

VIRGINIA:

At a regular meeting of the Board of Supervisors of the County of Northampton, Virginia, held in the Board Chambers of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, on the 12th day of June, 2012, at 4:00 p.m.

Present:

Oliver H. Bennett, Chairman	Willie C. Randall, Vice Chairman
Richard L. Hubbard	Larry LeMond
Laurence J. Trala	

The meeting was called to order by the Chairman.

Closed Session

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

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

Appointments to Boards/Commissions

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

After Closed Session, the Chairman reconvened the meeting and said that the Board had entered the closed session for those purposes as set out in paragraphs 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) Mr. Dave Schulte, the newly hired Director of the Eastern Shore Tourism Commission, addressed the Board and congratulated all those who participated in last weekend’s Tall Ships Events.

Mr. Larry Giddens, representing the Randy Custis Memorial Park, said that the Park was interested in acquiring more signage to aid in visibility for the facility. Ms. Katherine H. Nunez, County Administrator, responded that information has been provided to Mr. Custis in the past with regard to the TODS (Tourism Oriented Directional Signs). If signage is proposed to be located on Route 13, VDOT regulations must be followed. It was also suggested that Mr. Giddens contact Nassawadox Mayor Murphy if signage is proposed within the town limits.

Mr. Kyle Lau of Davenport & Co., the County’s financial advisors, discussed with the Board the proposed refinancing of certain county debt, contained in the Board’s agenda packet under tab #18. He noted that the County will realize substantial savings over the life of the debt, from \$5 - \$6 million. The County Administrator presented the following memorandum

explaining the refinancing:

MEMORANDUM

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: June 8, 2012
RE: Re-financing of County Debt

As discussed and authorized at the April 23, 2012 Board of Supervisors meeting, the County has been working with Davenport & Co., our financial advisors, to re-finance our debt to obtain more favorable interest rates on the existing debt. We submitted an application to the Virginia Resources Authority (VRA) and have qualified to participate in their summer bond pool. We are proposing to refinance the 2002 Capital Bond, the 2005 and 2006 and 2007 Bank Qualified Borrowings. We will not be extending the life of any of these notes; all savings indicated are as a result of change in interest rates.

The Board is required to pass a resolution authorizing the County to refinance and participate in the VRA pool (enclosed in your agenda packet). Please note the term sheet provided by VRA that stipulates two specific items: (1) the collateral required for the refinancing will be the entire property in Eastville (Jail, Sheriff's office, new Courthouse, Social Services, and County Administration); they are not seeking to use any of the landfill or waste collection properties as collateral; those properties are part of the collateral under the existing bond notes and will be released once the refinancing is completed; and (2) the requirement that our fund balance maintain a minimum balance of \$4,200,000 during the life of the bond.

Enclosed in your packet is a spreadsheet that details the two scenarios of structuring the financing as well as a table that details the scenarios for the life of the refinancing and the impact of proposed savings. In Scenario 1, the County would not be required to make a principal payment in FY13 and would make a reduced interest payment in FY13 and would receive the bulk of the savings in this first year (\$2,246,206) with the remaining savings spread out over the life of the bond, resulting in a projected savings of \$5,768,501. Please note that our proposed FY13 County budget includes the funding to meet our original debt obligations of \$2,978,938. In Scenario 2, the County would be required to make a principal payment slightly more than we are currently budgeted; however, the interest payment is significantly reduced from our current budgeted amount, thus generating a proposed savings in the first year (\$342,254) and the remaining savings spread out over the remaining debt years with a projected total savings of \$6,087,974 (as a result of the principal payment occurring in FY2013).

The recommendation from Finance Director Leslie Lewis and I is to endorse Scenario 2 and to retain any savings earned in the debt fund (i.e. unused budgeted amounts remain with the debt fund to be utilized to meet our debt obligations and reduce the transfer of funds from the general fund in subsequent years). The FY13 budget includes the full debt payments owed for the coming year and provides a hedge against this projected refinancing savings, if something should occur between now and when the pool goes to market in August 2012. In addition, this scenario

spreads out the savings to most benefit the county during the “peak years” of our debt obligations (2014 – 2018). Over the life of the refinancing, Scenario 2 provides the greatest savings in total since we would have continued to pay down the principal obligation from the inception of the refinancing (and not accepted a deferral of the principal obligation in the first year).

There will be a representative from Davenport & Co. in attendance at our meeting to review this refinancing in greater detail and answer any questions you may have.

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It was the consensus of the Board to pursue Scenario 2 as outlined above.

Motion was made by Mr. Randall, seconded by Mr. Hubbard, that the following resolution be adopted and that the County Administrator be authorized to execute any and all remaining documentation necessary to effect this refinancing. All members were present and voted “yes.” The motion was unanimously passed. Said resolution as adopted is set forth below:

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NORTHAMPTON, VIRGINIA AUTHORIZING THE LEASE FINANCING AND REFINANCING WITH VIRGINIA RESOURCES AUTHORITY OF VARIOUS CAPITAL PROJECTS FOR THE COUNTY

WHEREAS, the Board of Supervisors (the "Board") of the County of Northampton, Virginia (the "County"), subject to the conditions set forth in this Resolution, intends to refund the outstanding principal amount of all or a portion of the following bonds issued by the Joint Industrial Development Authority of Northampton County and Towns (the "Refunding"): (i) Lease Revenue Bonds (County of Northampton, Virginia Capital Projects), Series 2002 (the "Series 2002 Bonds"); (ii) Lease Revenue Bond (Northampton County Regional Jail and Capital Improvement Projects), Series 2005 (the "Series 2005 Bond"); (iii) Lease Revenue Bond (Northampton County, Virginia Regional Jail and Capital Improvement Projects), Series 2006 (the "Series 2006 Bond"); and (iv) Lease Revenue Bond (Northampton County, Virginia Regional Jail and Capital Improvement Projects), Series 2007 (the "Series 2007 Bond" and together with the Series 2002 Bonds, the Series 2005 Bond and the Series 2006 Bond, the "Refunded Bonds");

WHEREAS, the Board has determined that it is in the best interest of the County to enter into a lease arrangement with the Virginia Resources Authority ("VRA") in order to accomplish the Refunding;

WHEREAS, the Board is authorized, pursuant to Section 15.2-1800 of the Code of Virginia of 1950, as amended, to lease any improved or unimproved real estate held by the County;

WHEREAS, the County will enter into a Prime Lease or such similar agreement as VRA may require (the "Prime Lease") with VRA whereby the County will lease to VRA certain real estate and/or equipment as may be required by VRA (the "Leased Facilities");

WHEREAS, the County will enter into a Local Lease Acquisition Agreement and Financing Lease or such similar agreement as VRA may require (the "Financing Lease") pursuant to which VRA will lease the Leased Facilities back to the County and the County will make rental payments (the "Rental Payments") corresponding in amount and timing to the debt service on the portion of the bonds to be issued by VRA (the "VRA Bonds") to finance the Refunding;

WHEREAS, the County intends to pay the Rental Payments out of appropriations from the County's General Fund:

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

1. Approval of Lease-Leaseback Arrangement. The lease-leaseback arrangement with VRA to accomplish the Refunding is hereby approved. The leasing of the Leased Facilities by the County, as lessor, to VRA, as lessee, pursuant to the terms of the Prime Lease is hereby approved. The leasing of the Leased Facilities by VRA, as lessor, to the County, as lessee, pursuant to the terms of the Financing Lease is hereby approved.

