

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 9th day of July, 2013, at 4:00 p.m.

Present:

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

The meeting was called to order by the Chairman.

Closed Session

Motion was made by Mr. Bennett, seconded by Mr. LeMond, 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, committees.

(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) Dr. Walter Clemons, Division Superintendent, Northampton County Public Schools, briefed the Board on several items including preparations for the 2013-2014 school year and re-institution of the middle-school concept for 7th & 8th grade students at the high school. This restructuring will assist with state accreditation scores and will necessitate the need for a principal and part-time media specialist, which costs will be covered through the existing allocation.

Mr. Hubbard suggested the use of inmates during the summer to assist with groundskeeping and other tasks.

In response to a question from Chairman Randall, Dr. Clemons indicated that he would bring back a report on the universal pre-k program, which currently involves 48-50 children per school.

In response to a question from Mr. Hubbard, Ms. Brook Thomas, Director of Finance, said that a FY 2013 surplus of approximately \$350,000 was anticipated.

Consent Agenda:

(2) Minutes of the meetings of June 3, 11 and 18, 2013.

(3) Consider approving the Abstract of Votes Cast in the June 11, 2013 Democratic Party Primary and spreading same upon the minutes of this meeting.

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

County Officials’ Reports:

(4) Mr. Charles McSwain, Director of Economic Development, shared with the Board the following powerpoint presentation:





Development Department

- Reorganized Planning, Zoning, Building and Code Compliance staff with the new economic development function
- Development Director leads the team
- Valuable staff resources – all
- Team work for better results
- Focus on serving our citizens



Comprehensive Plan

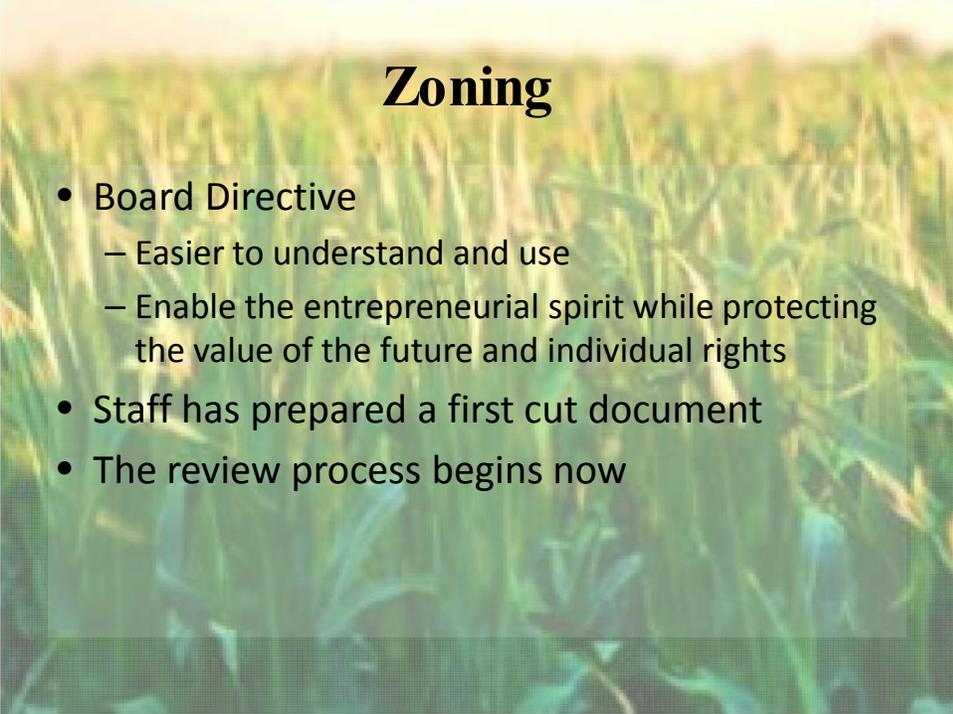
- Planning Commission has completed
 - Citizen Forums on issues and priorities
 - Background Facts (Part II Data Section complete)
- Beginning Analysis and Goal Setting
 - Citizen Review to begin in Fall
 - CPAC (Comprehensive Plan Advisory Committee)
 - PRSG (Plan Review Stakeholder Group)

