

VIRGINIA:

At a regular meeting of the Board of Supervisors of the County of Northampton, Virginia, held in the auditorium of the former Northampton Middle School, 7247 Young Street, Machipongo, Virginia, on the 10th day of May, 2011, at 4:00 p.m.

Present:

Willie C. Randall, Chairman	Samuel J. Long, Jr., Vice Chairman
H. Spencer Murray	Oliver H. Bennett
Richard Tankard	Laurence J. Trala.

The meeting was called to order by the Chairman.

Closed Session

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

(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 exception of Mr. Long and voted "yes." The motion

was unanimously passed.

Mr. Long arrived at 4:03 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.

The Chairman read the following statement:

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

Board and Agency Presentations:

(1) Dr. Rick Bowmaster, Division Superintendent, Northampton County Public Schools, provided the Board with a written report as follows:

“Enclosed in your packet are several budget appropriations associated with the March 31st average daily membership number. The March ADM calculation is 1671 rather than 1672 after making adjustments for all students in a residential setting. The appropriations are categorical adjustments. The one appropriation that needs to be highlighted is the School Board’s request for a re-appropriation of \$34,280.86 from the remaining balance of funds carried forward from Fiscal Year 2010 for fuel. The tanks were not filled last spring due to insufficiency of funds in the Transportation Category. This was explained earlier in the year.

“The High School Band is sponsoring a spring concert to create a scholarship fund in the memory of Mr. Monty Webb. Mr. Webb was the band teacher/director for over 20 years. The concert is set for Saturday, May 21st starting at 4:00 in the high school auditorium.

“The gifted education students at Occohannock Elementary School won 1st Place in the Virginian Pilot Stock Market Game. This is an annual event and our students won for the Hampton Roads area. This is the second time they have won first place.

“The Eastern Shore Broadband Authority is fully operational within the school district. We have had no problems through the transition from Verizon. The Broadband Authority has been very responsive to our needs. We anticipate a smooth SOL on-line testing program.

“The school district is applying for a Virginia Department of Education competitive grant that will allow us to establish a teacher performance pay program. We qualify to apply since Kiptopeke Elementary and Northampton High Schools are identified as Hard to Staff Schools by the Virginia Department of Education. We will revise our teacher evaluation and propose performance bonuses up to \$5,000 per teacher within the area of Special Education and SOL English and Math. The Virginia Department of Education will award eight grants across the state.

“Finally, as you receive end of year invitations to various events at the schools, I encourage you to attend. This is the time of year we celebrate our students’ successes.”

* * * * *

Dr. Bowmaster also distributed a memorandum reporting the suicide of a high school student.

(2) Ms. Patti Kiger, M.Ed, Instructor with the Eastern Virginia Medical School, shared with the Board a powerpoint presentation with regard to the Eastern Shore Healthy Communities Initiative. She asked the Board to consider adopting the “Livable Communities” concept as policy in its Comprehensive Plan.

Consent Agenda:

(3) Minutes of the meetings of April 4, 11, 12, 20, and 25, 2011.

(4) Consider A RESOLUTION OF CONGRATULATIONS ON THE 75TH ANNIVERSARY OF VIRGINIA STATE PARKS AND KIPTOPEKE STATE PARK

**A RESOLUTION OF
CONGRATULATIONS ON THE 75TH ANNIVERSARY OF
VIRGINIA STATE PARKS AND KIPTOPEKE STATE PARK**

WHEREAS, Kiptopeke State Park, purchased by the Commonwealth of Virginia “to provide a variety of recreational opportunities, access to the Chesapeake Bay, and Virginia’s Eastern Shore, while preserving the natural communities, native species, and a world-class flyway for migratory birds”; and

WHEREAS, Virginia was the first State in the Union to develop a park system of six (6) state parks with a Dedication Ceremony held on June 13 and 14, 1936 with Governor G. C. Perry presiding; and that Virginia’s State Parks have been recognized nationally as the best managed park system in the country; and

WHEREAS, Kiptopeke State Park, one of the most visited parks in Virginia, established in 1992, features panoramic views of the Chesapeake Bay, fishing, hiking, biking, picnicking, lodges, camping, swimming, educational, environmental, and historic interpretive programs, and a venue for outdoor recreation and weddings; and

WHEREAS, Kiptopeke State Park draws visitors from far and wide thus contributing to the economy and recreation opportunities for Northampton County and the Towns of Cape Charles, Cheriton, Eastville, Nassawadox and Exmore.

NOW, THEREFORE, BE IT RESOLVED, that the Northampton Board of Supervisors hereby congratulates Virginia State Parks and Kiptopeke State Park on the occasion of its 75th Anniversary and extends best wishes for many years to come; and

BE IT FURTHER RESOLVED, that Saturday, June 18, 2011, be designated as “KIPTOPEKE STATE PARK DAY” in Northampton County.

(5) Consider approving the FY 2011 Local Government Cooperative Agreement Amendment with the Eastern Shore Health District.

(6) Consider adopting National Safe Boating Week Proclamation

PROCLAMATION

PROCLAIMING

MAY 21 THROUGH MAY 27, 2011

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, Willie C. Randall, Chairman of the Northampton County Board of Supervisors, do hereby support the goals of the North American Safe Boating Campaign and proclaim May 21-27, 2011, 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.

(6a) Consider adopting Emergency Medical Services Week Proclamation

PROCLAMATION

To Designate the Week of May 15-21, 2011 as Emergency Medical Services Week

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services providers have traditionally served as the safety net of America's health care system; and

WHEREAS, emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and

WHEREAS, approximately two-thirds of all emergency medical services providers are volunteers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage thousands of hours of specialized training and continuing education to enhanced their lifesaving skills; and

WHEREAS, Americans benefit daily from the knowledge and skills of these highly trained individuals; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

WHEREAS, injury prevention and the appropriate use of the EMS system will help reduce national health care costs; and

NOW, THEREFORE, the Northampton County Board of Supervisors, in recognition of the event does, hereby proclaim the week of May 15-21, 2011 as

EMERGENCY MEDICAL SERVICES WEEK

and encourages the community to observe this week with appropriate programs, ceremonies, and activities.

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Motion was made by Mr. Murray, seconded by Mr. Long, that the Consent Agenda be adopted in its entirety. All members were present and voted “yes.” The motion was unanimously passed.

County Officials’ Reports:

(7) Ms. Glenda Bradley, Director of Finance, distributed the following Budget

Amendment and Appropriation which stated in part:

“The School Board has requested approval for the transfer of \$34,281 from general fund balance which resulted from an overage in the School Operating Fund at the end of FY 2010. School budget amendments are also requested to reduce the amount of expected CSA reimbursements by \$210,000 in the operating fund and to adjust other local and state revenues by a net total of \$17,528. Requests to adjust the School Food Service Fund (Addition of \$136,101) and the School Federal Grants Fund (total additions of \$890,367) are also included for your review.

“A separate listing of County budget amendments includes an adjustment to contingency in the County Capital Projects Fund based on the closing of the ESRJ Construction Fund. Appropriations for the balance of the Culls Community Development Project (\$1,020,025) and

the Va. Dept. of Emergency Management’s Interoperability Grant Project (\$1,369,334) are also included. The Va. Department of Emergency Management’s Interoperability Grant appropriation will require a public hearing prior to adoption due to the amount which exceeds 1% of the total adopted budget. The public hearing must be advertised at least seven days prior to the meeting date. The amendment may then be adopted at the same meeting.

“Byrne Justice Assistance Grant proceeds of \$3,965 will be appropriated for the purchase of an in-car camera system and a small refund of \$333 will be re-appropriated.

“Documentation follows for all requested appropriations.”

<u>Account Number</u>	<u>Account Description</u>	<u>Increase</u>	<u>Decrease</u>
100-9600-56950	Transfer – School Operating	34,281.00	
100-0045-49000	Appropriated Fund Balance	34,281.00	
910-0044-48000	Transfer from General Fund	34,281.00	
910-6200-56570	School Pupil Transportation	34,281.00	
910-6000-56555	School Instruction Expenses		210,000.00
910-0018-42375	Other Miscellaneous		210,000.00\
910-0018-42375	Other Miscellaneous	29,828.00	
910-0025-43025	Basic School Aid		41,392.00
910-0025-43225	Summer Remedial School		20,609.00
910-0025-43610	Regular Foster Care		8,434.00
910-0025-43075	Gifted & Talented		66.00
910-0025-43100	Remedial Education		385.00
910-0025-43200	Special Education		997.00
910-0025-43250	Textbook Payments		77.00
910-0025-43325	Vocational Ed – SOQ		218.00
910-0025-43400	Social Security – Instruct.		418.00
910-0025-43450	Retirement – Instruction		248.00
910-0025-43650	Reading Intervention		7,430.00
910-0025-43475	Group Life		14.00
910-0025-43575	Special Ed – Homebound		5,089.00
910-0025-43210	Special Education Regional Payments		930.00
910-0025-43325	Vocational Ed – SOQ		68.00
910-0025-43700	At Risk		334.00
910-0025-43050	Primary Class Size Payments		8.00
910-0025-43655	Mentor Teacher Prog – Alt. Licensure		2,155.00
910-0025-43000	State Sales Tax	66,111.00	
910-0025-43750	English As A 2 nd Language	8,977.00	
910-0025-43665	Mentor Teacher Grt Hard to Staff		1.00
910-0025-43775	SOL Algebra	1,487.00	
910-6200-56570	School Pupil Transportation	17,528.00	
920-0034-44675	Title I Part A (Basic Programs)	150,283.00	
920-0034-45084	1003 A School Improvement Grant		49,370.00
920-0034-44680	Title I Part C (Migrant)	148,246.00	
920-0034-45000	Title VI-B Special Educ. 611	222,008.00	
920-0034-45090	CTE/Perkins Grant		3,024.00
920-0034-45095	Consortium Incentive Grants	16,890.00	
920-0034-45083	ODU Math Grant	17,726.00	