2. Authorization of Refunding. The County's participation in the Refunding is hereby authorized provided that (i) the minimum savings threshold to be realized by the County shall be not less than three percent (3%) savings on a present value basis compared to the existing and outstanding payments due under the Refunded Bonds or portion thereof to be refunded and (ii) the term of the Financing Lease shall not be extended past the end of the fiscal year in which the final payment is due under the Refunded Bonds.

3. Execution and Recordation of Documents. The Chairman and the County Administrator, either of whom may act, and such officers or agents of the County as either of them may designate, are authorized and directed to approve the form of the Prime Lease and the Financing Lease, to execute the Prime Lease and the Financing Lease and affix and attest the seal of the County to such documents and to deliver them to the other parties thereto. The Chairman and the County Administrator, either of whom may act, and such officers or agents of the County as either of them may designate, are further authorized to cause the Prime Lease and the Financing Lease to be recorded in the Clerk's Office of the Circuit Court of Northampton County.

4. Essentiality of the Leased Facilities. The Leased Facilities are hereby declared to be essential to the efficient operation of the County, and the County anticipates that the Leased Facilities will continue to be essential to the operation of the County during the term of the Financing Lease.

5. **Annual Budget.** While recognizing that it is not empowered to make any binding commitment to make Rental Payments and any other payments required under the Financing Lease beyond the current fiscal year, the Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future Boards do likewise during the term of the Financing Lease. The Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of the Financing Lease an amount sufficient to pay the Rental Payments and all other payments coming due under the Financing Lease during such fiscal year. If at any time during any fiscal year of the County throughout the term of the Financing Lease, the amount appropriated in the County's annual budget in any such fiscal year is insufficient to pay when due the Rental Payments and any other payments required under the Financing Lease, the Board directs the County Administrator, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to submit to the Board at the next scheduled meeting, or as promptly as practicable but in any event within 45 days, a request for a supplemental appropriation sufficient to cover the deficit.

6. **Rental Payments Subject to Appropriation.** The County's obligation to make the Rental Payments and all other payments pursuant to the Financing Lease is subject to annual appropriation by the Board, and nothing in this Resolution, the Prime Lease or the Financing Lease shall constitute a pledge of the full faith and credit nor taxing power of the County or compel the Board to make any such appropriation.

7. **Disclosure Documents.** The County authorizes and consents to the inclusion of information with respect to the County to be contained in VRA's Preliminary Official Statement and VRA's Official Statement in final form, both to be prepared in connection with the sale of the VRA Bonds. If appropriate, such disclosure documents shall be distributed in such manner and at such times as VRA shall determine. The County Administrator is authorized and directed to take whatever actions are necessary or appropriate to aid VRA in ensuring compliance with Securities and Exchange Commission Rule 15c2-12.

8. **Tax Documents.** The County Administrator and the Director of Finance, either of whom may act, is authorized to execute a Nonarbitrage Certificate and Tax Compliance Agreement and/or any related document (the "Tax Documents") setting forth the expected use and investment of the proceeds of the VRA Bonds to be received pursuant to the Documents and containing such covenants as may be necessary in order for the County and/or VRA to comply with the provisions of the Internal Revenue Code of 1986, as amended (the "Tax Code"), with respect to the VRA Bonds and the Financing Lease including the provisions of Section 148 of the Tax Code and applicable regulations relating to "arbitrage bonds." The County covenants that the proceeds of the VRA Bonds to be received pursuant to the Financing Lease will be invested and expended as set forth in the Tax Documents, to be delivered simultaneously with the issuance and delivery of the Financing Lease and that the County shall comply with the other covenants and representations contained therein.

9. **Refunding.** The County Administrator and the Director of Finance, either of whom may act, are authorized and directed to take such steps as may be necessary to accomplish the Refunding. If required, the County Administrator and the Director of Finance, either of

whom may act, are authorized and directed to execute and deliver an Escrow Agreement with an escrow agent acceptable to VRA to be selected by the County Administrator providing for the refunding and defeasance of the Refunded Bonds.

10. Other Actions. All other actions of the officers of the County in conformity with the purpose and intent of this resolution are hereby approved and confirmed. The officers of the County are hereby authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the execution and delivery of the Documents.

11. Repeal of Conflicting Resolutions. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

12. Effective Date. This resolution shall take effect immediately.

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The Board recognized Superintendent of Schools Dr. Walter Clemons who indicated that the school system was gearing up for the new year and that the School Board would be conducting a retreat on June 19th. He also mentioned that a new program will be instituted called “military science” – similar to a Jr. ROTC program. Lastly, he indicated that the School Board was agreeable to reducing its request to the County by \$46,000 in order to allow the hiring of a school resource officer under the Sheriff’s Office.

Consent Agenda:

- (2) Minutes of the meetings of May 3, 8, 10, and 29, 2012.
- (3) Consider accepting the Abstracts of Votes Cast in the May 1, 2012 General Election and spreading same upon the minutes of this meeting.

Motion was made by Mr. Trala, seconded by Mr. Randall, that the foregoing Consent Agenda be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

County Officials’ Reports:

- (4) Mrs. Leslie Lewis, Director of Finance, presented the following Budget Amendment

and Appropriation Requests:

MEMORANDUM

TO: Board of Supervisors
FROM: Leslie Lewis, Director of Finance
DATE: June 5, 2012
RE: Budget Amendments and Appropriations – FY 2012

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

- A. The County has received disaster assistance under the FEMA Public Assistance Program for Hurricane Irene in the amount of \$17,056.51. These funds need to be deposited in line item 100-0035-45460.
- B. Grant funds associated with revision of the County’s Emergency Operations Plan, booked in Fiscal Year 2011, need to be rolled forward into FY 2012. These funds need to be deposited in 100-3505-50920 (Other Contracted Services).

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Motion was made by Mr. Randall, seconded by Mr. Trala, that the foregoing budget amendments and appropriations be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

MEMORANDUM

TO: Board of Supervisors
FROM: Leslie Lewis, Director of Finance
DATE: June 6, 2012
RE: Budget Amendments and Appropriations – FY 2012

Your approval is respectfully requested for the attached budget amendments and supplemental appropriations as requested from the School System:

A. An appropriation increase in the amount of **\$3,000** – reflect a new award under IDEA Part B titled “Virginia Incentive Program for Speech-Language Pathologists (VIP-SLP)”. These funds are to be used to pay a one-time stipend to one Speech Language Pathologist employed by NCPS. VIP-SLP revenues are tracked under Title VI-B Special Education 611. Related expenditures will be classified within the category of Instruction.