Plan Value

- Comprehensive Planning
 - Provides a structured framework
 - Input from all elements of community
 - Open dialogue
 - Fact based
 - Assessment of Strengths, Weaknesses, Opportunities and Threats
 - Focus on a few top priorities, goals and assigns responsibility

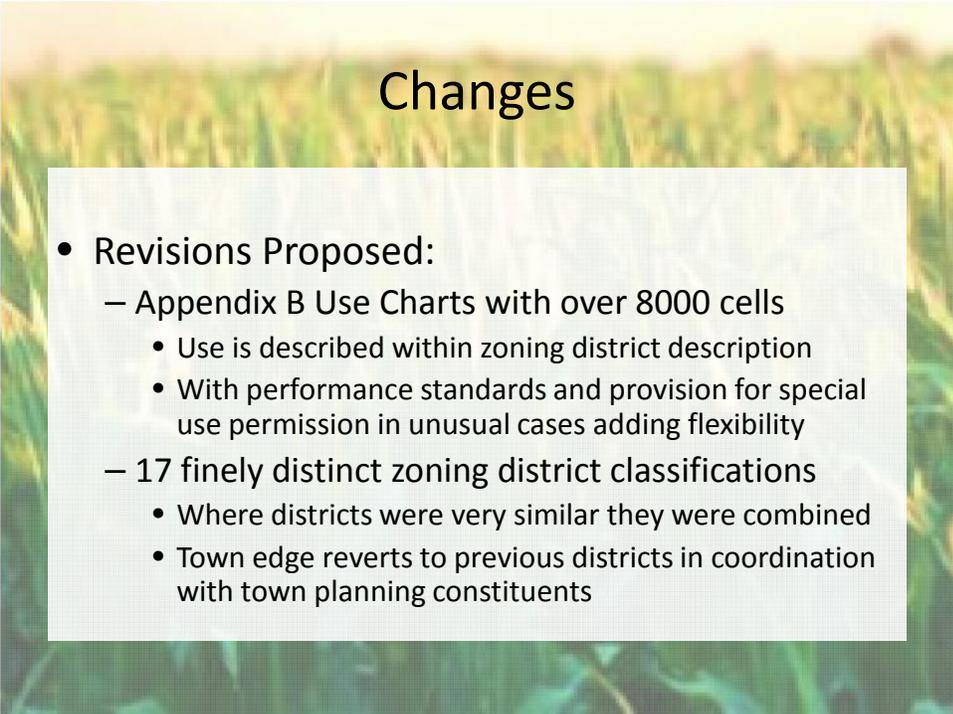
Preliminary Observations

- People are Passionate about their Community
- Many involved citizens with divergent opinions and information and not always applied accurately to the local situation
- Scaling issues is critical
 - Priorities: e.g., is affordable housing more important than environmental stewardship
 - Can we agree that working together on a few important consensus issues is more important than endless debate on “facts”
 - That is the process going forward...



Zoning

- Board Directive
 - Easier to understand and use
 - Enable the entrepreneurial spirit while protecting the value of the future and individual rights
- Staff has prepared a first cut document
- The review process begins now



Changes

- Revisions Proposed:
 - Appendix B Use Charts with over 8000 cells
 - Use is described within zoning district description
 - With performance standards and provision for special use permission in unusual cases adding flexibility
 - 17 finely distinct zoning district classifications
 - Where districts were very similar they were combined
 - Town edge reverts to previous districts in coordination with town planning constituents

Changes

- Revisions Proposed:
 - The need to revise our local ordinance every year with changes to Virginia Code
 - Requirements of Virginia Code will be made by separate ordinance
 - Stormwater Management
 - Chesapeake Bay Preservation
 - Floodplain Management
 - Erosion and Sediment Control
 - It will be clear to customers which agency rules are being administered by your County staff

Density of Development

- Proposing that we maintain 1unit / 20 acres for Agriculture but allow greater density with better design standards, e.g., land management, minimal footprint
- Let villages be villages and hamlets be hamlets
 - Allow small neighborhoods to be healthy communities that are walkable neighborhoods
- Work toward planned commercial/industrial development versus strip retail in coordination with VDOT for safe roads.