920-0034-45005	Title VI-B Special Educ. 619	18,420.00	
920-0034-44950	Title IV Part A (Drug Free)		5,109.00
920-0034-44890	Title II Part D (Technology)	6,919.00	
920-0034-45010	Title VI-B Rural & Low Income Schs		1,559.00
920-0034-44930	Title III Part A (Language Acq)	35,521.00	
920-0034-44930	Title III Part A (Language Acq)	767.00	
920-0034-44850	Title II Part A (Teacher Quality)	132,378.00	
920-0034-45085	1003 G School Improvement Grant	203,222.00	
920-0034-44676	ARRA Title I Part A (Basic Prog.)		103,849.00
920-0034-45001	ARRA Title VI-B Special Ed. 611	78,515.00	
920-0034-45006	ARRA Title VI-B Special Ed. 619	8,176.00	
920-0034-48031	ARRA McKinney-Vento Education	14,207.00	
920-6500-55665	Title I Part A (Basic Programs)	150,283.00	
920-6500-55740	Other Federal Grants Expenses		49,370.00
920-6500-55670	Title 1 Part C (Migrant)	148,246.00	
920-6500-55655	Title VI-B Special Ed (Sect. 611)	222,008.00	
920-6500-55730	CTE/Perkins Grant		3,024.00
920-6500-55735	Consortium Incentive Grants	16,890.00	
920-6500-55740	Other Federal Grants Expenses	17,726.00	
920-6500-55660	Title VI-B Spec Ed PK (sect. 619)	18,420.00	
920-6500-55695	Title IV Part A (Drug Free)		5,109.00
920-6500-55685	Title II Part D (Technology)	6,919.00	
920-6500-55715	Title VI-B Rural & Low Inc. Sch.		1,559.00
920-6500-55690	Title III Part A (Language Acq)	35,521.00	
920-6500-55690	Title III Part A (Language Acq)	767.00	
920-6500-55675	Title II Part A (Teacher Quality)	132,378.00	
920-6500-55740	Other Federal Grants Expenses	203,222.00	
920-6500-55666	ARRA – Title 1		103,849.00
920-6500-55656	ARRA – Title VI-B Special Ed (611)	78,515.00	
920-6500-55661	ARRA – Title VI-B (sect. 619)	8,176.00	
920-6500-55745	ARRA – McKinney-Vento Education	14,207.00	
921-0034-45125	Federal Food Service Revenue	111,703.00	
921-0016-41875	Student Sales – School Food Service	21,973.00	
921-0025-43900	State Food Service Revenue	2,425.00	
921-6400-55650	Food Supplies & Food Service	136,101.00	

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<u>Account Number</u>	<u>Account Description</u>	<u>Increase</u>	<u>Decrease</u>
303-0044-48075	Transfer from Capital Project Fund		34,668.00
303-9900-59900	Contingency		34,668.00
230-0035-45400	CDBG Grant Proceeds	732,675.00	
230-0018-42230	In-Kind Contribut., Northampton Co.	2,300.00	
230-0026-44055	E. S. of Va. Area Agency on Aging	45,500.00	
230-0026-44057	E. S. of Va. Housing Alliance	61,950.00	
230-0018-42240	Contrib. – VESEEHC	30,000.00	
230-0026-44059	Va. Dept. of Transportation	147,600.00	
230-8410-50660	Prof. Svcs – DHCD Contract	5,555.00	
230-8410-50670	Prof. Svcs. – Project Contract	22,500.00	
230-8410-50685	Prof. Svcs. – Constr. Completion	22,500.00	
230-8410-50670	Prof. Svcs., - Project Contract	4,000.00	
230-8410-50685	Prof. Svcs. – Constr. Completion	4,000.00	

230-8410-50690	Prof. Svcs. – Compliance Review	2,500.00
230-8410-50695	Prof. Svcs. – Status reporting	6,000.00
230-8410-50697	Prof. Svcs. – Project Closeout	3,000.00
230-8450-57800	Demolition & Clearance	40,000.00
230-8450-57775	Rehabilitation Specialist	4,400.00
230-8420-57850	Construction/Improvements	244,750.00
230-8420-57440	Weatherization	38,300.00
230-8420-57775	Rehabilitation Specialist	27,500.00
230-8420-57550	Temporary Relocation	3,000.00
230-8420-57445	HMEP	3,000.00
230-8440-57800	Demolition & Clearance	12,200.00
230-8440-57850	Construction/Improvements	129,000.00
230-8440-57440	Weatherization	7,200.00
230-8440-57775	Rehabilitation Specialist	14,250.00
230-8440-57550	Temporary Relocation	1,500.00
230-8440-57445	HMEP	750.00
230-8460-57430	Homeownership Counseling	2,000.00
230-8460-57475	Legal/Permits/Surveys	5,000.00
230-8460-57425	Purchase Mortgage Funds	30,000.00
230-8417-57600	Engineering & Design	32,640.00
230-8417-57475	Legal/Permits/Surveys	21,760.00
230-8417-57900	Property Acquisition	5,000.00
230-8417-57850	Construction/Improvements	261,120.00
230-8455-57775	Rehabilitation Specialist	6,600.00
230-8455-57850	Construction/Improvements	60,000.00
100-1201-50950	Advertising	333.00
100-0019-42400	Recovered Costs – General	333.00
100-0035-45350	Bryne Justice Asst. Grant	3,965.00
100-3102-55950	Police Supplies – Other	3,965.00
370-0026-44280	Va. Dept. of Emergency Mgmt.	1,369,334.00
370-3505-57600	Engineering & Design	71,541.00
370-3505-58400	Machinery & Equipment	17,778.00
370-3505-58500	Communications Equipment	288,781.00
370-3505-58550	Field Communications Equipment	991,234.00

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Motion was made by Mr. Murray, seconded by Mr. Bennett, that the Board approve the budget amendment and appropriation for \$34,281 as set out above in the first paragraph. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Murray, seconded by Mr. Long, that the Board approve the budget amendment and appropriation for \$210,000 as set out above in the first paragraph. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Murray, seconded by Mr. Long, that the Board approve the budget amendment and appropriation for \$17,528 as set out above in the first paragraph. All members were present and voted “yes.” The motion was unanimously passed.

It was the consensus of the Board to table action on the budget amendment and appropriation in the amount of \$136,101 as set out above in the first paragraph, pending additional information to be provided by the School Div.

Motion was made by Mr. Murray, seconded by Mr. Bennett, that the Board approve the budget amendment and appropriation for \$890,367 as set out above in the first paragraph. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Long, seconded by Mr. Tankard, that the Board approve the budget amendments and appropriations for all the remaining items contained in the second and third paragraphs of Ms. Bradley’s memorandum as set out above. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Murray, seconded by Mr. Tankard, that the Board revisions to the County’s Deferred Compensation Plan administered by Nationwide Retirement Solutions. All members were present and voted “yes.” The motion was unanimously passed. Said revisions will incorporate recent legislative and regulatory changes into the Plan. The Plan is on file in the Office of the County Administrator.

(8) Ms. Sandra Benson, Director of Planning, presented that departmental update which included activity reports for the following projects: Board of Zoning Appeals, Staff Activities, Waterfront Village Visions, Kings Creek Watershed and Town Edge Planning.

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

- (i) 5/16/11: FY 2012 Budget Public Hearing
- (ii) 5/23/11: Work session – Topic to be announced
- (iii) 6/27/11: Work session – Topic to be announced
- (iv) 7/25/11: 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 6, 2011
RE: Bi-Monthly Update

I. PROJECTS:

A. Construction Projects – Status Reports:

- 1.) County Administration Renovations:
Work is still progressing on schedule. We are currently anticipating a completion date of September 20, 2011.

As part of the overall project, county staff will be moving the records stored above the Eastville Inn to the Machipongo site and will be establishing a records room in that building. This will be commencing within the month and may take the length of the summer to complete, in terms of organizing the records and following the retention schedule as issued by the state.

- 2.) Court Services/Probation Services Construction:
Work is progressing on schedule. Roofing is underway which will be followed by electrical and plumbing installation.

B. Hazard Mitigation Grant:

The County received a grant in 2004 to elevate identified properties in Oyster that were prone to repetitive flooding and loss claims. As you may recall, this grant closed out in April 2010 and the state and federal agencies have been reviewing the work for compliance with the grant terms.

Earlier this year, our zoning office was notified that three of the properties had constructed/enclosed the ground space beneath the elevated structure, in violation of the grant contract terms between the homeowner, the county and the grant agency, as well as in violation of the zoning code. We have been actively working with the homeowners to bring them in compliance and as of April 1, 2011, all three properties have been fully restored to be in compliance with the grant terms. However, the federal review had been completed by that date and had issued a decision to the state agency administering this grant (VDEM) that these 3 properties were in non-compliance and their expenditures were disqualified. I have spoken with the VDEM Director for this program and he has already filed the appeal regarding this decision.

UPDATE: WE have received notification from FEMA that they have accepted our appeal and all of the properties submitted are included in the program for grant reimbursement. I have included said letter.

C. Fire & EMS Study:

The state has assigned the study team to conduct the Fire & EMS Study, as requested by the Board. This team will be here on Sunday, May 15 & Monday, May 16, 2011 to conduct site visits at each fire station and rescue station as well as to meet with county administration, the E-911 Commission Executive Director and to conduct a town hall meeting to garner input from the public at large regarding current and future fire & EMS services.

The Town Hall Meeting will be held on Sunday, May 15 pm @ 7:00 p.m. – 8:30 p.m. at the former Northampton Middle School Auditorium. We will be hosting a dinner from 5:00 – 7:00 p.m. prior to the Town Hall Meeting for members of the study team, the board of supervisors and the members of the Fire & Rescue Commission in the county offices.

I have enclosed a FAQ's sheet from the state as well as the calendar of the state's site visits for those 2 days.

D. Proposal for Lobbying Services

I met recently with a representative from the firm Alcalde & Fay to discuss whether our county could benefit with professional lobbying services in securing grant funding at the state and federal levels. I have included the proposal along with information about the firm for discussion with the Board.

Mr. Tankard indicated that he was not comfortable with hiring a lobbyist and their prime function would be to "chase" earmarks.