B. An appropriation *reduction* in the amount of **\$35,987.81** – to reflect revised State revenue figures and revised service revenue projections for FY 2012. Food Service Revenues will be adjusted as outlined below. Expenditures will be classified within the category of Food Services and other Non-instructional Operations:

School Breakfast Program	(\$ 3,248.22)
National School Lunch Program	(\$ 39,198.72)
School Food Service Charges	\$10,621.13
School Nutrition – State	(\$ 202.00)
School Breakfast Incentive	<u>(\$ 3,960.00)</u>
TOTAL	(\$ 35,987.81)

C. An appropriation increase in the amount of **\$24,075** for the 2011-2012 School Operating Budget. This is to reflect revised revenue projections for Other Miscellaneous Funds, including collections for Dual Enrollment. Increased revenues will be reflected as “Other Miscellaneous Revenues”. Increased expenditures will be reflected within the category of Instruction.

D. An appropriation increase in the amount of **\$69,162.67** for the 2011-2012 School Operating Budget. This is to reflect an increase in ADM from 1659 to 1676.43. Proposed Revenues shown include amendments adopted in the 2012 Special Session I to the FY 2012 Direct Aid Budget (HB 1300). Increased revenues, by account, are shown on the attached page. Increased expenditures will be reflected within the category of Instruction.

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Motion was made by Mr. Hubbard, seconded by Mr. Randall, that the foregoing budget amendments and appropriations be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

(5) Mr. Peter Stith, Long-Range Planner, presented that departmental update which included activity reports for the following projects: Board of Zoning Appeals, Staff Activities,

Comprehensive Plan Advisory Committee, Comprehensive Plan Review, and Northampton County Planning Commission. Additionally, a summary of the recent Comprehensive Plan Public Workshop was provided to the Board.

Due to the earliness of the hour, the Board considered the Action Items at this time.

Action Items:

(15) Consider approving a Fireworks Permit for Cherrystone Campground – July 4, 2012 event.

Motion was made by Mr. Randall, seconded by Mr. Trala, that the Board approve a fireworks permit for Cherrystone Campground for July 4, 2012. All members were present and voted “yes.” The motion was unanimously passed.

(16) Consider Appropriations Resolution for Fiscal Year 2013.

Based on new figures as a result of the school resource officer funding transfer, a revised Appropriations Resolution was considered by the Board as follows:

APPROPRIATION RESOLUTION

A RESOLUTION TO APPROPRIATE DESIGNATED FUNDS AND ACCOUNTS FROM DESIGNATED ESTIMATED REVENUES FOR FY13 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 2012, and ending the thirtieth day of June, 2013, 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, 2013:

GENERAL FUND

Revenues

General Property Taxes	\$16,548,401.00
Other Local Taxes	\$3,221,547.00
Permits, Privilege Fees & Reg Licenses	\$153,745.00
Fines & Forfeitures	\$205,000.00
Use of Money & Property	\$108,150.00

Charges for Service	\$788,656.00
Miscellaneous	\$1,000.00
Recovered Costs	\$124,308.00
Payments in Lieu of Taxes	\$35,500.00
Non-Categorical	\$1,291,724.00
Shared Expenses	\$1,420,978.00
Categorical Aid	\$166,459.00
Other Financing Sources	\$237,635.00
Revenue Totals	\$24,303,103.00

Expenditures

General Government Administration	\$1,935,905.00
Judicial Administration	\$625,669.00
Public Safety	\$3,853,847.00
Public Works	\$1,973,133.00
Health & Welfare	\$516,974.00
Education	\$20,723.00
Parks, Recreation & Culture	\$331,985.00
Community Development	\$1,074,896.00
Non-Departmental	\$13,969,971.00
Expenditure Totals	\$24,303,103.00

SOCIAL SERVICES FUND

Revenue

Miscellaneous	\$0.00
Categorical Aid	\$2,207,880.00
Other Financing Sources	\$547,321.00
Revenue Totals	\$2,755,201.00

Expenditures

Health & Welfare	\$2,677,701.00
Non-Departmental	\$77,500.00
Expenditure Totals	\$2,755,201.00

EASTERN SHORE REGIONAL JAIL FUND

Revenue

Charges for Service	\$16,500.00
Miscellaneous	\$200.00
Recovered Costs	\$500.00
Shared Expenses	\$1,942,947.00
Categorical Aid	\$210,255.00
Other Financing Sources	\$1,496,484.00
Revenue Totals	\$3,666,886.00

Expenditures

Public Safety	\$3,666,886.00
Expenditure Totals	\$3,666,886.00

SCHOOL CAPITAL PROJECTS FUND

Revenue

Use of Money & Property	\$0.00
Other Financing Sources	\$155,952.00
Revenue Totals	\$155,952.00

Expenditures

Non-Departmental	\$155,952.00
Expenditure Totals	\$155,952.00

GENERAL DEBT SERVICE FUND

Revenue

Use of Money & Property	\$0.00
Miscellaneous	\$0.00
Recovered Costs	\$161,000.00
Other Financing Sources	\$1,999,211.00
Revenue Totals	\$2,160,211.00

Expenditures

Non-Departmental	\$2,160,211.00
Expenditure Totals	\$2,160,211.00

SCHOOL DEBT SERVICE FUND

Revenue	
Use of Money & Property	\$0.00
Other Financing Sources	\$1,343,087.00
Revenue Totals	\$1,343,087.00

Expenditures	
Non-Departmental	\$1,343,087.00
Expenditure Totals	\$1,343,087.00

PUBLIC UTILITIES FUND

Revenue	
Charges for Service	\$179,876.00
Miscellaneous	\$0.00
Categorical Aid	\$0.00
Other Financing Sources	\$18,710.00
Revenue Totals	\$198,586.00

Expenditures	
Public Works	\$198,586.00
Expenditure Totals	\$198,586.00

SCHOOL OPERATING FUND

Revenue	
Miscellaneous	\$380,820.00
Categorical Aid	\$8,710,088.00
Other Financing Sources	\$8,119,453.00
Revenue Totals	\$17,210,361.00

Expenditures	
School Instruction	\$11,018,537.00

School Administration, Attendance & Health	\$1,907,601.00
School Pupil Transportation Services	\$1,649,325.00
School Operation & Maintenance Services	\$2,044,129.00
School Technology	\$434,817.00
Non-Departmental	\$155,952.00
Expenditure Totals	\$17,210,361.00

SCHOOL FEDERAL GRANTS FUND

Revenue	
Miscellaneous	\$0.00
Categorical Aid	\$4,111,596.00
Other Financing Sources	\$0.00
Revenue Totals	\$4,111,596.00

Expenditures	
School Instruction	\$4,111,596.00
Expenditure Totals	\$4,111,596.00

SCHOOL FOOD SERVICE FUND

Revenue	
Charges for Service	\$163,116.00
Miscellaneous	\$0.00
Categorical Aid	\$699,907.00
Other Financing Sources	\$0.00
Revenue Totals	\$863,023.00

Expenditures	
School Food Services	\$863,023.00
Expenditure Totals	\$863,023.00

- 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.

