

VIRGINIA:

At a recessed meeting of the Board of Supervisors of the County of Northampton, Virginia, held at the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, on the 23rd day of June, 2014, at 5:00 p.m.

Present:

Larry LeMond, Chairman

Richard L. Hubbard, Vice Chairman

Laurence J. Trala

Granville F. Hogg, Jr.

Oliver H. Bennett

The meeting was called to order by the Chairman

Board & Agency Presentations:

(1) The County Administrator Katherine H. Nunez, Development Director Charles McSwain and staff members Peter Stith and Melissa Kellam led the Board through a discussion which focused on a review of definitions contained in the proposed zoning ordinance amendments as well as a review of public comments received. The County Administrator reminded the Board that they were in possession of the original binder distributed for the March 11, 2014 public hearing (which contained the existing ordinances and the proposed amendments); Binder #1 (which contained all comments received both prior to, and subsequent to, the March 11, 2014 public hearing date); Binder #2 (which contained the Planning Commission recommendations, work products given to the Commission along the way and work products coming as a result of the Planning Commission's recommendation); and Binder #3 (known as the Board's "working binder", which contained items that were raised through the

public hearing or through staff report that need to be addressed but did not get tackled by the Planning Commission; staff comments on the Planning Commission's recommendation [to be forthcoming as soon as the Board instructs staff to provide its recommendations]; and whatever else that the Board wants to tackle that was not specified earlier. Binder #1 will also encompass a third section which will contain new public comments received after the binders were distributed on June 6, 2014. Four new comments have been received since then and the Board was instructed to place these documents in Binder #1.

The Board started its review by focusing on Tab #1 of Binder #2 identified as "Attachment 1" – definitions as recommended for change by the Planning Commission. It was the consensus of the Board to approve those definitions as proposed during the public hearing and the modifications as recommended by the Planning Commission with the exception of the following definitions which will be reworded by staff for further review by the Board:

aquaculture operation, family day home, civic group, college, vehicle services, and industrial services.

Additional questions were raised by the Board concerning the following:

- (a) waste storage facilities – does the height requirement factor-in the flood plain level or not;
- (b) domestic/traditional husbandry and intensive farming uses minimum standards – does the state code allow for grazing in the wetlands;
- (c) would a biomass facility be considered as a support business and thus covered under the agricultural support business definition or not.

With regard to the comments contained in Binder #1, Chairman LeMond said that he would suggest that one of the last discussion items should be the proposed elimination of the

Chesapeake Bay Preservation Act regulations from the seaside of the County. Mr. Hubbard commented that the Planning Commission did not discuss this and questioned whether the Board wished to have staff input and recommendations provided. The Board concurred.

The County Administrator indicated that staff would develop a “map” for the next three months’ worth of topics to be covered by the Board.

Mr. Hogg said that as we look forward, we need to take a look as to what happens to the commercial waterfront as it relates to access to the water by commercial watermen. Ms. Kellam noted that the Board may wish to refer to Tab 6 which contained a lot of the discussion relative to this matter by the Planning Commission. Mr. Hubbard added that Mr. Curt Smith of the ANPDC may be available to do a presentation on the “working waterfront” concept.

Tabled Item:

(Motion was made by Mr. Hubbard, seconded by Mr. Bennett, that this item be moved to item #1 on the agenda. All members were present and voted “yes.” The motion was unanimously passed. The item is left in place for ease in following the agenda.)

(2) Budget Amendment & Appropriation:

\$177,522 – This represents a supplemental appropriation from the capital reserve account created with the funds formerly allocated to debt service on the elementary schools. These funds are requested in order to give a one-step increase to all teachers and classified employees for the 2014-2015 school year.

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

The County Administrator presented the following memorandum for the Board’s information:

MEMORANDUM

TO: Board of Supervisors
FROM: Katherine H. Nunez, County Administrator
Leslie Lewis, Director of Finance
DATE: November 18, 2013
RE: Budget Amendment Request from Public Schools

The request from the Northampton County Public Schools seeking to reserve funds that would support a request for a step-increase for the teachers as part of the FY 2015 budget is not supported by the County Administrator and the Director of Finance.