II. MEETINGS

III. GRANT OPPORTUNITIES

IV. OTHER

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

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

The invocation was offered by Rev. Kelvin Jones, Pastor of First Baptist Church, Capeville.

The Pledge of Allegiance was given.

Citizen Information Period:

Mr. Dave Kabler updated the Board on activities within the Parks & Recreation Department and also commented on economic development activities including the arrival of a tall ship in Cape Charles on June 4-5, 2011. He invited everyone to visit that ship as well as the accompanying 17th Elizabethan Festival to be held in Cape Charles' Central Park.

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

Date: Tuesday, May 10, 2011
TO: Northampton County Board of Supervisors
Subject: Traffic Safety Issue U.S. Rt. 13 Near Cape Charles Traffic Light.

Gentlemen:

There is a widely acknowledged hazardous section of U.S. 13 centered at the median crossing between Food Lion and Shore Bank immediately south of the Stone Road traffic light. Traffic accidents and deaths on this section are ongoing occurrences.

During the last election campaign, the elimination of this hazard was a task that several of the candidates acknowledged and some pledged to accomplish. There has been significant discussion on this issue because this goal has not been met. Your constituents felt this issue was important enough to rectify that many of them signed their names on a previously presented petition to you requesting effective action. VDOT has performed the traffic study you requested, however to date there has been no effective action.

Therefore, I am requesting the Northampton Board of Supervisors demonstrate their support of their constituents by whatever means necessary to include but not limited to sending a letter to the Virginia Department of Transportation with copies to Delegate Lewis, Senator Northam and Congressman Rigell requesting **VDOT's immediate installation of 45 MPH speed limit signs on the 2.7 mile section of U.S. 13 between Edwin Farm Road on the south boundary of the Kiptopeake Elementary School to Cherrystone Road, the traffic light at Cheriton.** This is approximately mile marker 78 to 81.

Sincerely,

Granville F. Hogg
P.O. Box 117
Cheriton, Virginia 23316

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Ms. Shaundra Kendricks, Congressman Scott Rigell's District Chief of Staff, asked for a copy of Mr. Hogg's comments and invited the public to attend the Congressman's Town Hall meeting to be held on May 17th.

(10) Review Eastville Inn proposal(s).

The County Administrator indicated that one draft proposal had been received from Mr. Eyre Baldwin in conjunction with his overall proposal for redevelopment of certain Eastville properties. She indicated that the County will continue to solicit proposals from the public and will continue to work with Mr. Baldwin and Eastville with regard to development of those properties.

Public Hearings:

Chairman Randall called to order the following joint public hearing:

(11) Conduct a joint public hearing with the Virginia Department of Transportation on the Proposed Secondary Road Six Year Plan: 2012-2013 to 2016-2017 and Improvement Priorities for Fiscal Year 2011-2012.

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

Mr. Bobby Isdell, Contract Administrator with the Accomac Residency, discussed with the Board the proposed Six Year Plan and Improvement Priorities for this fiscal year.

Mr. Bennett questioned the status of Parallel Road and Mr. Isdell replied that there were a number of issues with that road being added to the State System including the need for substantial right-of-way from the railroad and the presence of a gravesite. The County must be able to guarantee the right-of-way to VDOT prior to any road being accepted into the system.

Mr. Long questioned the possibility of adding Old Cape Charles Road (State Route 642) into the plan. Mr. Isdell replied that this road may have once been part of the very lengthy list of priorities but that it was probably dropped from the list during VDOT's recent "cleanup" of

the list. Mr. Long indicated that he would like to add this road to the Six Year Plan for the Board's consideration.

Mr. G. F. Hogg, Jr., referenced multiple pavement failures near the Cheriton traffic light and asked if this type of improvement could be considered in the Six Year Plan. He also questioned the potential for use of secondary road funding to construct a connector road between South Bayside Road and the Food Lion shopping center near Cape Charles/Cheriton.

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

Noting the lack of substantial state funding, Mr. Tankard suggested that the Board only consider adding new roads to the Six Year Plan if they are, or can become, federally designated carriers. Both Mr. Murray and Mr. Tankard agreed with the priority list and with the suggestion to add Old Cape Charles Road and instructing the County Administrator to have Old Cape Charles Road (State Route 642) designated as a federal major collector route. The Board concurred.

Motion was made by Mr. Tankard, seconded by Mr. Long, that the Board adopt the following resolution, approving the proposed Secondary Road Six Year Plan: 2012-2013 to 2016-2017 and Improvement Priorities for Fiscal Year 2011-2012 with the addition of a new project (Rt. 642) as priority #2 as long as it is, or could be, a federally eligible road. All members were present and voted "yes." The motion was unanimously passed. Said resolution as adopted is set out 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 2012-2013 to 2016-2017 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

2012-2013 to 2016-2017 and Improvement Priorities List for Fiscal Year 2011-2012.

NOW, THEREFORE, BE IT RESOLVED that the Northampton County Board of Supervisors hereby approves the Six Year Plan for Fiscal Years 2012-2013 to 2016-2017 and Improvement Priorities List for Fiscal Year 2011-2012.

* * * * *

Chairman Randall called to order the following public hearing:

(12) Conduct public hearing on AN ORDINANCE TO PROVIDE FOR THE CREATION OF FIVE ELECTION DISTRICTS, TO PROVIDE FOR THE ELECTION OF ONE SUPERVISOR FROM EACH ELECTION DISTRICT, TO PROVIDE A POLLING PLACE FOR EACH DISTRICT, AND TO REPEAL PRIOR INCONSISTENT ORDINANCES

AN ORDINANCE TO PROVIDE FOR THE CREATION OF FIVE ELECTION DISTRICTS, TO PROVIDE FOR THE ELECTION OF ONE SUPERVISOR FROM EACH ELECTION DISTRICT, TO PROVIDE A POLLING PLACE FOR EACH DISTRICT, AND TO REPEAL PRIOR INCONSISTENT ORDINANCES

BE IT ORDAINED by the Board of Supervisors of Northampton County, Virginia:

Section 1: This Ordinance is enacted pursuant to authority contained in Chapter 1.1 of Title 15.2 and Chapters 4 and 4.2 of Title 24.1 of the 1950 Code of Virginia.

Section 2. The County of Northampton shall be divided into five election districts to be named as set out in the following table. Based upon the tabulation of population from the 2010 Census, populations of each such election district are as follows:

<u>Name of Election District</u>	<u>Total Population</u>	<u>Population 18 and Older</u>
District 1	2474	2041
District 2	2498	1918
District 3	2479	1980
District 4	2389	1954
District 5	2549	2060

Section 3. The boundaries of the respective election districts and precincts are as set forth below:

ELECTION DISTRICT NUMBER ONE

Beginning at the intersection of Eyreville Creek and Cherrystone Inlet; thence extending South along the Chesapeake Bay, to North Channel in the Chesapeake Bay; thence East along the North Channel to the Atlantic Ocean; thence Northeast along the shoreline of Fishermans Island,

Smith Island, Myrtle Island, Godwin Island, Ship Shoal Island and Wreck Island in the Atlantic Ocean to the intersection of Sand Shoal Inlet; thence West along Sand Shoal Inlet to Sand Shoal Channel; thence West along Sand Shoal Channel to its intersection with Ramshorn Channel; thence North along Ramshorn Bay to its intersection with Narrow Channel Branch; thence West along Narrow Channel Branch to its intersection with State Route 600 (Seaside Road); thence South along State Route 600 to its intersection with State Route 643 (Plantation Drive); thence along State Route 643 Westward to its intersection with U. S. Route 13 (Lankford Highway); then North along U. S. Route 13 (Lankford Highway), to its intersection with the corporate limits of the Town of Cheriton; thence following along the corporate limits of the Town of Cheriton West; thence North along the corporate limits of the Town of Cheriton; thence East to its intersection with State Route 663 (Cherrystone Road); thence West along State Route 663 (Cherrystone Road) to its intersection with State Route 671 (Oakland Farm Road); thence North along State Route 671 (Oakland Farm Road) to its intersection with Eyrehall Creek; thence North and West along Eyrehall Creek to its intersection with Eyreville Creek and the point of beginning.

ELECTION DISTRICT NUMBER TWO

Beginning at the intersection of Eyreville Creek and Cherrystone Inlet; thence extending North to Old Castle Creek; thence East following Old Castle Creek to its intersection with U. S. Route 13 (Lankford Highway); thence North along U. S. Route 13 (Lankford Highway) to its intersection with State Route 648 (Stumptown Road); then East along State Route 648 (Stumptown Road) to its intersection with the right-of-way of Bay Coast Railroad; thence North along the right-of-way of Bay Coast Railroad to its intersection with State Route 630 (Cherrydale Drive); thence West along State Route 630 (Cherrydale Drive) to its intersection with U. S. Route 13 (Lankford Highway); thence North along U. S. Route 13 (Lankford Highway) to its intersection with State Route 628 (James Allen Drive); thence East along State Route 628 (James Allen Drive) to its intersection with State Route 600 (Seaside Road); thence South along State Route 600 (Seaside Road) to its intersection with a certain creek; thence meandering along that certain creek generally Eastward toward The Thorofare and Ramshorn Channel; thence meandering generally northward and eastward to the Great Machipongo Inlet and the Atlantic Ocean; thence South around the shoreline of Cobb Island and Little Cobb Island to Cobb Bay; thence West through Cobb Bay to Sand Shoal Channel; thence through Sand Shoal Channel to Ramshorn Channel; then South and West through Ramshorn Channel to a certain creek located North of State Route 708 (Narrow Channel Drive); thence East along that certain creek to its intersection with State Route 600 (Seaside Road); thence South along State Route 600 (Seaside Road) to its intersection with State Route 643 (Plantation Drive); thence West along State Route 643 (Plantation Drive) to its intersection with U. S. Route 13 (Lankford Highway); thence North along U. S. Route 13 (Lankford Highway) to the corporate limits of the Town of Cheriton; thence North along the corporate limits of the Town of Cheriton to its intersection with State Route 671 (Oakland Farm Road); thence North along State Route 671 (Oakland Farm Road) to its terminus at the intersection of said road and Eyrehall Creek; thence North and West to its intersection with Eyreville Creek and Cherrystone Inlet and the point of beginning.