3. 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.
4. 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 FY13, these items include the following:

<u>DEPARTMENT</u>	<u>ITEM</u>	<u>PAYMENT</u>	<u>TOTAL</u>
Economic Development	Vehicle (1)	\$6,000	\$18,000
Public Utilities	Vehicle (1)	\$5,000	\$15,000
Sheriff	Vehicles (3)	\$31,156	\$93,467
Solid Waste	Zero Turn Mower	\$3,333	\$10,000
Building Department	Vehicle (1)	\$7,856	\$23,567
<i>Financing over three years (Assumes interest rate of 3%)</i>			
School	Buses (3)	\$57,353.94	\$263,828 <i>(includes interest)</i>
<i>Financing over five years (Assumes interest rate of 5%); funds included in Operating Contribution to the Schools</i>			
<i>This is Fifth 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 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 FY12 will be recorded as reserved fund balance within that fund for the purpose of funding the projected sick leave liability for FY13 and any remaining funds once that obligation is met shall be utilized for 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, 2012 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 FY13 (Tax Year 2012) are proposed to be set as follows:

	<u>Tax Year 2011 (Current)</u>	<u>Tax Year 2012 (Proposed)</u>
Real Estate:	\$0.49 per \$100 assessed value	\$0.54 per \$100 assessed value
Mobile Homes:	\$0.49 per \$100 assessed value	\$0.54 per \$100 assessed value
Tangible Pers. Property	\$4.10 per \$100 assessed value	\$3.85 per \$100 assessed value
Boats	\$0.99 per \$100 assessed value	\$0.99 per \$100 assessed value
Machinery & Tools	\$2.25 per \$100 assessed value	\$2.00 per \$100 assessed value
Airplanes	\$4.10 per \$100 assessed value	\$3.85 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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Motion was made by Mr. Randall, seconded by Mr. Trala, that the foregoing resolution be adopted. All members were present and voted "yes," with the exception of Mr. Hubbard who voted "no." The motion was passed.

(17) Consider VRS Employer Contribution Rates Resolutions for County (2) & School

Motion was made by Mr. Hubbard, seconded by Mr. Randall, that the following three resolutions be adopted as presented. All members were present and voted "yes." The motion was unanimously passed. Said resolutions, two on behalf of the county, and one on behalf of the School System, as adopted, are set out below:

Member Contributions by Salary Reduction for Counties, Cities,
Towns, and Other Political Subdivisions

(In accordance with Chapter 822 of the 2012 Acts of Assembly (SB 497))

Resolution

WHEREAS, the Northampton County 55165 employees who are Virginia Retirement System members who commence or recommence employment on or after July 1, 2012 (“FY 2013 Employees” for purposes of this resolution), shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis upon commencing or recommencing employment; and

WHEREAS, the Northampton County 55165 employees who are Virginia Retirement System members and in service on June 30, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis no later than July 1, 2016; and

WHEREAS, such employees in service on June 30, 2012, shall contribute a minimum of an additional one percent of their creditable compensation beginning on each July 1 of 2012, 2013, 2014, 2015 and 2016, or until the employees’ contributions equal five percent of creditable compensation; and

WHEREAS, the Northampton County 55165 may elect to require such employees in service on June 30, 2012, to contribute more than an additional one percent each year, in whole percentages, until the employees’ contributions equal five percent of creditable compensation; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB497) requires an increase in total creditable compensation, effective July 1, 2012, to each such employee in service on June 30, 2012, to offset the cost of the member contributions, such increase in total creditable compensation to be equal to the difference between five percent of the employee’s total creditable compensation and the percentage of the member contribution paid by such employee on January 1, 2012.

BE IT THEREFORE RESOLVED, that the Northampton County 55165 does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB497) according to the following schedule for the fiscal year beginning July 1, 2012 (i.e., FY 2013):

Type of Employee	Employer Paid Member Contribution	Employee Paid Member Contribution
Plan 1	%	%
Plan 2	%	%
FY 2013 Employees	0%	5%

(Note: Each row must add up to 5 percent); and

BE IT FURTHER RESOLVED, that such contributions, although designated as member contributions, are to be made by the Northampton County in lieu of member contributions; and

BE IT FURTHER RESOLVED, that pick-up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

BE IT FURTHER RESOLVED, that member contributions made by the Northampton County under the pick-up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick-up arrangement; and

BE IT FURTHER RESOLVED, that nothing herein shall be construed so as to permit or extent an option to VRS members to receive the pick-up contributions made by the Northampton County directly instead of having them paid to VRS; and

BE IT FURTHER RESOLVED, that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the Northampton County shall be reduced by the amount of member contributions picked up by the Northampton County on behalf of each employee pursuant to the foregoing resolutions.

NOW, THEREFORE, the officers of Northampton County 55165 are hereby authorized and directed in the name of the Northampton County to carry out the provisions of this resolution, and said officers of the Northampton County are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Northampton county for this purpose.

* * * * *

Employer Contribution Rates for Counties, Cities,
Towns, School Divisions and Other Political Subdivisions
(In accordance with the 2012 Appropriations Act Item 468(H))

Resolution

BE IT RESOLVED, that the Northampton County 55165 does hereby acknowledge that

its contribution rates effective July 1, 2012 shall be based on the higher of a) the contribution rate in effect for FY 2012, or b) seventy percent of the results of the June 30, 2011 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2012-14 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code §51.1-145(I) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the Northampton County 55165 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2012:

(Check only one box)

X the Certified Rate of 10.18% The Alternate Rate of 7.86%; and

BE IT ALSO RESOLVED, that the Northampton County 55165 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of Northampton County 55165 are hereby authorized and directed in the name of the Northampton County to carry out the provisions of this resolution, and said officers of the Northampton County are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by Northampton County for this purpose.