Prior years' funds generated and earned at the close of the fiscal year, as was done at the close of FY 2013, should be earmarked as intended in the budget resolution for capital purposes or if not needed, should be returned to the County's General Fund and made a part of our undesignated fund balance.

This attempt to preserve funds for a budget yet to be debated or adopted by either body is ill-advised, inappropriate and not in the spirit of the budgetary process as outlined in the Code of Virginia. In addition, it appears to be an attempt to subvert incoming boards that are taking office as of January 1, 2014 and commit them to prior budgetary action which, again, I do not view as allowable under the Code of Virginia.

Therefore, I would request that the Board deny this portion of the School's budget amendment request and either vote to place that funding totaling \$102,926.00 in the Capital Reserve Fund for school use or to the County's General Fund undesignated balance.

* * * * *

Northampton Co
Revenue Budget Worksheet Report as of 6/18/2014

Account Number	Description	2015 BOS Approved	PROJECTED BASED ON HB5002	DIFFERENCE
Fund		School Operating		
Department		State Categorical Aid-Schools		
43000	State Sales Tax	\$1,625,680.00	\$ 1,631,425.00	5,745.00
43025	Basic School Aid	\$3,903,876.00	\$ 3,898,615.00	(5,261.00)
43050	Primary Class Size Payments	\$394,524.00	\$ 368,641.00	(25,883.00)
43075	Gifted & Talented	\$36,877.00	\$ 36,863.00	(14.00)
43100	Remedial Education	\$269,911.00	\$ 269,806.00	(105.00)
43125	Enrollment Loss	\$0.00	\$ -	0.00
43150	Alternative Education	\$84,785.00	\$ 84,577.00	(208.00)
43175	Compos. Index/SOL Staff	\$0.00	\$ -	0.00
43180	Compensation Supplement	\$0.00	\$ -	0.00
43200	Special Education	\$484,113.00	\$ 483,925.00	(188.00)
43210	Special Education Regional Pymts	\$9,718.00	\$ 9,714.00	(4.00)
43225	Summer Remedial School	\$0.00	\$ -	0.00
43250	Textbook Payments	\$75,497.00	\$ 75,467.00	(30.00)
43275	School Food	\$0.00	\$ -	0.00
43300	Pupil Transportation	\$0.00	\$ -	0.00
43325	Vocational Ed. - SOG	\$134,171.00	\$ 134,119.00	(52.00)
43350	Vocational Ed. - Categorical	\$3,647.00	\$ 2,638.00	(1,009.00)
43375	State Technology	\$230,000.00	\$ 230,000.00	0.00
43400	Social Security - Instruct	\$235,387.00	\$ 235,296.00	(91.00)
43450	Retirement - Instruction	\$483,328.00	\$ 479,220.00	(4,108.00)
43475	Group Life	\$16,477.00	\$ 14,902.00	(1,575.00)
43500	Group Life Non-Instruct	\$0.00	\$ -	0.00
43525	State Salary Adj Funds	\$0.00	\$ -	0.00
43550	Remediation - SOL	\$0.00	\$ -	0.00
43575	Special Ed - Homebound	\$8,447.00	\$ 8,444.00	(3.00)
43600	Special Ed. - Fostercare	\$0.00	\$ -	0.00
43610	Regular Foster Care	\$4,878.00	\$ 4,878.00	0.00
43625	Migrant Program - State	\$0.00	\$ -	0.00
43650	Reading Intervention	\$21,277.00	\$ 21,269.00	(8.00)
43655	Mentor Teacher Prog-Alt Licensur	\$0.00	\$ -	0.00
43657	National Board Certification	\$0.00	\$ -	0.00
43660	Jobs for Virginia Graduates	\$0.00	\$ -	0.00
43665	Mentor Teacher Grt Hard to Staff	\$0.00	\$ 7,604.00	7,604.00
43675	Other State Grants	\$0.00	\$ -	0.00
43680	ISAEP (GED Prop Payments)	\$7,859.00	\$ 7,859.00	0.00
43683	Race to GED Pass-thru grant	\$0.00	\$ -	0.00
43685	School Breakfast	\$0.00	\$ -	0.00
43690	Adult Education	\$2,638.00	\$ 3,647.00	1,009.00
43700	At Risk	\$363,279.00	\$ 363,079.00	(200.00)
43725	Virginia Preschool Initiative	\$247,776.00	\$ 352,944.00	105,168.00
43750	English As A 2nd. Language	\$84,994.00	\$ 84,854.00	(140.00)

