

VIRGINIA:

At a recessed meeting of the Board of Supervisors of the County of Northampton, Virginia, held in the auditorium of the former Northampton County Middle School, 7247 Young Street, Machipongo, Virginia, on the 23rd day of May, 2011, at 5:00 p.m.

Present:

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

1. The meeting was called to order by the Chairman.
2. The Chairman called to order the following public hearing:

| | Existing Budget | Amended or New Budget | Increase/ Decrease |
|------------------------------------------------------------------------------|----------------------------|----------------------------------|-------------------------------|
| <u>Va. Dept. of Emergency Mgmt Interoperability Grant Project</u> | | | |
| To create capital project budget for VDEM Interoperability Grant | | | |
| Total Revenues | 0 | 1,369,334 | 1,369,334 |
| Total Expenditures | 0 | 1,369,334 | 1,369,334 |

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

The County Administrator indicated that this budget amendment and appropriation was triggered by receipt of a grant by the Eastern Shore of Virginia 911 Commission.

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

Motion was made by Mr. Murray, seconded by Mr. Long that the budget amendment and

appropriation be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

3. Action Items:

(A) The following Appropriation Resolution was presented for the Board’s consideration:

APPROPRIATION RESOLUTION

A RESOLUTION TO APPROPRIATE DESIGNATED FUNDS AND ACCOUNTS FROM DESIGNATED ESTIMATED REVENUES FOR FY12 FOR THE ANNUAL OPERATING BUDGET FOR THE COUNTY OF NORTHAMPTON

BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Northampton that:

1. For the fiscal period beginning the first day of July 2011, and ending the thirtieth day of June, 2012, the following amounts are hereby appropriated for the office and activities shown below in accordance with the duly adopted budget for the fiscal year ending June 30, 2012:

General Fund

Revenues

| | |
|----------------------------------------|----------------------------|
| General Property Taxes | \$15,331,288 |
| Other Local Taxes | \$3,081,895 |
| Permits, Privilege Fees & Reg Licenses | \$163,387 |
| Fines & Forfeitures | \$205,942 |
| Use of Money & Property | \$87,789 |
| Charges for Service | \$753,510 |
| Miscellaneous | \$1,000 |
| Recovered Costs | \$122,724 |
| Payments in Lieu of Taxes | \$35,500 |
| Non-Categorical | \$1,290,850 |
| Shared Expenses | \$1,420,999 |
| Categorical Aid | \$120,154 |
| Other Financing Sources | \$295,337 |
| Total | <u>\$22,910,375</u> |

Expenditures

| | |
|-----------------------------------|-------------|
| General Government Administration | \$1,908,963 |
| Judicial Administration | \$600,814 |
| Public Safety | \$3,454,708 |
| Public Works | \$1,858,970 |
| Health & Welfare | \$620,974 |
| Education | \$21,136 |
| Parks, Recreation & Culture | \$338,664 |
| Community Development | \$1,098,045 |

| | |
|------------------|---------------------|
| Non-Departmental | \$13,008,101 |
| Total | \$22,910,375 |

Social Services Fund

Revenues

| | |
|-------------------------|--------------------|
| Miscellaneous | \$1,321 |
| Categorical Aid | \$2,786,280 |
| Other Financing Sources | \$506,630 |
| Total | \$3,294,231 |

Expenditures

| | |
|-------------------------|--------------------|
| Welfare/Social Services | \$3,216,731 |
| Non-Departmental | \$77,500 |
| Total | \$3,294,231 |

Eastern Shore Regional Jail

Revenues

| | |
|-------------------------|--------------------|
| Charges for Service | \$64,000 |
| Recovered Costs | \$500 |
| Shared Expenses | \$1,879,656 |
| Categorical Aid | \$300,000 |
| Other Financing Sources | \$1,248,939 |
| Total | \$3,493,095 |

Expenditures

| | |
|---------------|--------------------|
| Public Safety | \$3,493,095 |
| Total | \$3,493,095 |

Purchase of Devpt. Rights Fund

Revenues

| | |
|-------------------------|-----------------|
| Other Financing Sources | \$25,012 |
| Total | \$25,012 |

Expenditures

| | |
|-----------------------|-----------------|
| Community Development | \$25,012 |
| Total | \$25,012 |

General Debt Service

Revenues

| | |
|-------------------------|--------------------|
| Recovered Costs | \$3,261,100 |
| Other Financing Sources | \$2,011,675 |
| Total | \$5,272,775 |

Expenditures

| | |
|------------------|--------------------|
| Non-Departmental | \$5,272,775 |
| Total | \$5,272,775 |