* * * * *

**Local Governing Body Concurrence with School Division
Electing to Pay the VRS Board-Certified Rate**

(In accordance with the 2012 Appropriation Act Item 468(H))

Resolution

BE IT RESOLVED, that the County of Northampton 55165 does hereby acknowledge that the Northampton County Public Schools has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the County of Northampton 55165 does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the Northampton

County Public Schools to pay the Certified Rate, as required by Item 468(H) of the 2012 Appropriation Act; and

NOW, THEREFORE, the officers of the County of Northampton 55165 are hereby authorized and directed in the name of the County of Northampton to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of the County of Northampton, as appropriate, shall be affixed and attested by the Clerk

* * * * *

(attachment to foregoing resolution)

Employer Contribution Rates for Counties, Cities,
Towns, School Divisions and Other Political Subdivisions
(In accordance with the 2012 Appropriations Act Item 468(H))

Resolution

BE IT RESOLVED, that the Northampton County Public Schools 55565 does hereby acknowledge that its contribution rates effective July 1, 2012 shall be based on the higher of a) the contribution rate in effect for FY 2012, or b) seventy percent of the results of the June 30, 2011 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2012-14 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code §51.1-145(I) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that the Northampton County Public Schools 55565 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2012:

(Check only one box)

X the Certified Rate of 12.16% The Alternate Rate of 8.51%; and

BE IT ALSO RESOLVED, that the Northampton County Public Schools 55565 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of Northampton County Public Schools 55565 are hereby authorized and directed in the name of the Northampton County Public Schools to carry

out the provisions of this resolution, and said officers of the Northampton County Public Schools are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by Northampton County Public Schools for this purpose.

* * * * *

(18) Consider Refinancing Resolution through Virginia Resources Authority

This item was handled earlier in the evening.

(19) Consider a request from Teru A. Loring, 6506 Occohannock Neck Road, Exmore, Virginia, for permission to install an in-ground pool; property is located within the Jamesville AFD.

Motion was made by Mr. Hubbard, seconded by Mr. Trala, that the Board approve the request from Ms. Loring for an in-ground pool at property contained within the Jamesville AFD and located at 6506 Occohannock Neck Road, Exmore, Virginia. All members were present and voted “yes.” The motion was unanimously passed.

(20) Consider adoption of fee for new Parks & Recreation event (Family Circus Day)

Motion was made by Mr. Randall, seconded by Mr. LeMond, that the Board approve the new fee for the Parks & Recreation event (Family Circus Day) as outlined below:

\$1 per ticket
\$5 for 6 tickets
\$10 for all day bracelet

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

At 6:00 p.m., the Board recessed for supper.

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

The invocation was offered by Rev. Elizabeth Freund.

The Pledge of Allegiance was given.

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

- (i) 6/25/12: Work session (topic to be announced)
- (ii) 7/23/12: Work session (topic to be announced)
- (iii) 8/27/12: Work session (topic to be announced)

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

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: June 8, 2012
RE: Bi-Monthly Update

I. PROJECTS:

A. ESVA Public Services Authority Update:

The PSA met on May 15, 2012 with property owners that are commercially zoned or within a commercial zone on Route 13 between Cheriton and Cape Charles to determine level of interest if a centralized wastewater system was provided in this area. Questions were raised regarding cost and usage as well as how to potentially spread any cost over a long-term basis for the property owners. There was some interest in exploring a water system also. More information was requested and the PSA agreed to send out a follow-up letter with the requested information as well as a follow-up questionnaire to obtain more accurate information as to the property owners' needs and current situation. The next meeting of the PSA is Tuesday, June 19, 2012

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

We have been approved for the reissuance of VPDES Permit No. VA0023817. We petitioned and obtained relief to move to quarterly testing (instead of monthly testing) for internal outfall 101. We sought to move to annual testing on the groundwater compliance but were denied that request and will continue to monitor that quarterly.

C. Cape Charles Harbor Dredging Project:

I met with representatives of US Army Corps of Engineers (ACOE), Bayshore Concrete representatives, Town of Cape Charles representatives and Bay Coast Railroad representative on May 22, 2012. ACOE has assigned a project manager for this project; we reviewed the information ACOE needs to conduct cost-benefit analysis and assigned responsibilities to each of the partners to gather certain information and provide to ACOE. The next meeting is scheduled for June 26, 2012 @ 1:30 p.m.

* * * * *

Citizen Information Period:

Mr. Robert C. Richardson of Seaview recited a brief history of the County's debt noting that back in 2002, there was only \$14 million in debt. Today's debt load constitutes \$46 million, which he called "outrageous for a county of our size." He said that this debt is a burden on the taxpayers and that the County is "leaking money like the *Titanic*".

Mr. G. F. Hogg, Jr., asked for someone to describe to him any remediation that has occurred with regard to the traffic safety issue at the Food Lion intersection near Cape Charles. He also questioned the County's action in condemning property just outside Eastville on Courthouse Road for the District Four Waste Collection Site, and asked the Board to consider the Stumptown Road property which was recently acquired.

Public Hearing:

Chairman Bennett called to order the following public hearing:

(7) Special Use Permit 2012-02: Dennis & Elizabeth Latimer have applied to operate a Bed & Breakfast at 4138 Royce's Way on property containing 1.26 acres of land located west of Lankford Highway on the Chesapeake Bay. The property is zoned ESD-A1 Existing Subdivision District-Agriculture 1 and is described as Tax Map 117, double circle 3, parcel A2.

The Chairman if there were any present desiring to speak.

Mr. Peter Stith noted that the Planning Commission was recommending approval of this petition.

Mr. Robert C. Richardson of Seaview spoke in support of the application.

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

Motion was made by Mr. Hubbard, seconded by Mr. Randall, that Special Use Permit 2012-02 as petitioned by Dennis & Elizabeth Latimer be approved as presented. All members present and voted "yes." The motion was unanimously passed.

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

(8) **Zoning Text Amendment 2012-07: Eastern Shore Communications, LLC** has filed to amend the Northampton County Code, Chapter 154 Zoning Code, by revising the following section: **§154.109 Wireless Communications Facilities Standards** to accommodate and support wireless broadband service.

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

Mr. Stith indicated that the Planning Commission had tabled action on this matter and therefore did not have a recommendation.

Mr. Bill Parr, representing the applicant, indicated that the goal of this petition was to differentiate small single-use structures that are used for essential services from general broadcasting towers, such as radio and cell-phone towers. The petition would be limited to low-power broadband services by-right and would be limited to self-supporting structures. He further stated that in addressing comments heard at the Planning Commission hearing, that the FAA does not require lighting of structures below 200 ft. and noted that the proposed structures will be just above average tree height, or 80 ft. In response to a question, Mr. Parr's associate, Mr. Mark Henry, stated that 15-20 towers of 100 ft. height would be required county-wide to service the entire area.

Mr. Robert Richardson indicated that all of his previous concerns had been resolved and that he now supported the application.

Mr. G. F. Hogg, Jr. informed the Board of issues he faced some years ago with a similar plan of transmission. He noted issues with providing service to folks on the periphery of the service area, interference with certain weather conditions and signal security.

Mr. Patrick Coady, formerly with the Eastern Shore of Virginia Broadband Authority, was recognized by the Board and asked to provide his opinion on the matter at hand. Mr. Coady stated that wireless service has always been part of the plan for the future and that the technology is different from that employed years ago.