user: Katie Nunez

Page 1 of 2

Wednesday, June 18, 2014

**Northampton Co
Revenue Budget Worksheet Report as of 6/18/2014**

Account Number	Description	2015 BOS Approved	PROJECTED BASED ON HB5002	DIFFERENCE
43775	SOL Algebra	\$30,201.00	\$ 30,189.00	(12.00)
43780	Project Graduation	\$0.00	\$ -	0.00
43800	School Construction	\$0.00	\$ -	0.00
43825	Special Ed. - Jails	\$203.00	\$ 203.00	0.00
43850	Support for Const., Op., Text	\$0.00	\$ -	0.00
<u>Total: Categorical Aid - Education</u>		\$8,759,543.00	\$ 8,840,178.00	80,635.00

11-19-13

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Prior years' funds generated and earned at the close of the fiscal year, as was done at the close of FY 2013, should be earmarked as intended in the budget resolution for capital purposes or if not needed, should be returned to the County's General Fund and made a part of our undesignated fund balance.

This attempt to preserve funds for a budget yet to be debated or adopted by either body is ill-advised, inappropriate and not in the spirit of the budgetary process as outlined in the Code of Virginia. In addition, it appears to be an attempt to subvert incoming boards that are taking office as of January 1, 2014 and commit them to prior budgetary action which, again, I do not view as allowable under the Code of Virginia.

Therefore, I would request that the Board deny this portion of the School's budget amendment request and either vote to place that funding totaling \$102,926.00 in the Capital Reserve Fund for school use or to the County's General Fund undesignated balance.

FISCAL YEAR	BOS EMPLOYEES	CONSTITUTIONAL EMPLOYEES	SOCIAL SERVICE EMPLOYEES	SCHOOL EMPLOYEES
FY2009 (7/1/2008 - 6/30/2009)	NO COLA; merit pool of \$50,000 (of that, \$40,000 was issued in merit increases)	2% COLA, effective 12/1/2008 (repealed by State and never granted)	2% COLA, effective 12/1/2008 (repealed by State and never granted)	One step increase (based on experience). This was the last year that an employee's years of experience corresponded with the step.
FY2010 (7/1/2009 - 6/30/2010)	NO COLA - furloughs instituted for all staff	NO COLA - furloughs instituted for all staff	NO COLA - furloughs instituted for all staff	No pay increases or bonuses were given.
FY2011 (7/1/2010 - 6/30/2011)	NO COLA	NO COLA	NO COLA	No pay increases or bonuses were given.
FY2012 (7/1/2011 - 6/30/2012)	1% COLA	1% COLA, provided by the County	1% COLA, provided by the County	Teachers, Classified Employees, and Administrators received a 1% pay increase and were given a 1.5% bonus.
FY2013 (7/1/2012 - 6/30/2013)	5% Increase to offset the shift in the VRS "Employee" Contribution	5% Increase to offset the shift in the VRS "Employee" Contribution	5% Increase to offset the shift in the VRS "Employee" Contribution	5% Increase to offset the shift in the VRS "Employee" Contribution
FY2014 (7/1/2013 - 6/30/2014)	3% COLA granted 8/1/2013	3% COLA granted 8/1/2013, provided by the County	3% COLA granted 8/1/2013, provided by the County	Teachers received a 3% increase; Classified Employees received 2% increase; and Administrators received a 2% increase.
FY2015 (7/1/2014 - 6/30/2015)	NO COLA	NO COLA	NO COLA; pay study was commissioned and pay/salary adjustments made, totalling \$54,877.	Proposing a one-step increase to all Teachers and Classified Employees, totalling \$177,522
To offer a 2% bonus to all FTEs and PTEs, a total of \$154,273 would be needed; broken down as follows				
	\$64,059	\$88,540	\$1,674 (Registrar's Office Only - Excludes Social Services)	