Changes

- Enhance design criteria
 - Screen hardscapes for a more natural look
 - Enforce removal of derelict signs
 - Provide current Planning Commissions the ability to rezone in accordance with good planning
 - Encourage ‘planned unit’ design that will allow better results without enforcing arbitrary rules
 - Let people work efficiently toward a better planned community and welcome new investment

Economic Development

- Findings from 5 months and 250 friends
 - Limited infrastructure
 - Diverse community interest
 - Remote connectivity
 - Logistics and digital
 - Reputation: Question
 - Ability to work together on common issues
 - An Island



Economic Development Plan

- Board Leadership
- Rebuild through consensus with fact based decisions
- Celebrate small successes
- Build on what we have
 - Expand existing business
 - Prepare for better industry, e.g., fiber optics



Target Industry

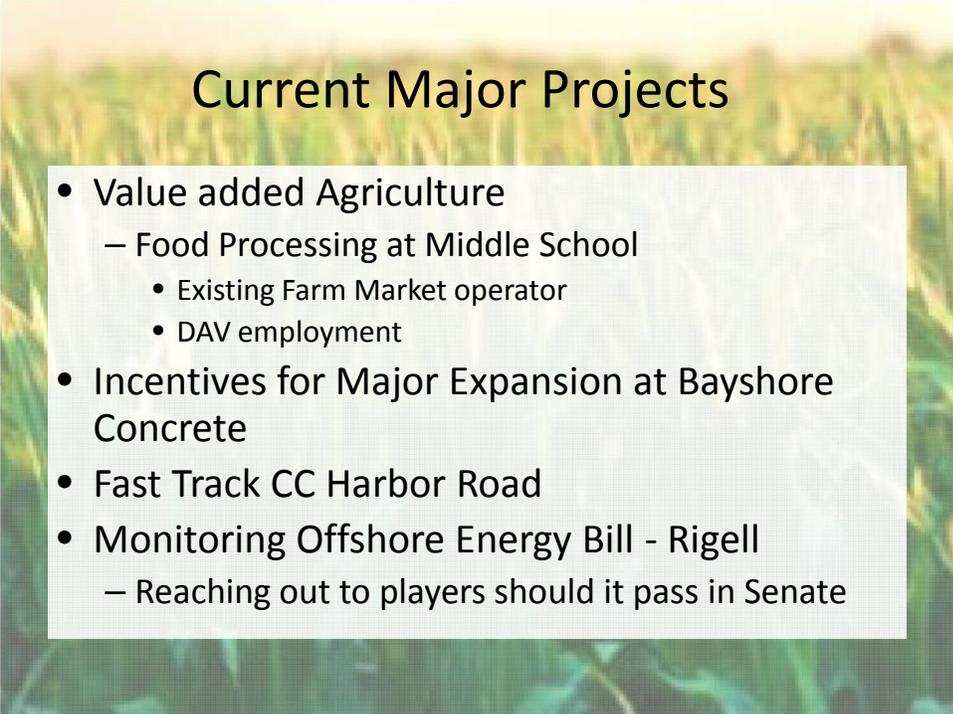
- Agriculture/food processing
- Aerospace
- Tourism
- Seafood/Aquaculture
- Education/Research
- Studio Businesses
- Retiree Services

Comprehensive Economic Development Strategy - ANPDC



Results Year to Date

- Expansion of Aquaculture in Oyster
- Development of marine facilities at Cape Charles
- Retention of jobs at Bayshore Concrete
- Better working relationship with VEDP, VPA and Virginia Bio Technology Association
- Funding for CC Harbor Road Improvements
- Build confidence in our ability to grow in balance with our treasured nature



Current Major Projects

- Value added Agriculture
 - Food Processing at Middle School
 - Existing Farm Market operator
 - DAV employment
- Incentives for Major Expansion at Bayshore Concrete
- Fast Track CC Harbor Road
- Monitoring Offshore Energy Bill - Rigell
 - Reaching out to players should it pass in Senate

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Lastly, Mr. McSwain introduced Ms. Kelley Lewis, the newly-hired Development Inspector.

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

Mr. Hubbard left the meeting at this time.

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

The invocation was offered by Mr. LeMond.

The Pledge of Allegiance was recited.

(5) Ms. Katherine H. Nunez, County Administrator presented the following bi-monthly report for the Board's review.