ELECTION DISTRICT NUMBER THREE

Beginning at the intersection of State Route 625 (Sylvan Scene Drive) and U. S. Route 13 (Lankford Highway); thence East along State Route 625 (Sylvan Scene Drive) to its intersection with an electrical power easement adjacent to that certain private road named Holland Farm Road; thence North along said electrical power easement to its intersection with State Route 622 (Treherneville Drive); thence East along State Route 622 (Treherneville Drive) to its intersection with State Route 600 (Seaside Road); thence North along State Route 600 (Seaside Road) to its intersection with State Route 617 (Red Bank Road); thence East along State Route 617 (Red Bank Road) to its terminus at the intersection with Red Bank Creek; thence meandering generally East and South through Castle Ridge Creek, the Ramshorn Crabbing Marsh and the Ebb Stake Marsh; thence Eastward through the Great Machipongo Inlet; thence North to the Atlantic Ocean and following the East shoreline of Hog Island; thence turning Westward along the North shoreline of Hog Island and running through Quinby Inlet; thence running Westward through North Inlet and North Channel to the Machipongo River; thence following the Machipongo River along the county line between Northampton and Accomack County; thence to the corporate limits of the Town of Exmore; thence South along the corporate limits of the Town of Exmore and Eastward to the intersection with State Route 600 (Seaside Road); thence South to the intersection with State Route 604 (Oakland Drive); thence West along State Route 604 to the corporate limits of the Town of Exmore; thence following the corporate limits of the Town of Exmore South to its intersection with a tributary of Nassawadox Creek, crossing U. S. Route 13 (Lankford Highway) and proceeding West to State Route 618 (Bayside Road); thence South to its intersection with State Route 607 (TB Road); thence West along State Route 607 to its intersection with State Route 606 (Wardtown Road); thence South to its intersection with State Route 606 (Rogers Drive); thence East to its intersection with State Route 618 (Bayside Road); thence South along State Route 618 (Bayside Road) to its intersection with State Route 618 (Johnsontown Road); thence south along State Route 618 (Johnsontown Road) until its intersection with State Route 618 (Bayside Road); then southward along State Route 618 (Bayside Road) to its intersection with State Road 628 (Sylvan Scene Road), at the point of beginning.

ELECTION DISTRICT NUMBER FOUR

Beginning at the intersection of U. S. Route 13 and State Route 625 (Sylvan Scene Drive), westward to Rt. 618 (Bayside Road); thence North to its intersection with State Route 618 (Johnsontown Road); thence to its intersection with State Route 618 (Bayside Road); thence North along State Route 618 (Bayside Road) to its intersection with State Route 606 (Rogers Drive); thence West on State Route 606 (Rogers Drive) to its intersection with State Route 610 (Wardtown Road); thence North along State Route 610 (Wardtown Road) to its intersection with a tributary of Nassawadox Creek; thence West along that tributary to Nassawadox Creek; thence to the Chesapeake Bay; thence South along the Chesapeake Bay to Cherrystone Inlet; thence Northeasterly along Cherrystone Creek to Old Castle Creek; thence meandering along a tributary of Old Castle Creek to its intersection with U. S. Route 13; thence North along U. S. Route 13 to its intersection with State Route 648 (Stumptown Road); thence East along State Route 648 (Stumptown Road) to its intersection with the right-of-way of Bay Coast Railroad; thence North along the right-of-way of Bay Coast Railroad until its intersection with State Route 630 (Cherrydale Drive); thence West along State Route 630 (Cherrydale Drive) to its intersection with U. S. Route 13; thence North along U. S. Route 13 to its intersection with State Route 628

(James Allen Drive); thence East along State Route 628 (James Allen Drive) to its intersection with State Route 600 (Seaside Road); thence South along State Route 600 (Seaside Road) to a certain farm road; thence East along that certain farm road until its intersection with a certain creek; meandering Northeasterly along that certain creek generally Eastward toward The Thorofare and Ramshorn Bay; thence along Ramshorn Bay and around Crabbing Marsh; thence West and North through Castle Ridge Creek back to Red Bank Creek; thence West along Red Bank Road to its intersection with State Route 600 (Seaside road); thence South along State Route 600 (Seaside Road) to its intersection with State Route 622 (Treherneville Drive); thence to its intersection with an electrical power easement and South along said easement to its intersection with State Route 625 (Sylvan Scene Drive), at the point of beginning.

ELECTION DISTRICT NUMBER FIVE

Beginning at the intersection of U. S. Route 13 and the Northampton/Accomack County line; thence West along said county line to Occohannock Creek; thence following Occohannock Creek West to Chesapeake Bay; thence South along the Chesapeake Bay to the mouth of Nassawadox Creek; thence East to the headwaters of Nassawadox Creek following the headwaters to its intersection with State Route 606 (Wardtown Road); thence South to its intersection with State Route 607 (TB Road); thence East along State Route 607 (TB Road) to its intersection with State Route 618 (Bayside Road); thence North along State Route 618 (Bayside Road) to its intersection with a tributary of Nassawadox Creek; thence East along the tributary and across U. S. Rt. 13; thence North along the right-of-way of Bay Coast Railroad to the corporate limits of the Town of Exmore; thence along the corporate limits of the Town of Exmore to State Route 604 (Oakland Drive); thence East along State Route 604 (Oakland Drive) to State Route 600 (Seaside Road); thence North along State Route 600 (Seaside Road) following the corporate limits of the Town of Exmore; thence West and North along the corporate limits of the Town of Exmore back to the point of beginning.

Section 4. A map of Northampton County delineating the boundaries of the respective election districts is attached hereto and incorporated herein.

Section 5. Each election district shall consist of one precinct, the boundaries of which are the same as set forth above for the district boundaries.

Section 6. The polling place for each district is as set forth below:

- District 1 – Trinity United Methodist Church Fellowship Hall
- District 2- - American Legion Post #56
- District 3 – Northampton Fire & Rescue Station
- District 4 – Eastville Fire Hall
- District 5 – Exmore Fire Station

Section 7. The General Registrar for Northampton County shall notify by mail no later than fifteen days prior to the next general, special or primary election all registered voters whose election district is changed by this Ordinance. The General Registrar for Northampton County shall cause Notice of the change in election district boundaries to be published in a newspaper having general circulation in Northampton County once a week for two successive weeks prior

to the next general, special or primary election.

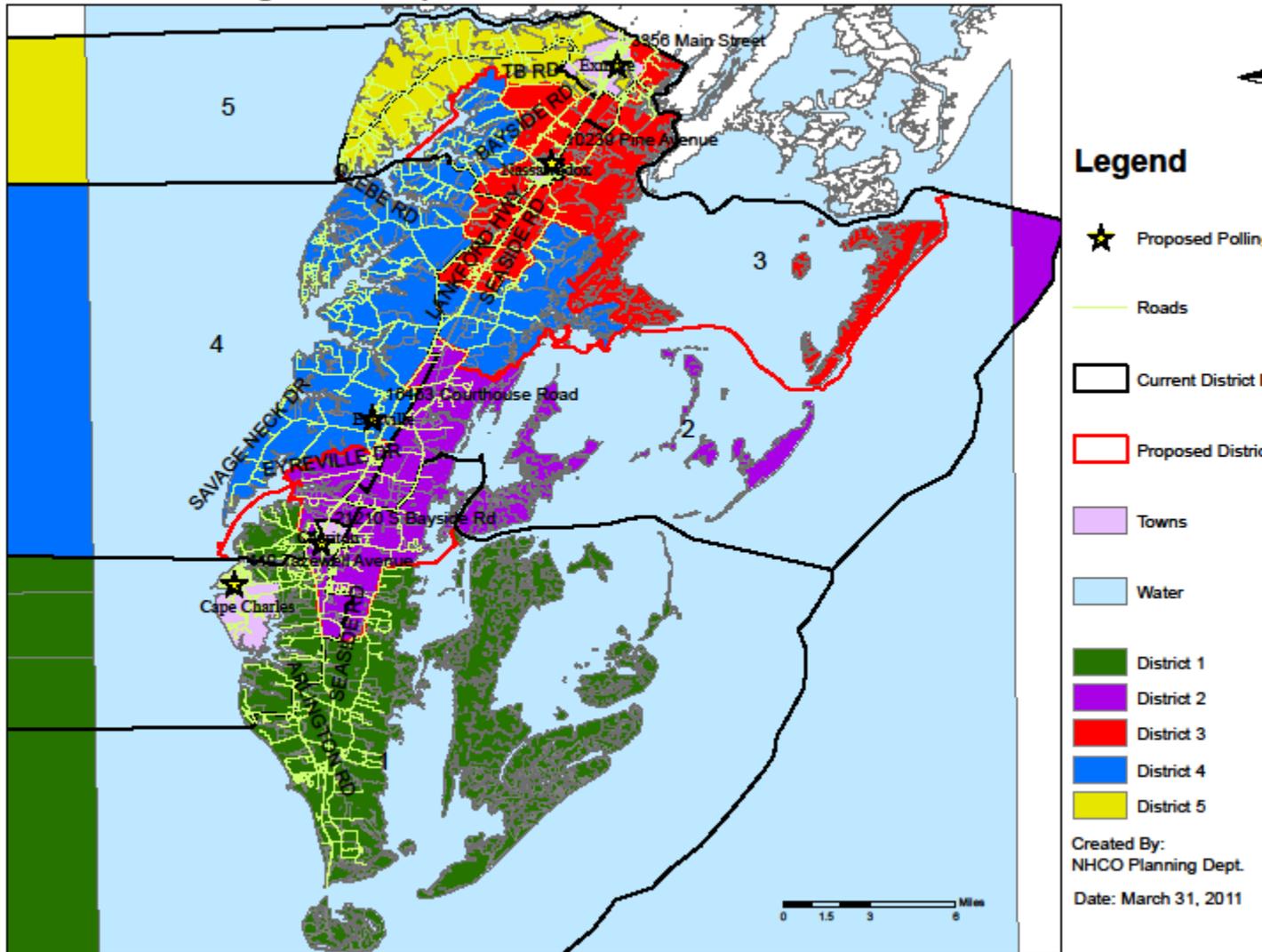
Section 8. There shall be one supervisor elected from each election district.