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

Motion was made by Mr. Randall, second by Mr. Trala, that action on Zoning Text Amendment 2012-07 be tabled and that the public hearing record remain open until the Planning Commission recommendation is received. All members were present and voted “yes.” The motion was unanimously passed

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

(9) AFD 2012-01: Addition to Dalby’s AFD filed by Edward T. Bradshaw for 44 acres located near Cape Center with frontage on the north side of Capeville Drive (S.R. 683) and the east side of Siding Drive (S.R. 683), described as Tax Map 105-A-28.

(10) AFD 2012-02: Addition to Picketts Harbor AFD filed by W. T. Nottingham, Jr., for 50.7 acres located in the Cheapside area located on the west side of Arlington Drive (S.R. 645) and the northern side of Pond Drain, described as Tax Map 105-A-102.

(11) AFD 2012-03: Addition to Jamesville AFD filed by the David B. Tankard Family LLLP for 52.182 acres located along Old Neck Road (S.R. 612), described as Tax Map 8-A-1.

(12) AFD 2012-04: Addition to Weirwood AFD filed by Branden Gordon for 55.21 acres located along Red Bank Road (S.R. 617), described as Tax Map 31-A-19.

(13) AFD 2012-05: Addition to Jamesville AFD filed by Walkley Johnson, Jr., and Johnson Cove, LLC for 175.99 acres located along Johnson Cove Road , Concord Wharf Road and Mt. Airy Lane in the Concord Wharf area, described as Tax Map 1, double circle A, parcels 3 and 3A.

DRAFT
AN ORDINANCE AMENDING
AN ORDINANCE KNOWN AS
DALBYS
AGRICULTURAL AND FORESTAL DISTRICT
AFD 09-14
AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, an application to amend an Agricultural and Forestal District was filed with the Northampton County Board of Supervisors on January 15, 2012 and

WHEREAS, in accordance with Sections 15.2-4307 and -4309 of the Code of Virginia, 1950, as amended, public notices have been filed and posted, public hearings have been advertised, and public hearings have been held on such application; and

WHEREAS, the Agricultural and Forestal District Advisory Committee presented a report recommending approval of the application at the meeting held on March 20, 2012 and,

WHEREAS, the Planning Commission on June 5, 2012 considered the application at a duly conducted public hearing.

NOW, THEREFORE, BE IT ORDAINED:

1. This ordinance is adopted pursuant to the provision of Title 15.2 Chapter 43 of the Code of Virginia, as amended, the "Agricultural and Forestal Districts Act" (the Act).
2. There is hereby amended the "Dalbys Agricultural and Forestal District," hereinafter "the District".
3. This amendment adds the following parcel(s) to the previously approved District, for which the ordinance known as "Dalbys" remains in full force and effect.

<u>Property Owner</u>	<u>Tax Map & Parcel</u>	<u>Parcel Record No.</u>	<u>Acreage</u>
Edward T. Bradshaw	105-A-28	23815	44.00
		Total Added 2012:	44.00

Provided, however:

- A. That all lands lying within fifteen (15) feet of the rights-of-way from any state road shall be excluded from the District.
- B. No portion of a parcel within the District shall be authorized for withdrawal except as provided for under Section # I. herein.
- C. Land use values of property within the District shall be established by the County Commissioner of Revenue. Such land use values shall remain in effect until the next general reassessment of real estate.
- D. It shall be the obligation of each owner of land within the District to notify a prospective purchaser that such land is a part of the District prior to entering into any contract or other agreement or sale.
- E. The District shall be created for a period of ten (10) years. Prior to the termination of the 10 year period the Board shall review the District to consider an additional 10 year period.

F. Upon termination of a district or withdrawal or removal of any land from a district created pursuant to this chapter, land that is no longer part of a district shall be subject to and liable for roll-back taxes as are provided in §58.1-3237 Rollback Taxes of the Code of Virginia. Sale or gift of a portion of land in a district to a member of the immediate family as defined in §15.2-2244 shall not in and of itself constitute a withdrawal or removal of any of the land from a district.

G. No parcel of land with the District shall be rezoned to any Hamlet, Waterfront Hamlet, residential, commercial or industrial classification during the period which said parcel remains within the District.

H. No parcel of land within the District shall, without the prior approval of the Board, be developed to any more intensive use, including the placement of buildings and dwellings thereon, other than uses resulting in more intensive agricultural or forestal production, during the period which said parcel remains with the District. The underlying zoning for each parcel shall apply for parcels zoned Agriculture/Rural Business, Village-1, and Waterfront Village-1; for parcels within the District that are subject to other zoning classifications, any use of land; other than agricultural or forestal activities; shall require a minor special use permit except as provided for in Section 3. F. above. No special use permit shall be approved for any use within the District that is in conflict with the policies and purposes of the Act.

I. At any time after the creation of the District, any owner of land lying in this District may file with the Board a written request to withdraw all or part of such land from this District for good and reasonable cause, defined as the death of the owner or demonstration of a substantial hardship other than the loss of potential income. The Board shall process the written request in keeping with §15.2-4314 of the Code of Virginia and §58.1-3237 Rollback Taxes of the Virginia State Code as amended.

DRAFT
AN ORDINANCE AMENDING
AN ORDINANCE KNOWN AS
PICKETTS HARBOR
AGRICULTURAL AND FORESTAL DISTRICT
AFD 94-04
AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, an application to amend an Agricultural and Forestal District near Cheapside were filed with the Northampton County Board of Supervisors on January 20, 2012;

WHEREAS, in accordance with Sections 15.2-4307 and -4309 of the Code of Virginia,

1950, as amended; and

WHEREAS, the Planning Commission on June 5, 2012 considered amending the application at a duly conducted public hearing.

NOW, THEREFORE, BE IT ORDAINED:

1. This ordinance is adopted pursuant to the provision of Title 15.2 Chapter 43 of the Code of Virginia, as amended, the "Agricultural and Forestal Districts Act" (the Act).
2. There is hereby amended the "Picketts Harbor Agricultural and Forestal District," hereinafter "the District".
3. This amendment adds the following parcels to the previously approved District, for which the ordinance known as Picketts Harbor remains in full force and effect.

Property Owner	Tax Map & Parcel	Parcel Record No.	Acreage
W. T. Nottingham, Jr.	105-A-102	4366	50.7
		Total Added 2012:	50.7

Provided, however:

- A. That all lands lying within fifteen (15) feet of the rights-of-way from any state road shall be excluded from the District.
- B. No portion of a parcel within the District shall be authorized for withdrawal except as provided for under Section # I. herein.
- C. Land use values of property within the District shall be established by the County Commissioner of Revenue. Such land use values shall remain in effect until the next general reassessment of real estate.
- D. It shall be the obligation of each owner of land within the District to notify a prospective purchaser that such land is a part of the District prior to entering into any contract or other agreement or sale.
- E. The District shall be created for a period of ten (10) years. Prior to the termination of the 10 year period the Board shall review the District to consider an additional 10 year period.
- F. Upon termination of a district or withdrawal or removal of any land from a district created pursuant to this chapter, land that is no longer part of a district shall be subject to and liable for roll-back taxes as are provided in §58.1-3237 Rollback Taxes of the Code of Virginia. Sale or gift of a portion of land in a district to a member of the immediate

family as defined in §15.2-2244 shall not in and of itself constitute a withdrawal or removal of any of the land from a district.