School Debt Service**Revenues**

| | |
|-------------------------|--------------------|
| Other Financing Sources | \$1,343,087 |
| Total | \$1,343,087 |

Expenditures

| | |
|------------------|--------------------|
| Non-Departmental | \$1,343,087 |
| Total | \$1,343,087 |

Public Utilities Fund**Revenues**

| | |
|---------------------|------------------|
| Charges for Service | \$141,637 |
| Total | \$141,637 |

Expenditures

| | |
|--------------|------------------|
| Public Works | \$141,637 |
| Total | \$141,637 |

School Operating**Revenues**

| | |
|-------------------------|---------------------|
| Miscellaneous | \$350,820 |
| Categorical Aid | \$8,501,169 |
| Other Financing Sources | \$7,819,497 |
| Total | \$16,671,486 |

Expenditures

| | |
|-----------------------------------------|---------------------|
| School Instruction | \$10,542,001 |
| School Admin., Attendance & Health | \$1,882,371 |
| School Pupil Transportation Services | \$1,514,792 |
| School Operation & Maintenance Services | \$2,000,332 |
| Technology | \$379,230 |
| Non-Departmental | \$352,760 |
| Total | \$16,671,486 |

School Federal Grants Fund**Revenues**

| | |
|-----------------|--------------------|
| Categorical Aid | \$2,435,858 |
| Total | \$2,435,858 |

Expenditures

| | |
|--------------------|--------------------|
| School Instruction | \$2,435,858 |
| Total | \$2,435,858 |

School Food Services Fund

Revenues

| | |
|---------------------|------------------|
| Charges for Service | \$150,000 |
| Miscellaneous | \$0 |
| Categorical Aid | \$735,196 |
| Total | \$885,196 |

Expenditures

| | |
|----------------------|------------------|
| School Food Services | \$885,196 |
| Total | \$885,196 |

- The County Administrator is authorized to transfer budgeted amounts between line items, classifications, departments and projects, but any revisions between funds or revisions that alter total expenditures must be approved by the Board of Supervisors through legislative action. All supplemental appropriations must be reported in a public meeting of the Board of Supervisors and made a matter of record in the minutes.
- Appropriations designated for capital projects will not lapse at the end of the fiscal year but shall remain appropriations until the completion of the project or until the Board of Supervisors, by appropriate resolution, amends or eliminates the appropriation. Upon completion of a capital project, staff is authorized to close out the project and transfer to the funding source any remaining balances.
- Because the Board of Supervisors has determined that it may be necessary or desirable to advance money to pay initial costs of acquiring the equipment approved for lease-purchase as part of the annual budget process, the Board of Supervisors declares official intent under Treasury Regulations Section 1.150-2 that it reasonably expects to reimburse advances made by the County to pay the initial costs of acquiring the equipment approved for lease-purchase as part of this annual appropriation resolution. For FY12, these items include the following:

| <u>DEPARTMENT</u> | <u>ITEM</u> | <u>PAYMENT</u> | <u>TOTAL</u> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|----------------|-----------------------------------------|
| Reassessment | Pickup (1) | \$4,617.55 | \$17,000 |
| Information Technology | Server for Sheriff's Dept. | \$4,061.22 | \$15,000 |
| Sheriff | Vehicles (3) | \$24,200.42 | \$89,458 |
| Animal Control | Vehicle (1) | \$7,510.47 | \$27,673 |
| Emergency Medical Services | Quick Response Vehicle (1) | \$13,073.79 | \$48,328 |
| Eastern Shore Regional Jail | DVR (1) | \$2,169.69 | \$8,000 |
| <i>Financing over three years (Assumes three quarterly payments during FY12)</i> | | | |
| School | Buses (3) | \$53,704 | \$268,520 <i>(includes interest)</i> |
| <i>Financing over five years; funds included in Operating Contribution to the Schools This is Fourth Year of Scheduled Bus Replacement for the next round of buses.</i> | | | |