Mr. Trala suggested that the Board may wish to consider a one-time bonus.

Ms. Brook Thomas, Finance Director for the School System, questioned the \$80,635.00 in additional state revenue, projected to be received, noting that some of the levels of participation had to be amended in order to reflect the current amount of County match.

Mr. Bennett commented that the County had spent funds in excess of \$200,000 for the demolition of the former Exmore-Willis Wharf School, recognizing that this was a safety concern; was currently subsidizing the AFD program and conservation easement benefits in the amount of \$1.4 million and that he could not understand why the Board was “haggling” over \$177,000. He stated that he was in favor of moving forward with this request.

Chairman LeMond suggested that the matter be tabled because we do not have an adopted state budget at this time and we don’t know the amount of school funds, if any, that would remain available at the close of FY 14.

Dr. Walter Clemons, Superintendent, was recognized by the Chairman and said that he believed this request represented a critical need and confirmed that they were in the process of calculating the ending balance at FY 2014, indicating that he was confident that at least \$177,000 would be left over. He asked the Board to consider taking the \$177,000 from the capital reserve fund and then replace these funds from the year-end balance when the final numbers are certified.

Mr. Hogg said that he believed the Superintendent had made presented a viable opportunity and asked Ms. Thomas to provide an estimate of the last three years’ carry-overs. Ms. Thomas responded that each year was in excess of \$200,000. Mr. Hogg replied that he would like to “know what’s in his pocket before he spends it,” and suggested the use of delinquent tax revenues to fund this request.

The County Administrator responded that the delinquent tax proceeds have already been included as part of the County's revenue stream and was not a "new" or "unused" source of revenue.

Mr. Hubbard expressed his concerns that this request was "after the fact" and would have been easier to deal with at the time of the public hearing. Dr. Clemons replied that the School Board was trying to work with the Board of Supervisors and that this request had been removed from the FY 2015 budget request because the Supervisors had indicated "level funding".

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the request from the School System be approved (\$177,522.00) and that said funds be taken from Fund 310 (Capital Reserve Fund), to be replenished from the FY 2014 School Operating Fund carryover at the end of FY 14. All members were present and voted "yes," with the exception of Mr. Hogg who abstained. The motion was passed. Mr. Hogg indicated that he abstained as a result of his "straw poll" – specifically with the proposed source of funding for the salary adjustments.

Action Items:

(3) Consider approval of the FY 2014 Local Government Agreement between the Eastern Shore Health District and the County.

Motion was made by Mr. Bennett, seconded by Mr. Trala, that the Board approve the FY 2014 Local Government Agreement between the Eastern Shore Health District and the County as presented. All members were present and voted "yes." The motion was unanimously passed.

Closed Session

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

Paragraph 7: Consultation with legal counsel and briefings by staff members, consultants, or attorneys pertaining to actual or probable litigation, and consultation with legal counsel employed

or retained by the Board of Supervisors regarding specific legal matters requiring the provision of legal advice by such counsel.

Offer to sell – former Exmore-Willis Wharf Elementary School

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.

Adjourn

Motion was made by Mr. Bennett, seconded by Mr. Trala, that the meeting be adjourned.

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

The meeting was adjourned.

_____CHAIRMAN

_____ COUNTY ADMINISTRATOR