G. No parcel of land with the District shall be rezoned to any Hamlet, Waterfront Hamlet, residential, commercial or industrial classification during the period which said parcel remains within the District.

H. No parcel of land within the District shall, without the prior approval of the Board, be developed to any more intensive use, including the placement of buildings and dwellings thereon, other than uses resulting in more intensive agricultural or forestal production, during the period which said parcel remains with the District. The underlying zoning for each parcel shall apply for parcels zoned Agriculture/Rural Business, Village-1, and Waterfront Village-1; for parcels within the District that are subject to other zoning classifications, any use of land, other than agricultural or forestal activities, shall require a minor special use permit except as provided for in Section 3. F. above. No special use permit shall be approved for any use within the District that is in conflict with the policies and purposes of the Act.

I. At any time after the creation of the District, any owner of land lying in this District may file with the Board a written request to withdraw all or part of such land from this District for good and reasonable cause, defined as the death of the owner or demonstration of a substantial hardship other than the loss of potential income. The Board shall process the written request in keeping with §15.2-4314 of the Code of Virginia and §58.1-3237 Rollback Taxes of the Virginia State Code as amended.

DRAFT
AN ORDINANCE AMENDING
AN ORDINANCE KNOWN AS
JAMESVILLE
AGRICULTURAL AND FORESTAL DISTRICT
AFD 05-01
AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, applications to amend an Agricultural and Forestal District near Jamesville were filed with the Northampton County Board of Supervisors on February 2, 2012 and April 24, 2012 and

WHEREAS, in accordance with Sections 15.2-4307 and -4309 of the Code of Virginia, 1950, as amended, and

WHEREAS, the Planning Commission on June 5, 2012, considered amending the application at a duly conducted public hearing.

NOW, THEREFORE, BE IT ORDAINED:

1. This ordinance is adopted pursuant to the provision of Title 15.2 Chapter 43 of the Code of Virginia, as amended, the "Agricultural and Forestal Districts Act" (the Act).
2. There is hereby amended the "Jamesville Agricultural and Forestal District," hereinafter "the District".
3. This amendment adds the following parcels to the previously approved District, for which the ordinance known as Jamesville remains in full force and effect.

<u>Property Owner</u>	<u>Tax Map & Parcel</u>	<u>Parcel Record No.</u>	<u>Acreage</u>
David B. Tankard Family LLLP	8-A-1	422	52.182
Walkley E. Johnson, Jr.	1-A-3A	13237	45.0
Johnson Cove LLC	1-A-3	7386	130.99
		Total Added (2012)	228.172

Provided, however:

- A. That all lands lying within fifteen (15) feet of the rights-of-way from any state road shall be excluded from the District.
- B. No portion of a parcel within the District shall be authorized for withdrawal except as provided for under Section # I. herein.
- C. Land use values of property within the District shall be established by the County Commissioner of Revenue. Such land use values shall remain in effect until the next general reassessment of real estate.
- D. It shall be the obligation of each owner of land within the District to notify a prospective purchaser that such land is a part of the District prior to entering into any contract or other agreement or sale.
- E. The District shall be created for a period of ten (10) years. Prior to the termination of the 10 year period the Board shall review the District to consider an additional 10 year period.
- F. Upon termination of a district or withdrawal or removal of any land from a district created pursuant to this chapter, land that is no longer part of a district shall be subject to and liable for roll-back taxes as are provided in §58.1-3237 Rollback Taxes of the Code of Virginia. Sale or gift of a portion of land in a district to a member of the immediate family as defined in §15.2-2244 shall not in and of itself constitute a withdrawal or removal of any of the land from a district.

G. No parcel of land with the District shall be rezoned to any Hamlet, Waterfront Hamlet, residential, commercial or industrial classification during the period which said parcel remains within the District.

H. No parcel of land within the District shall, without the prior approval of the Board, be developed to any more intensive use, including the placement of buildings and dwellings thereon, other than uses resulting in more intensive agricultural or forestal production, during the period which said parcel remains with the District. The underlying zoning for each parcel shall apply for parcels zoned Agriculture/Rural Business, Village-1, and Waterfront Village-1; for parcels within the District that are subject to other zoning classifications, any use of land, other than agricultural or forestal activities, shall require a minor special use permit except as provided for in Section 3. F. above. No special use permit shall be approved for any use within the District that is in conflict with the policies and purposes of the Act.

I. At any time after the creation of the District, any owner of land lying in this District may file with the Board a written request to withdraw all or part of such land from this District for good and reasonable cause, defined as the death of the owner or demonstration of a substantial hardship other than the loss of potential income. The Board shall process the written request in keeping with §15.2-4314 of the Code of Virginia and §58.1-3237 Rollback Taxes of the Virginia State Code as amended.

DRAFT
AN ORDINANCE ESTABLISHING
WEIRWOOD
AGRICULTURAL AND FORESTAL DISTRICT
AFD 09-35
AND IMPOSING CERTAIN CONDITIONS THEREON

WHEREAS, an application to create an Agricultural and Forestal District near Weirwood was filed with the Northampton County Board of Supervisors on August 18, 2009, and

WHEREAS, in accordance with Sections 15.2-4307 and -4309 of the Code of Virginia, 1950, as amended, and

WHEREAS, the Agricultural and Forestal District Advisory Committee presented a report recommending approval of the application at the meeting held on March 20, 2012, and,

WHEREAS, the Planning Commission on June 5, 2012, considered the application at a duly conducted public hearing.

NOW, THEREFORE, BE IT ORDAINED:

1. This ordinance is adopted pursuant to the provision of Title 15.2 Chapter 43 of the Code of Virginia, as amended, the "Agricultural and Forestal Districts Act" (the Act).
2. There is hereby created the "Weirwood Agricultural and Forestal District," hereinafter "the District".
3. The District shall include the following parcels.