5. Per the Code of Virginia, any supplemental appropriation which increases the total budget by more than \$500,000 or 1% of the total budget will be advertised for a public hearing at least seven days prior to the meeting date. The Board of Supervisors may adopt such amendment at the advertised meeting, after first providing a public hearing on the proposed budget amendments.
6. Any unspent appropriations in the School Operating Fund for FY11 will be recorded as reserved fund balance within that fund for the purpose of funding projects in the adopted School's Capital Improvement Plan.
7. If deficits appear to be forthcoming within a fiscal year, recommended spending reductions would be proposed by the County Administrator during the fiscal year in order to sufficiently offset the deficit.
8. In accordance with the requirements set forth in Section 58.1-3524(C) (2) and Section 58.1-3912(E) of the Code of Virginia, as amended by Chapter 1 of the Acts of Assembly (2004 Special Session 1) and as set forth in item 503.E (Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly any qualifying vehicle situated within the County commencing January 1, 2011 shall receive personal property tax relief in the following manner:
 - a. Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
 - b. Personal use vehicles valued at \$1,001 to \$20,000 will be eligible for 58% tax relief;
 - c. Personal use vehicles valued at \$20,001 or more shall only receive 58% tax relief on the first \$20,000 of value; and
 - d. All other vehicles which do not meet the definition of "qualifying" (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.
 - e. In accordance with Item 503.D.1., the entitlement to personal property tax relief for qualifying vehicles for tax year 2005 and all prior years expired on September 1, 2006. Supplemental assessments for tax years 2005 and prior that are made on or after September 1, 2006 shall be deemed "non-qualifying" for purposes of state tax relief and the local share due from the taxpayer shall represent 100% of the tax assessable.
9. Tax Rates for FY12 (Tax Year 2011) are proposed to be set as follows:

| | <u>Tax Year 2010 (Current)</u> | <u>Tax Year 2011 (Proposed)</u> |
|-------------------------|---------------------------------|---------------------------------|
| Real Estate: | \$.49 per \$100 assessed value | \$.49 per \$100 assessed value |
| Mobile Homes: | \$.49 per \$100 assessed value | \$.49 per \$100 assessed value |
| Tangible Pers. Property | \$4.10 per \$100 assessed value | \$4.10 per \$100 assessed value |
| Boats | \$.99 per \$100 assessed value | \$.99 per \$100 assessed value |
| Machinery & Tools | \$2.25 per \$100 assessed value | \$2.25 per \$100 assessed value |
| Merchant's Capital | \$0.00 per \$100 assessed value | \$0.00 per \$100 assessed value |
| Farm Mach. & Equip. | \$1.43 per \$100 assessed value | \$1.43 per \$100 assessed value |
| Heavy Construction | \$2.86 per \$100 assessed value | \$2.86 per \$100 assessed value |
| Solar Installations | \$0.49 per \$100 assessed value | \$0.49 per \$100 assessed value |

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With regard to the proposed inclusion of paragraph #6, Mr. Long questioned whether the

Board was limiting itself to the capital fund. He suggested that any remaining funds from FY 11 be returned to the County's undesignated fund balance.

Mr. Tankard indicated that he could see Mr. Long's argument but he would rather see the funds retained in a school capital fund that to go towards operations. He stated that he recognized that the school capital fund was underfunded and needed to be planned for.

Mr. Long then suggested that a portion of the remaining funds be returned to the County because he was worried about rising energy costs. Mr. Murray responded that the amount of remaining funds was unknown at this time but he saw paragraph #6 as an incentive to the School Board to save in all possible areas so that those resulting funds could be put towards the capital plan.

Mr. Tankard read the following statement:

Mr. Chairman:

I agree with the goals and objectives of the 2011-2012 budget as outlined by the County Administrator. I am particularly pleased that we have been able to review and revise the budget while keeping to a timetable that allows for Board approval in May. I do want to pause and recognize Glenda Bradley for her many efforts for producing her last budget for Northampton County. During her tenure with us, I think budgets have improved each year, especially in terms of clarity and presentation. She has worked well with County Administrator Nunez in budget development and oversight. We will surely miss her talents and hope that in the future we can find a replacement of her stature.

I do want to mention a couple of areas of concern: jails and the school capital fund. Both of these areas need further refinement in future budgets. If we can gain greater cost control and preserve stabilization in these two areas, our lives will be easier and county taxpayers will be less burdened.

I expected that a workable CIP would have been forwarded from the school board. That is, however, not the case. As witness – a \$22 million plan that has a \$13 million bulge within it. Surely it can be structured differently. Additionally, the School CIP sometimes uses old 2007 construction cost estimates for major projects. And of course cost estimates for 2007 was right at the top of the bubble in terms of real estate construction. So please do not think that I am disparaging the School Board. I think they have made great progress with this year's budget with personnel changes. Here, in particular, the lion's share of the budget has seen a great deal of improvement. I can only hope that a great deal of progress being made with the shared

services committee and meetings between our two respective boards would have ironed out a CIP that both boards could endorse. I hope this will become reality very soon and I stand ready to help in the process.