Section 9. This Ordinance shall be in full force and effect immediately upon its adoption and its approval under the provisions of Voting Rights Act of 1965; provided, however, that the several election districts of Northampton County with boundary lines and designations thereof as constituted and known on the day before this Ordinance becomes effective shall continue to be represented as such on the Board of Supervisors, the County School Board, and other boards appointed by election district shall continue to be represented as such for the remainder of the current term of such individual appointed or elected thereto or until the earlier vacancy in such office, whichever shall first occur. Candidates for the office of County Supervisor to be elected in November, 2011, and thereafter shall offer for election from the election districts as established by this Ordinance.

Section 10. The provisions hereof shall supercede and replace the election districts as created by the Ordinance entitled, "An Ordinance to Provide for the Creation of Six Election Districts, to Provide for the Election of One Supervisor from Each Election District, to Provide a Polling Place for Each Election District, and to Repeal Prior Inconsistent Ordinances", enacted January 12, 2004, as amended from time to time thereafter.

Section 11. Should any section or provision of this Ordinance be decided to be invalid or unconstitutional, such decision shall not affect the validity or the constitutionality of any other section or provision of this Ordinance.

Districting Plan Option 5B March 30, 2011



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

The County Administrator and Ms. Benson presented the following powerpoint presentation as set out below:

NORTHAMPTON COUNTY

REDISTRICTING 2011

WHAT IS REDISTRICTING?

- The process of redrawing election district boundaries.
- Boundaries must be reviewed after each decennial census county to reflect population/demographic changes.
- This is done at the state level for all federal and state elected offices & for local elections with district representation.

LEGAL REQUIREMENTS

Federal Law

- United States Constitution
- Voting Rights Act of 1965
 - Section 2: Compliance with the Act – prohibits any locality from imposing a voting qualification or procedure that results in the denial or abridgment of the right to vote on account of race, color or status as a member of a language minority group.
 - Section 5: Preclearance by the Department of Justice – most of Virginia is subject to this provision, including Northampton. Our plan must be precleared before we can conduct a local election for the Board of Supervisors, which are chosen by district. We are required to demonstrate that our plan does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color.

LEGAL REQUIREMENTS

State Law

- Virginia Constitution:

Governing bodies of counties, cities and towns are to be popularly elected, either at large or by districts. If elections are by district, the locality must redistrict every 10 years. The districts shall be: contiguous and compact territory and provide for equal population representation among the districts
- Code of Virginia:

Specifies the requirements to achieve the intent outlined in the Virginia Constitution; indicates that a redistricting plan must be adopted by ordinance; specifies timelines to adopt plan; provides language to deal with terms of sitting officials that may be impacted by the changes in the redistricting plan.

2011 County Elections

- Board of Supervisors
Districts 1, 2 & 3: Supervisors Randall, Long & Bennett
– serving a 4 year term that ends December 31, 2013.

Districts 4, 5 & 6: Supervisors Murray, Trala & Tankard
– their terms are ending December 31, 2011. These seats
are up for the 2011 election.
- Non District Elected Offices – Not Impacted by the
Redistricting Process – Scheduled for November 8, 2011
Election
Commonwealth's Attorney
Sheriff
Commissioner of the Revenue
Treasurer

Demographic Changes

Comparison of 2000 & 2010 Population Data

Comparison of 2000 and 2010 Total Population

<u>Jurisdiction</u>	<u>2000</u>	<u>2010</u>	<u>Diff</u>	<u>% Change</u>
Northampton County	13,093	12,389	-704	- 5.4%
Belle Haven (see note)	480	532	+52	+11%
Cape Charles	1,134	1,009	-125	-11%
Cheriton	499	487	-12	-2%
Eastville	203	305*	+102	+50%
Exmore	1,136	1,460	+324	+28.5%
Nassawadox	572	499	-73	-12.8%

(Note: These figures are for Belle Haven as a whole; numbers for only that portion in Northampton County are not available).

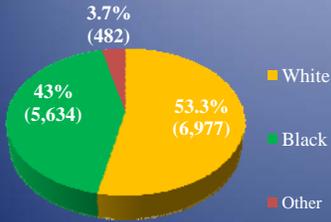
Comparison of 2000 and 2010 Northampton Co. Population by Race Category

<u>Race</u>	<u>2000</u>	<u>2010</u>	<u>Percent Change</u>
White	6,977	7,168	+2.7%
Black	5,634	4,528	-19.6%
Other	482	693	+43.8%

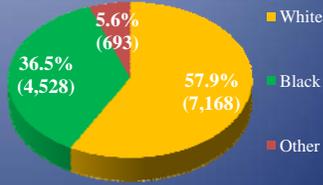
(Note: The U. S. Census Bureau does not consider Hispanic/Latino a race.)

2000 & 2010 Racial Percentage Comparison

2000 Percent Total Population by Race Category

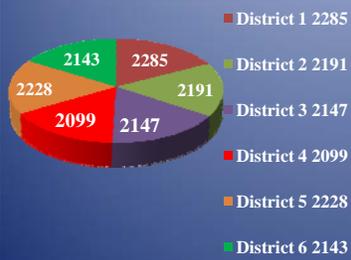


2010 Percent of Total Population by Race Category

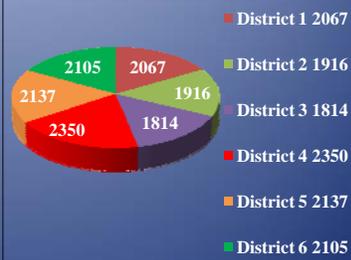


2000 & 2010 Population by Voting District Comparison

2000 Total Population by District



2010 Total Population by District



2000 Census data

Optimum Population – 2,182 (total 13,093)

District	Minority Majority % (Black pop only)	Diff. from Optimum Pop.
District 1	49.76%	+103
District 2	32.29%	+9
District 3	51.12%	-35
District 4	32.35%	-83
District 5	27.87%	+46
District 6	52.04%	-39

Current Districts with 2010 Census Figures

Optimum Population with 6 Districts – 2,064 (total 12,389)

District	Minority Majority % (Black pop only)	Diff. from Optimum
District 1	45%	+3
District 2	26%	-148
District 3	45%	-250
District 4	27%	+286
District 5	31%	+73
District 6	45%	+41

2000 Census Data Minority % by District		2010 Data with Current Districts Minority % by District	
District	Minority Majority % (Black pop only)	District	Minority Majority % (Black pop only)
District 1	49.76%	District 1	45%
District 2	32.29%	District 2	26%
District 3	51.12%	District 3	45%
District 4	32.35%	District 4	27%
District 5	27.87%	District 5	31%
District 6	52.04%	District 6	45%