<u>Property Owner</u>	<u>Tax Map & Parcel</u>	<u>Parcel Record No.</u>	<u>Acreage</u>
Brandon Gordon	31-A-19	2796	55.21
		Total Acreage 2012:	55.21

Provided, however:

- A. That all lands lying within fifteen (15) feet of the rights-of-way from any state road shall be excluded from the District.
- B. No portion of a parcel within the District shall be authorized for withdrawal except as provided for under Section # I. herein.
- C. Land use values of property within the District shall be established by the County Commissioner of Revenue. Such land use values shall remain in effect until the next general reassessment of real estate.
- D. It shall be the obligation of each owner of land within the District to notify a prospective purchaser that such land is a part of the District prior to entering into any contract or other agreement or sale.
- E. The District shall be created for a period of ten (10) years. Prior to the termination of the 10 year period the Board shall review the District to consider an additional 10 year period.
- F. Upon termination of a district or withdrawal or removal of any land from a district created pursuant to this chapter, land that is no longer part of a district shall be subject to and liable for roll-back taxes as are provided in §58.1-3237 Rollback Taxes of the Code of Virginia. Sale or gift of a portion of land in a district to a member of the immediate family as defined in §15.2-2244 shall not in and of itself constitute a withdrawal or removal of any of the land from a district.
- G. No parcel of land with the District shall be rezoned to any Hamlet, Waterfront Hamlet, residential, commercial or industrial classification during the period which said parcel remains within the District.

H. No parcel of land within the District shall, without the prior approval of the Board, be developed to any more intensive use, including the placement of buildings and dwellings thereon, other than uses resulting in more intensive agricultural or forestal production, during the period which said parcel remains with the District. The underlying zoning for each parcel shall apply for parcels zoned Agriculture/Rural Business, Village-1, and Waterfront Village-1; for parcels within the District that are subject to other zoning classifications, any use of land, other than agricultural or forestal activities, shall require a minor special use permit except as provided for in Section 3. F. above. No special use permit shall be approved for any use within the District that is in conflict with the policies and purposes of the Act.

I. At any time after the creation of the District, any owner of land lying in this District may file with the Board a written request to withdraw all or part of such land from this District for good and reasonable cause, defined as the death of the owner or demonstration of a substantial hardship other than the loss of potential income. The Board shall process the written request in keeping with §15.2-4314 of the Code of Virginia and §58.1-3237 Rollback Taxes of the Virginia State Code as amended.

He asked if there were any present desiring to speak.

Mr. Stith indicated that the Planning Commission was recommending approval of each of the AFD applications.

Mr. Herman Walker, representing Mr. Edward Bradshaw's application, noted that Mr. Bradshaw's farm rentals fail to provide enough revenue to cover his taxes.

Mr. Brandon Gordon said that he was trying to preserve his property as a working farm.

Mr. Walkley Johnson indicated that he had withdrawn his parcel identified as 1-A-3A and that he was requesting inclusion of only the Johnson Cove LLC parcels.

Ms. Judy Brunk said that she did not see how the AFD program could continue with the County's existing financial condition.

Mr. Robert C. Richardson of Seaview also noted that the County does not have the funds to continue this program and that it would only be acceptable if the recently-adopted budget could be cut by the corresponding amount of tax revenue loss. He reminded the Board that it is

not an annual tax loss but one that will continue for the next ten years.

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

Mr. Randall said that he did not see how the Board can approve these petitions. Mr. Trala and Mr. LeMond agreed with those sentiments, with Mr. LeMond noting that they (the AFD petitions) would be an undue burden on the rest of us.

Motion was made by Mr. Trala, seconded by Mr. LeMond, that AN ORDINANCE AMENDING AN ORDINANCE KNOWN AS DALBYS AGRICULTURAL AND FORESTAL DISTRICT AFD 09-14 AND IMPOSING CERTAIN CONDITIONS THEREON, AN ORDINANCE AMENDING AN ORDINANCE KNOWN AS PICKETTS HARBOR AGRICULTURAL AND FORESTAL DISTRICT AFD 94-04 AND IMPOSING CERTAIN CONDITIONS THEREON, AN ORDINANCE ESTABLISHING WEIRWOOD AGRICULTURAL AND FORESTAL DISTRICT AFD 09-35 AND IMPOSING CERTAIN CONDITIONS THEREON, and AN ORDINANCE AMENDING AN ORDINANCE KNOWN AS JAMESVILLE AGRICULTURAL AND FORESTAL DISTRICT AFD 05-01 AND IMPOSING CERTAIN CONDITIONS THEREON be denied. All members were present and voted “yes” with the exception of Mr. Hubbard who abstained due to his ownership of property in one of the AFDs. The motion was passed.

Tabled Item:

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

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

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

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

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

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

Motion was made by Mr. Trala, seconded by Mr. LeMond, that this matter be taken off the table. All members were present and voted “yes.” The motion was unanimously passed.

Mr. Stith indicated that the Planning Commission was recommending approval of this petition as presented except that the words “owner” and “renter” should be made plural in order to accommodate family operations.

Following discussion among the Board relating to the ambiguity of #5 above, motion was made by Mr. Trala, seconded by Mr. Hubbard, that this matter be tabled and that staff be instructed to bring back possible solutions/recommendations based on the Board’s input. 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. Randall, seconded by Mr. Trala, that Mr. Stewart Sturgis, Mr. William Hughes and Dr. Drury Stith be reappointed to the Industrial Development Authority of Cape Charles-Northampton County for new terms of office commencing January 1, 2012. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Hubbard, seconded by Mr. LeMond, that Ms. Jody Bundy of Cape Charles, Mr. William E. Denny, Sr., of Cheriton, Ms. Thelma J. Peterson of Machipongo, and Mr. Barry R. Truitt of Machipongo be recommended for reappointment to the Virginia Coastal Lands Management Advisory Council. All members were present and voted “yes.” The motion was unanimously passed.

Mr. Bennett asked that the County Administrator investigate the possibility of grading the area between the new pavement and the bulk containers at the Birdsnest Waste Collection Site, noting that he believed the four-inch drop in elevation was a safety issue.

Mr. Bennett then asked how much contribution was dedicated to the Town of Eastville for the Tall Ships Initiative. The County Administrator responded that the Town has made no such request for funding.

Mr. Randall briefed the Board on a meeting he and the Chairman had had with the County Administrator yesterday regarding job performance of County employees and Constitutional Office staff. He said that he was reiterating the Chairman’s point in the way that County citizens are being treated when they visit the County offices for service. He stated that the County employees work for the people of Northampton County and that in some of the departments, there is the perception that the citizens are not being served with kindness and courtesy. Mr. Randall continued by saying that the Chairman is planning a meeting with some of the departments to address these concerns and that everyone needs to be treated with respect regardless of their education, position, status, race or creed. He stated that the Board will take some form of action to insure that incidents like this will not happen again. He said that the County Administrator has been instructed to look at the Personnel Policies regarding how people are to be treated, i.e., personal conduct, and that each employee will be asked to sign a

certification to that effect. The Chairman concurred, saying that employees should be polite and professional and that the “public are our bosses.”

Recess:

Motion was made by Mr. Trala, seconded by Mr. Randall, that the meeting be recessed until 5:00 p.m., Monday, June 25, 2012 in the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, to conduct the regular work session. All members were present and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

_____CHAIRMAN

_____ COUNTY ADMINISTRATOR