As far as jails, I am disappointed that our costs have continued to remain so high and that we shoulder nearly 100% of the operational costs of a facility that was supposed to be regional. It boggles the mind that Accomack receives extra “emergency funds” from the Compensation Board to operate their own facility at less than full capacity. If they were truly contributing and committed to the regional jail, I daresay we could have cut real estate taxes this year. I don’t wish to dwell on these few negatives as I think there are so many positives in the proposed budget. I’m proud of the fact that no tax rates have risen and our citizens have not had to endure a greater tax burden during these tough economic times. I think it entirely appropriate that our county and school staff have received a raise for the first time in three and four years. This raise may help defray some of the rising medical insurance costs experienced during that same time period. As has been a trend for longer than I have been on the board, we continue to fund the schools at a much higher level than requested by the state.

Thank you.

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Motion was made by Mr. Tankard, seconded by Mr. Murray that the Appropriations Resolution be adopted as presented above. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Long, seconded by Mr. Tankard, that the tipping fee at the Northampton County Transfer Station be increased from \$61.00 per ton to \$63.00 per ton, effective July 1, 2011. All members were present and voted “yes.” The motion was unanimously passed.

(B) Consider action on 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% |

Noting that the Board of Supervisors had decided to continue to receive public comment following the May 10th initial hearing, the Chairman asked if there were any present desiring to speak.

In Ms. Benson's absence, Mr. Peter Stith, Long-Range Planner, presented the Planning Commission's recommendation as set out below:

"The Northampton County Planning Commission met in recessed session on May 18, 2011, with all members present except Commissioner Carpenter. Upon motion by Commissioner Kellam with second from Commissioner Wescoat, the commission voted unanimously to recommend approval of Zoning Text Amendment 2011-04 as proposed with the following revisions and stipulations:

"1) that the proposed setbacks, minimum lot width at shoreline, and maximum lot coverage for the Waterfront Village-Waterfront Commercial District be applicable only to water-dependent facilities/uses as defined;

"2) that the definition of **WATER-DEPENDENT FACILITY** be revised as follows: A development of land that cannot exist outside the **RESOURCE PROTECTION AREA** and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to: (a) Ports; (b) The intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (c) Marinas and other boat docking structures; (d) Beaches and other public water-oriented recreation areas; (e) Fisheries or other marine resource facilities; *and (f) AQUACULTURE and AQUACULTURAL FACILITIES and essential accessory uses and structures when it is demonstrated through the required Water Quality Impact Analysis that such accessory uses and structures will not create water quality impairments in the adjacent water body* [;]

"3) that the definition of **REDEVELOPMENT** be revised as follows: The process of developing land that is or has been previously developed; ~~shall not involve an increase in impervious surfaces,~~ unless redevelopment is in an area designated IDA or redevelopment is in

*the WV-WC district and involves **AQUACULTURE or AQUACULTURAL FACILITIES.***

“4) that creation of an Intensely Developed Area (IDA) is not recommended.”

* * * * *

Ms. Cela Burge of Turner & Turner indicated that the applicant has no problem with the revised definitions as recommended by the Commission but indicated that the application was meant to be a more simple and direct way to address existing setback issues originating in the aquaculture community. The Commission had added additional language which is reflected above in item 2)(f) and the last phrase of item 3). Ms. Burge indicated again that the applicant has no problem with items 2) and 3) as outlined above.

At Mr. Tankard’s question, Mr. Stith confirmed that the Planning Commission’s proposed changes are recommended for water dependent uses only.

There being no further comments, the Chairman closed the hearing.

Mr. Murray stated that he had attended the Planning Commission’s May 18th meeting and it was evident that the Commission felt that this application was important for the aquaculture community. Mr. Trala said that he believed that the villages of Oyster and Willis Wharf are in agreement with the zoning text amendment application.

Motion was made by Mr. Tankard, seconded by Mr. Murray, that Zoning Text Amendment 2011-04 be approved with the four revisions and stipulations as recommended by the Planning Commission and as outlined in Ms. Benson’s memorandum to the Board dated May 20, 2011. All members were present and voted “yes.” The motion was unanimously passed.

Closed Session

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

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

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

After Closed Session, the Chairman reconvened the meeting and said that the Board had entered the closed session for that purpose as set out in paragraph 7 of Section 2.1-3711 of the Code of Virginia of 1950, as amended. Upon being polled individually, each Board member confirmed that this was the only matter of discussion during the closed session.

Recess:

Motion was made by Mr. Murray, seconded by Mr. Bennett, that the meeting be recessed until 5:30 p.m., Wednesday, June 8, 2011 in conference room #2 of the former Northampton Middle School, 7274 Young Street, Machipongo, Virginia, for a joint meeting with the Northampton County School Board. All members were present and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

_____CHAIRMAN

_____ COUNTY ADMINISTRATOR