Redistricting 2010

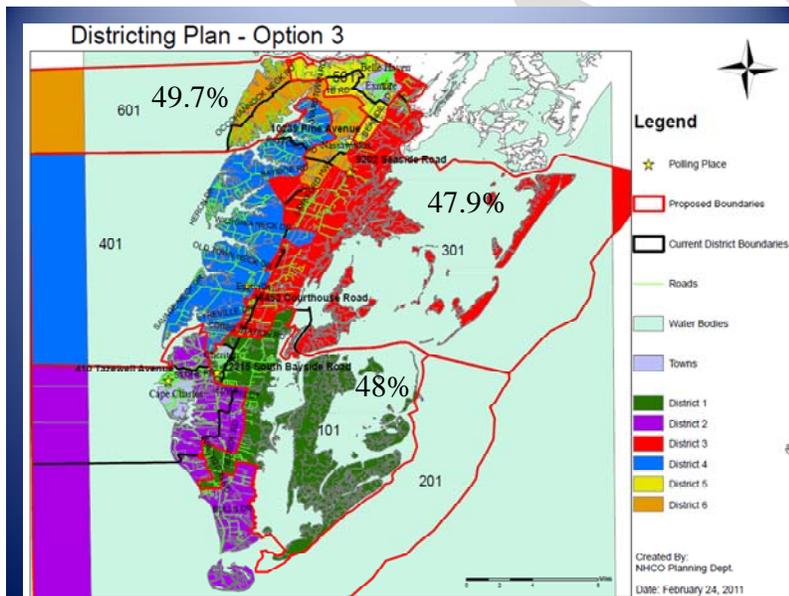
Background and Criteria

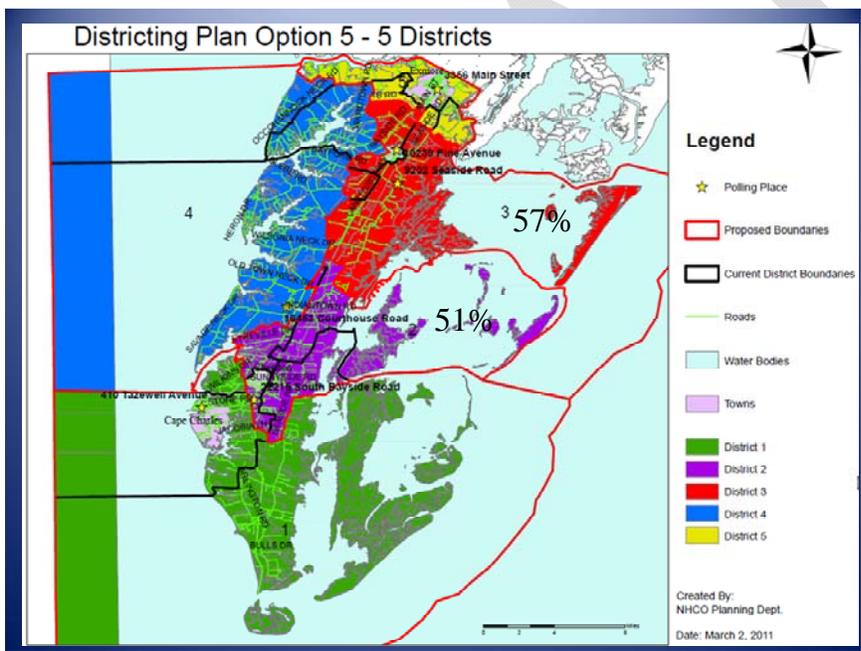
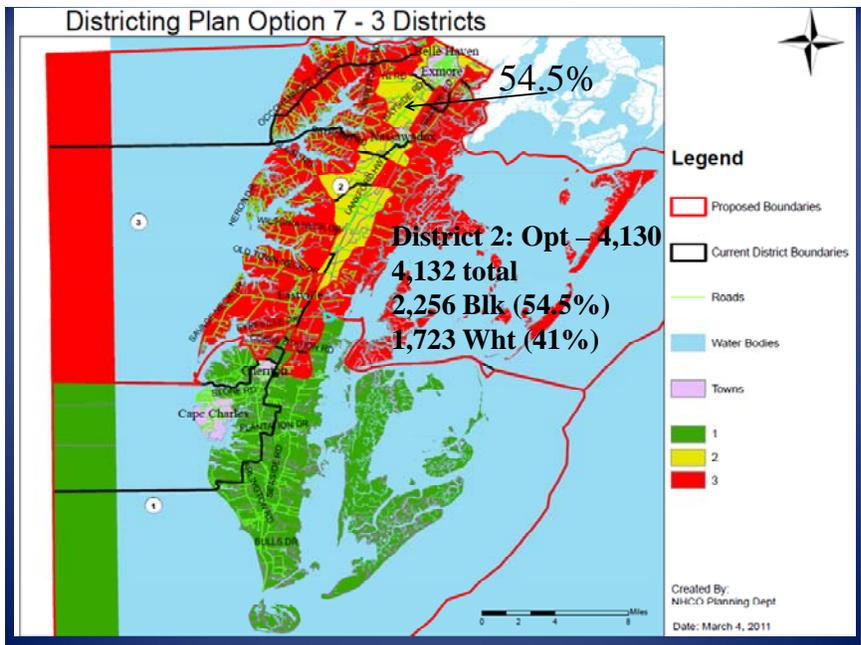
- Created 12 Plans
- 5 Plans with 6 Districts
- 1 Plan with 3 Districts
- 6 Plans with 5 Districts

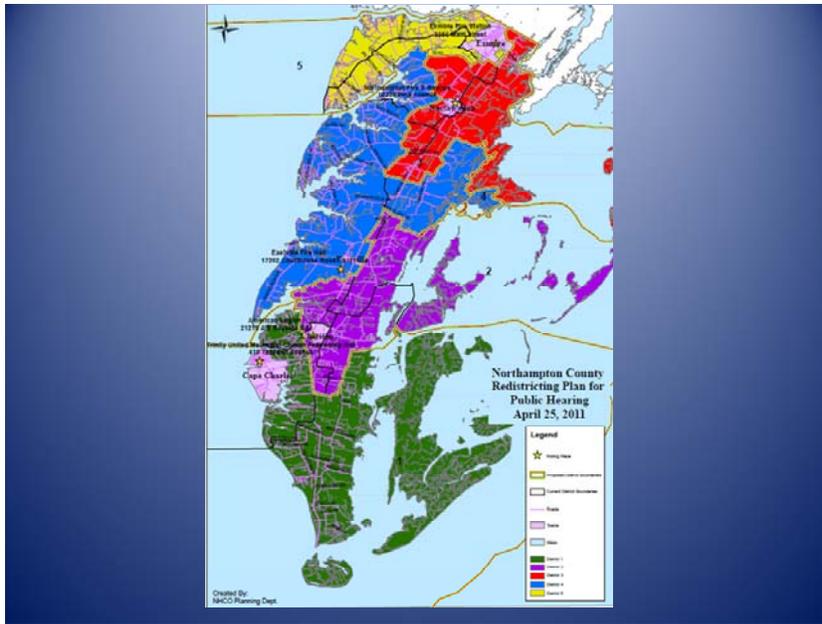
Redistricting 2010

Background and Criteria cont.

- Create districts within 10% of Optimum Population (2,478 for 5 District Plan)
- Create Minority Majority Districts
- Districts must be compact and contiguous
- Have a Town in each District
- Try to avoid splitting necks, villages, or communities







Redistricting Plan for Public Hearing Statistics

District	Total Pop. (2,478)	White	Black	Other
District 1	2,474	1,745 (70%)	636 (25.7%)	93 (3.7%)
District 2	2,498	1,057 (42.3%)	1,266 (50.68%)	175 (7%)
District 3	2,481	1,029 (41.4%)	1,366 (55%)	86 (3.4%)
District 4	2,388	1,653 (69.2%)	532 (22.2%)	203 (8.5%)
District 5	2,548	1,684 (66%)	728 (28.5%)	136 (5.3%)

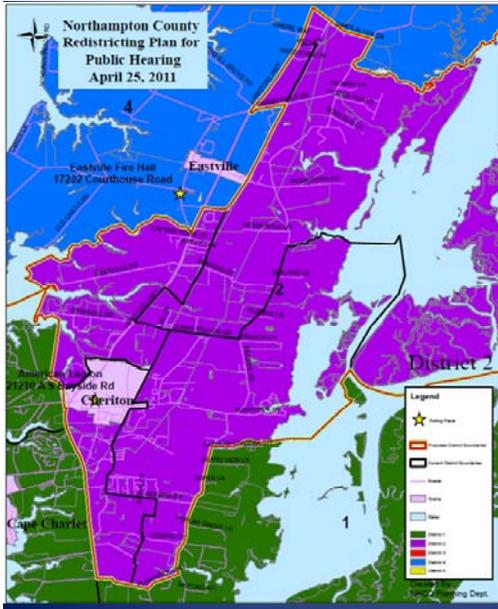
Voting Age Population

District	Total Pop.	White	Black	Other
District 1	1,952	1,415 (72.4%)	512 (26.2%)	25 (1.2%)
District 2	1,786	779 (43.6%)	973 (54.47%)	34 (1.9%)
District 3	1,895	820 (43.2%)	1,043 (55%)	32 (1.6%)
District 4	1,782	1,311 (73.5%)	437 (24.5%)	34 (1.9%)
District 5	1,978	1,381 (69.8%)	564 (28.5%)	33 (1.6%)



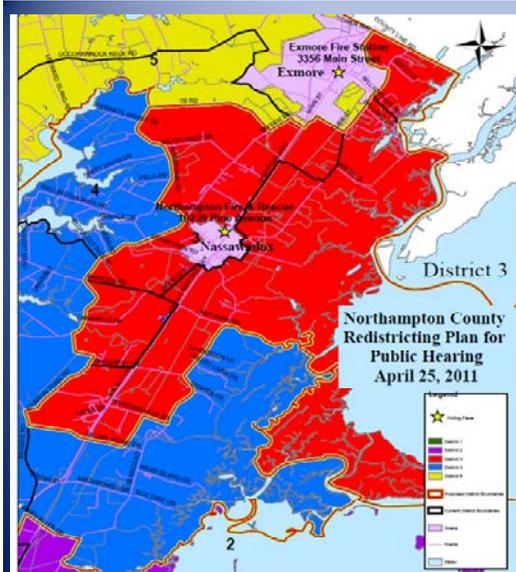
District 1:

- 2,474 people (-4)
- Includes Cape Charles
- New Polling Place – Trinity United Methodist
- Not a Minority Majority District



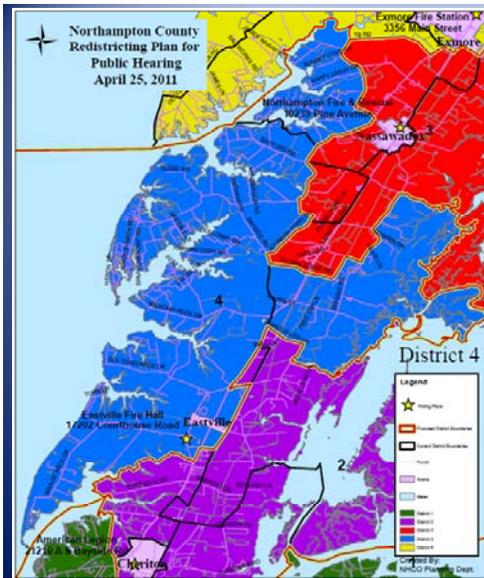
District 2:

- 2,498 (+20)
- Includes Cheriton
- New Polling Place – American Legion Hall
- Minority Majority District (50.68%)

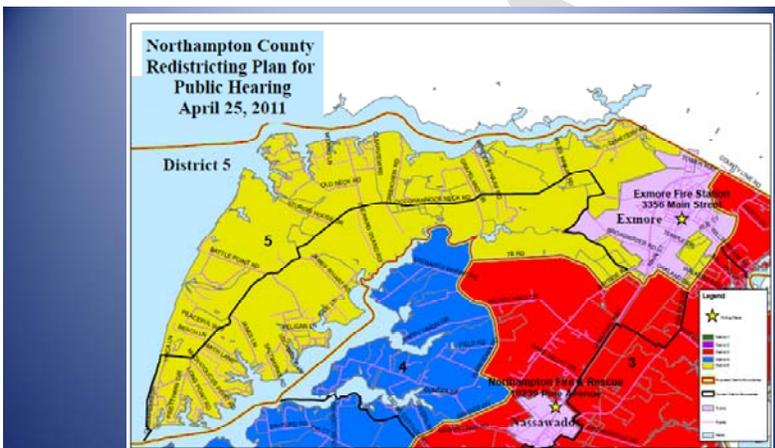


District 3:

