started the Planning Commission's review of this issue was the home-baking business which was forced to apply for a special use permit last year. The proposed zoning text amendment would make that an administrative function, should all the criteria be met.

Mr. Randall asked to receive the rationale employed by the Planning Commission in the development of the criteria for employment levels allowed under the micro-business category.

Motion was made by Mr. Hubbard, seconded by Mr. Randall, that the matter be tabled and that the public hearing remain open pending further comments from staff and a recommendation from the Planning Commission.

Action Items:

(12) Consider approving a Fireworks Permit for Cherrystone Campground – May 27, 2012 event.

Motion was made by Mr. Hubbard, seconded by Mr. LeMond, that the Board approve the fireworks permit for Cherrystone Campground for May 27, 2012. All members were present with the exception of Mr. Trala and voted "yes." The motion was unanimously passed.

Matters Presented by the Board Including Committee Reports & Appointments

Motion was made by Mr. Hubbard, seconded by Mr. Randall, that Ms. Maureen Lawrence be reappointed to the Eastern Shore Public Library Board of Directors for a new term of office commencing July 1, 2012. All members were present with the exception of Mr. Trala and voted "yes." The motion was unanimously passed.

Motion was made by Mr. Hubbard, seconded by Mr. Randall, that Ms. Katherine H. Nunez be reappointed to the Eastern Shore of Virginia Broadband Authority for a new term of

office commencing July 1, 2012. All members were present with the exception of Mr. Trala and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Randall, seconded by Mr. Hubbard, that the Board restructure the Ad-Hoc Economic Development Committee, which was initially appointed by the Board in June 2010 and has not met in some time, to a new body consisting of Supervisors Randall and LeMond; there will be no citizen membership. All members were present with the exception of Mr. Trala and voted “yes.” The motion was unanimously passed.

Mr. Randall referenced a memorandum he had provided to the Board at the May 3rd work session which contained his recommendations for a reduction in the machinery & tools tax rate and an increase in the real estate tax rate. Ms. Nunez noted that the Board had had no discussions on this recommendation as there was no quorum at the May 3rd meeting. She indicated that this proposal will be discussed at the next budget meeting, scheduled for May 10th.

Recess:

Motion was made by Mr. Hubbard, seconded by Mr. LeMond, that the meeting be recessed until 5:45 p.m., Thursday, May 10, 2012 in the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, to conduct a budget work session and meet in joint meeting with the Northampton County School Board. All members were present with the exception of Mr. Trala and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

_____ CHAIRMAN

_____ COUNTY ADMINISTRATOR