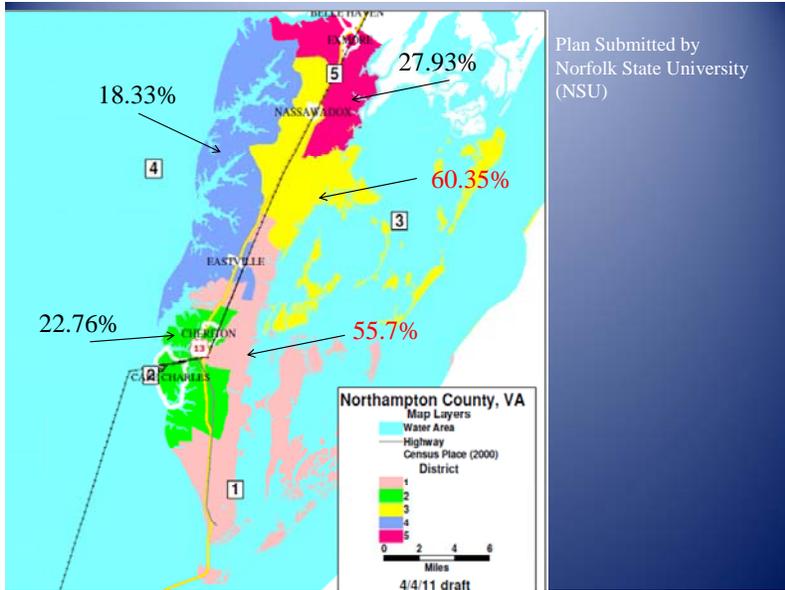
- 2,481 (+3)
- Includes Nassawadox
- New Polling Place – Northampton Fire & Rescue
- Minority Majority District (55.06%)
- Includes all of Willis Wharf



- District 4:
- 2,388 (-90) least populated District
 - Includes Eastville
 - Polling Place – Eastville Fire Hall
 - Not a Minority Majority District



- District 5:
- 2,548 (+70) most populated District
 - All of Occohannock Neck
 - Polling Place – Exmore Fire Station
 - Includes Exmore
 - Not a Minority Majority District



Redistricting Plan on Display

- Exmore Town Hall
- Northampton Free Library (Nassawadox)
- County Administration (Former Middle School)
- Voter Registrar’s Office (Eastville)
- Eastville Courthouse
- Cheriton Town Office (Cheriton DMV)
- Cape Charles Town Office

Ms. Lenore “Cookie” Francis of Nassawadox asked the Board not to eliminate District 6, indicating that it would pose a hardship to elderly and handicap residents to travel to the new polling place.

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

Mr. Murray said that there had been some concern expressed because of the staggered terms element of the redistricting process but the Board understood that this was not a consideration for the Department of Justice. He noted that he supported the five district plan, saying that this ordinance was the “right thing for the County to do for the overall improvement of county government.”

Mr. Tankard indicated that he supported this ordinance as proposed, noting that (1) the districts make more sense (more compact); (2) there is a town located in each district (places a community of interest in each district); and (3) five supervisors would allow for a simple majority to rule and save the taxpayers’ money by maintaining few supervisor positions and fewer polling places.

Chairman Randall indicated that he also supported the plan and thanked the County Administrator and Planning & Zoning staff for their hard work in its creation.

Motion was made by Mr. Long, seconded by Mr. Murray, that AN ORDINANCE TO PROVIDE FOR THE CREATION OF FIVE ELECTION DISTRICTS, TO PROVIDE FOR THE ELECTION OF ONE SUPERVISOR FROM EACH ELECTION DISTRICT, TO PROVIDE A POLLING PLACE FOR EACH DISTRICT, AND TO REPEAL PRIOR INCONSISTENT ORDINANCES be adopted as presented. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Murray, seconded by Mr. Long, that the Board instruct the

County Administrator to move forward with preparations for establishing the former Northampton County Middle School at Machipongo as the polling place for District Four for the 2012 voting season; and instruct the County Administrator to request STAR Transit to consider additional arrangements for traveling to the Eastville polling place on Election Day in order to increase voter accessibility. All members were present and voted “yes.” The motion was unanimously passed.

Chairman Randall called to order the following public hearing:

(13) Zoning Text Amendment 2011-04: Turner & Turner Attorneys at Law have filed on behalf of property owners in Willis Wharf, VA to amend the Northampton County Code, **§154.003 DEFINITIONS**, by amending the definitions of “Redevelopment” and “Water-Dependent Facility” and to amend **Appendix B Densities, Lot Sizes and Dimensions** for the WV-WC Waterfront Village-Waterfront Commercial District as indicated below.

	<u>WV-WC (Appendix B)</u>	<u>Proposed</u>
Minimum lot width at shoreline	250'	60'
Front yard setback	P/60'	P/10'
Rear yard setbacks:		
Principal	20'	0'
Accessory	5'	0'
Side yard setbacks	20'	10'
Shoreline setback	110'	(water dependent uses only) 0'
Maximum lot coverage	60%	75%

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

Ms. Benson said that the Planning Commission is planning to further discuss this matter at its upcoming work session on May 18th and would hope that the Board could receive the Commission’s recommendation for consideration at its May 23rd work session.

Ms. Cela Burge, representing members of the aquaculture industry in Willis Wharf, asked for a continuation of this public hearing in order to allow the applicants to address any concerns which result from the Planning Commission’s recommendation to be reached on May 18th.

Mr. Tom Walker of Willis Wharf thanked the Planning & Zoning staff for their huge

efforts made to bring a very clear and precise zoning text amendment application to the Board.

Mr. Art Schwartzchild, Chairman of the Willis Wharf Committee, indicated that the results of the consultants' work on updating the vision statements has not been received yet but he believed that the revised statements would indicate a strong support for the aquaculture industry. He said that the village is supportive of the proposed amendments and assumes that some changes will be made.

It was noted that the following written comments had been received via e-mail and are set out below:

Please make this statement a part of the public record at tonight's Board of Supervisors meeting:

Good evening,

In regards to the proposed Zoning Text Amendment 2011-04 in the WV-WC district, we feel that this change would not compromise the Villages of Willis Wharf or Oyster as long as all of the requested setbacks the WV-WC areas have uses that are water dependent only and be noted accordingly.

*We are aware that these changes are needed in order to expand an existing aquaculture business in Willis Wharf. The aquaculture industry is very valuable to the economy of Northampton County and the waterfront is an important component of their business. To support this effort, uses for waterfront commercial properties should be limited to those which are water-dependent. This sentiment is reflected in the Visions from both Villages and noted throughout both documents.**

Of minor concern is the 10' setback from the front yard. This could bring buildings very close to the street, limiting parking, turning space and foot traffic. This setback may be necessary depending on the lot sizes. We would just ask that this be a noted concern. This concern should not, however, be a sticking point for the applicant.

**"Support and retain its residents with traditional seafood, farming, and related industries that are clean, low-key and ecologically sound." (Willis Wharf)*

"Support the needs of commercial and recreational users of its waterfront without compromising the primarily residential character and rural village way of life" (Oyster).

Thank you for your consideration.

Best,

Sarah Morgan, 6553 Broadwater Circle, Cape Charles, VA 23310

Donna Fauber, 6545 Broadwater Circle, Cape Charles, VA 23310

* * * * *

There being no further speakers, the Chairman closed this part of the public hearing and indicated that it would resume on May 23, 2011.

(14) Special Use Permit 2011-05: William C. Parr has applied for a minor special use permit for holiday and seasonal events and an event venue on property zoned Agriculture/Rural Business located at 24021 Seaside Road. The property contains 22.67 acres of land and is described as Tax Map 92, double circle 5, parcel A. *This is a continuation of the public hearing initially heard on April 12, 2011.*

Ms. Nunez indicated that there was still no Planning Commission recommendation for the Board to consider, but that as a result of the significant amount of additional information requested and received by the Planning Commission, legal counsel has determined that the Planning Commission should conduct another public hearing in order to allow the public to comment on the new testimony. This matter will be moved to the Board's June 14th agenda through a continuation of the public hearing.

Mr. Long suggested that the Board direct the Planning Commission to bring back a definite recommendation on this matter; i.e., a straight "up-or-down" recommendation, so that the applicant can proceed with his plans.

Mr. Tankard reminded the Board that all of the additional information has not been viewed by the public and another public hearing would also the citizenry to "catch up"; he was very comfortable with another public hearing being conducted by the Planning Commission.

Noting that this process has gone on since the applicant submitted his paperwork back in February, motion was made by Mr. Long, seconded by Mr. Murray, that the Board instruct the Planning Commission to submit its recommendation on this special use permit for the Board's June 14, 2011 meeting. All members were present and voted "yes." The motion was unanimously passed.

Tabled Item

(15) Consider accepting all bids received as a result of the March 1, 2011 Delinquent Tax Auction Event.

It was the consensus of the Board to leave this item on the table.

Action Items:

(16) Consider approval of Culls Community Development Block Grant items

Motion was made by Mr. Murray, seconded by Mr. Bennett, that the Board approve the following documentation with regard to the subject project:

1. Local Business Employment Plan
2. Non-Discrimination Policy
3. Anti-Displacement Plan and Certification
4. Fair Housing Certification
5. Section 504 Non-discrimination on Basis of Handicap Policy
6. Project Budget
7. Environmental Review. (The Board designated the County Administrator as Certifying Officer for the Culls CDBG Environmental Review.)
8. Program Policy and Guidelines
9. Management Plan
10. Contract for Administrative Services
11. Award the contract for engineering services to J. W. Salm Engineering, Inc., of Cape Charles, Virginia, and Berlin, Maryland, in accordance with that proposal dated April 19, 2011.

All members were present and voted "yes." The motion was unanimously passed.

(17) Consider an amendment to the Regional Jail Contract.

Motion was made by Mr. Long, seconded by Mr. Bennett, that the Board approve the amendment to the REGIONAL CONTRACT FOR THE COOPERATIVE JAILING OF OFFENDERS OF NORTHAMPTON COUNTY, VIRGINIA AND ACCOMACK COUNTY, VIRGINIA, dated August 20, 2003, which reflects a change in the Regional Jail Board's meeting schedule (monthly to at least quarterly). All members were present and voted "yes." The motion was unanimously passed.

(18) Consider Cooperative Agreement between Natural Resources Conservation Service

(NRCS), Virginia Outdoors Foundation (VOF), and the County of Northampton re: Purchase of Development Rights Program

Motion was made by Mr. Tankard, seconded by Mr. Murray, that the Board approve this amendment to the Cooperative Agreement between the United States of America Commodity Credit Corporation Acting Through the Natural Resources Conservation Service (NRCS), the Virginia Outdoors Foundation, and the County of Northampton, for the Farm and Ranch Lands Protection Program, which amendment reflects the addition of the NRCS as a partner to the agreement. 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. Bennett, that the Board appoint Ms. Jacqueline Chatmon to the Eastern Shore of Virginia Housing Alliance, replacing Mr. Sean Ingram. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Murray, seconded by Mr. Bennett, that the Board reappoint Rev. Charles Kellam to serve as Citizen Member to the Accomack-Northampton Planning District Commission. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Long, seconded by Mr. Murphy, that the Board appoint Mr. Wilbur “Bill” Payne to the Eastern Shore Community College Board of Directors, replacing Mr. Gene Erb. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Long, seconded by Mr. Bennett, that the Board direct the County Administrator to pursue steps to obtain federal designation for Old Cape Charles Road (Rt. 642). All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Tankard, seconded by Mr. Bennett, that the Board reappoint Mrs. Lee Mapp and Ms. Katherine H. Nunez to positions on the Eastern Shore of Virginia

Regional Housing Authority. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Trala, seconded by Mr. Murray, that the Board reappoint Ms. Sara (Sally) Bedsworth to the Social Services Board. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the Board reappoint Mr. Roland “Butch” Bailey as Citizen Member to the Accomack-Northampton Planning District Commission. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Bennett, seconded by Mr. Long, that the Board appoint Mr. William R. Snyder, Jr., to serve on the County’s Agriculture Committee. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Bennett, seconded by Mr. Long, that the Board reappoint Mr. Spencer Murray to the Social Services Board. All members were present and voted “yes” with the exception of Mr. Murray who abstained. The motion was passed.

Mr. Tankard indicated that he would like to see further discussion at the regular June meeting on the Rural Additions Fund, not only as it may relate to Parallel Road, but also a new connector road between South Bayside and the Food Lion shopping center. He asked that the Board members be thinking of other ideas where the funding could be applied and asked that the County Administrator research the VDOT guidelines for use of this funding as well as recent examples of same. The Board concurred.

Mr. Bennett replied that he felt that the reconstruction of the already-existing Parallel Road [a dirt road] was a necessity – required for safety and health reasons. Mr. Tankard responded that car counts will be an important factor in the determination of construction priority

and believes that the hundreds of cars coming into the Food Lion shopping center from Cheriton should be of greater importance than the ten households residing on Parallel Road.

Motion was made by Mr. Murray, seconded by Mr. Long, that the Board forward to the Planning Commission for public hearing and recommendations certain proposed zoning text amendments to Appendix A – Use Regulations, Category 3 Commercial Uses, Category 8 SF – Single-Family Residential Uses, and Category 8 MF – Multi-Family Residential Uses for the Waterfront Village-Waterfront Commercial District and the Waterfront Village-Neighborhood Business District and also a proposed amendment to Appendix B – Densities, Lot Sizes, and Dimensions for the side yard setback requirement in the Waterfront Village-Waterfront Commercial District (The proposed amendments are set forth in the document dated April 20, 2011); and further, that the Planning Commission be directed to return their recommendations on the proposed amendments to this body by June 14, 2011. All members were present and voted “yes,” with the exception of Mr. Tankard who voted “no.” The motion was passed.

Mr. Murray read the following update from the Hospital Task Force:

Northampton County Board of Supervisors

HOSPITAL TASK FORCE UPDATE

May 10, 2011

On May 8, 2010, almost one year to the date, I began to point out the negative impacts to Nassawadox and the negative impacts to health and safety of Northampton citizens if Shore Memorial Hospital relocated to the north.

On September 27, 2010, Supervisor Tankard and I agreed to serve as a task force, working with Riverside Health Services, to find ways to reduce the negative impacts to Northampton.

I won't recount all of the discussions and actions of the last year but will highlight recent events and their results.

Riverside Shore Memorial's attempts to obtain the required Certificate of Public Need (COPN) began in December 2010 with submission of a 700+ page application to the Virginia Department of Health.

On February 25, 2011, this Board of Supervisors unanimously passed a resolution to oppose Riverside's application as written, not to attempt to block construction of a new in-patient facility in Accomack, but to call for a comprehensive medical plan that covers both counties.

On April 14, 2011, the Virginia Department of Health (VDH) held a public hearing in Accomack County. The staff report of the VDH one week later recommends approval of Riverside's application as written, without a new fixed MRI.

The Virginia Department of Health granted Northampton the right to an Informal Fact Finding Conference (IFFC) where both Northampton and Riverside could introduce new information into the formal record. This conference was held on May 3 in Henrico County before the VDH Adjudicator – a lawyer reporting directly to the Commissioner who is charged with determining whether Northampton has “good cause standing” in its opposition to the COPN. His decision will be published on June 3rd or before. While we introduced and reemphasized many important points into the record for the Adjudicator to consider, it is quite possible that we will not achieve good standing.

We presented what we believe to be numerous factual errors and points of law in the application that the staff report failed to consider, largely dealing with non-compliance with the State Medical Facilities Plan (SMFP) and Virginia Rural Health Plan (VRHP), however we were countered with technical process issues.

Riverside was well prepared and their attorney countered our arguments during the conference. If Northampton does not achieve “good cause standing”, I anticipate the COPN will be issued to Riverside in August.

Several facts emerged from the conference:

* Riverside has concluded that due to geography of the Eastern Shore, it is impossible to locate a single hospital where 95% of the population can access it within 30 minutes' driving time as the State Medical Facilities Plan recommends. Riverside stated at the meeting that the only way to adequately cover the Eastern Shore would be with two hospitals; however, they think that this is not financially feasible.

* Riverside introduced maps that were not available until just before the April 14th public hearing in Melfa. The County had tried to obtain any changes to the submitted application before that public hearing but had been unsuccessful despite repeated FOIA attempts. Their maps showed that the present hospital location serves 55% of the Eastern Shore's population within a thirty-minute drive time. They contend that the new location will change that percentage to 70%. This still falls well short of the 95% coverage recommended by the SMFP.

* Riverside has stated that a stand-alone Emergency Room (ER) in Nassawadox would cost \$1.8 million a year and they are unwilling to continue operation of the ER in Nassawadox to which Northampton ambulances can go. They contend that the proposed “urgent care” facility to be located in the cancer center will handle up to 70% of ER patients. It should be noted that some Urgent Care facilities can refuse treatment to those who cannot pay. ER’s cannot refuse treatment.

The Hospital Task Force continues to explore three issues while awaiting the ruling from the Adjudicator in the IFFC.

(1) Since the affiliation agreement between Shore Memorial Hospital and Riverside Health Systems, Newport News, has not been made available for our review, we cannot determine the financial accountability for renovation/demolition of the Nassawadox facility or the continued operation of the sewage treatment plant which also serves Heritage Hall and other buildings in Nassawadox after Riverside has relocated the hospital to Accomack. Northampton court records show all Nassawadox properties remain titled to Shore Health Services, not Riverside Health Systems, Newport News.

The Nassawadox hospital facility is known to require extensive asbestos abatement at a cost that could range from \$3 million to \$24 million. The Hospital Task Force has asked the County Attorney to take necessary steps to make certain that, once it is empty and tax exoneration goes away, the costs of demolition will not fall upon the Town of Nassawadox and the citizens of Northampton.

(2) In addition, we have learned that a hospital foundation/endowment was established many years ago and reportedly has financial assets in excess of \$7.0 million. It is governed by a separate Board of Trustees. The funds have been accumulated through a portion of profits from the hospital, donations from individuals and groups, estates, etc.

We are respectfully requesting that the Trustees of this Foundation/Endowment share the Articles of Incorporation and By-laws of the Foundation/Endowment with the Northampton Board of Supervisors and meet with us as soon as possible.

(3) We found the Department of Health staff report to the COPN to be woefully inadequate because it failed to address many of the concerns raised by the public and by the Task Force. We are continuing to communicate with the Virginia Department of Health in the hopes that they will address these shortcomings.

The next Hospital Task Force Update will be given after the results of the IFFC ruling or the COPN is issued. Northampton citizens should know that the Hospital Task Force has used all internal County resources and an attorney who has agreed to represent Northampton at no cost (pro bono). No other tax monies were utilized in this effort.

Respectfully submitted,

H. SPENCER MURRAY, Supervisor, District 4

RICHARD B. TANKARD, Supervisor, District 6

* * * * *

Mr. Long said that he would stress the statements contained in the foregoing update which reads, "Riverside has stated that a stand-alone Emergency Room (ER) in Nassawadox would cost \$1.8 million a year and they are unwilling to continue operation of the ER in Nassawadox to which Northampton ambulances can go. They contend that the proposed "urgent care" facility to be located in the cancer center will handle up to 70% of ER patients. It should be noted that some Urgent Care facilities can refuse treatment to those who cannot pay. ER's cannot refuse treatment." He said that he believed this was evidence that Riverside was "hanging us out again". He commented that the Emergency Medical Services Director for this region was present at the recent public hearing and provided contradictory comments relating to emergency medical care through urgent care facilities. Mr. Long stated that he "wanted his severe disappointment to be reflected in the minutes."

Mr. Tankard said he would like to see the last five years' worth of emergency room revenues/expenditures to determine how much it actually costs to operate an emergency room.

Mr. Murray stated that he would like to know the specifics of the net assets mentioned in the Ernst & Young Report of Independent Auditors documentation.

Recess:

Motion was made by Mr. Murray, seconded by Mr. Long, that the meeting be recessed until 7:00 p.m., Monday, May 16, 2011, in the auditorium of the former Northampton County

Middle School, 7247 Young Street, Machipongo, Virginia, in order to conduct the public hearing on the FY 2012 County budget. All members were present and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

_____ CHAIRMAN

_____ COUNTY ADMINISTRATOR

DRAFT