- (i) 7/22/13: Work Session: Northampton Middle School & PSA Southern Node
- (ii) 8/26/13: Work Session: School's CIP
- (iii) 9/23/13: 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: July 3, 2013
RE: Bi-Monthly Report

I. Projects:

A. Eastville Waste Collection Site:

Construction work was scheduled to commence on June 17, 2013 with an anticipated completion date of October 15, 2013. Our contractor, Branscome, has indicated that they are delayed on another job and are anticipating to start our project this week or next week. They are aware that their delay does not extend the completion date.

B. Emergency Management:

The staff training that was to be held on Tuesday, June 18 for all teams in preparation for Hurricane Season has been postponed to Tuesday, July 23 because one of the webinars that we were going to participate in was postponed.

C. New World Financial Software:

The Human Resources Director, Finance Director and I are continuing to test the software that is being upgraded (it is called NEXTGEN for New World Systems) and

we are still scheduled to go live with the new upgrade the week of July 29, 2013. This will move all payroll processing into the upgraded software with the payroll being released on August 16, 2013 the first payroll that we will produce through the upgraded software.

D. Computer Assisted Mass Appraisal Systems (CAMA Systems):

Staff has been working on the Request for Proposals (RFP) for new Computer Assisted Mass Appraisal System software, known as CAMA software; the RFP will be available for distribution on July 8, 2013. This is the software that runs our property valuation information and is used by the Commissioner of Revenue's office. Our current vendor is no longer in business and we must seek a new vendor to provide this software. The deadline for submission of proposals is Thursday, August 8, 2013.

E. Emergency Medical Services – Request from Community Volunteer Fire Station:

I received notification that the Community Volunteer Fire Station in Exmore is seeking increased coverage by the County Emergency Medical Services Department to place staff in their station and respond to ambulance calls using their equipment. A draft contract for said services is being prepared that will outline the County's responsibilities for providing the staffing and the Station's responsibilities for providing the equipment and the cost to reimburse the County for said services.

F. VRS – Virginia Local Disability Program:

Legislation enacted by the 2012 General Assembly requires political subdivisions and school divisions to be covered automatically under the Virginia Retirement System's Virginia Local Disability Program unless the local governing body makes an irrevocable election to opt out and provide a comparable plan for employees.

Originally, a locality needed to make a decision by September 1, 2013 or you are considered automatically enrolled with the VRS plan for a local disability plan. However, an extension has been provided to the deadline, moving it to November 1, 2013, for making this decision but in order to qualify for the extension on the deadline to make a decision, a locality must request the extension.

My office is in the process of obtaining quotations from other insurance providers (VACorp, VML) for a disability program to compare with the program that is offered by the Virginia Retirement System but feel that additional time is needed to properly analyze the quotations and program offerings.

Therefore, I am seeking the Board's authorization to submit the request for an extension and allow us until November 1, 2013 to formally notify the Virginia Retirement System how our county will provide a disability program.

Motion was made by Mr. LeMond, seconded by Mr. Bennett, that the Board request an extension until November 1, 2013 to formally notify the Virginia Retirement system how Northampton will provide a disability program. All

members were present with the exception of Mr. Hubbard and voted “yes.” The motion was unanimously passed.

G. Ad-Hoc Hospital Task Force:

Enclosed is a draft charge to create the Emergency and Medical Services Ad-Hoc Committee. ***Board review and action is requested on this matter.***

RESOLUTION TO CREATE AN AD-HOC COMMITTEE TO STUDY ALTERNATIVES TO PROVIDING EMERGENCY CARE IN NORTHAMPTON COUNTY

Whereas, Riverside Hospital Corporation of Newport News, VA has acquired Shore Memorial Hospital in Nassawadox, VA and renamed it as Riverside Shore Memorial Hospital; and

Whereas, Riverside Shore Memorial Hospital has obtained approval from the Virginia State Health Commissioner to construct a new hospital facility in Onley, VA and to close the hospital in Nassawadox, VA; and

Whereas, Riverside Shore Memorial Hospital has indicated that some services will remain in Nassawadox, VA but will not encompass the retention of the Emergency Room; and

Whereas, the relocation of the hospital, including the Emergency Room, will negatively impact the current delivery of emergency medical services in Northampton County; and

Whereas, the Northampton County Board of Supervisors wishes to explore all alternatives to improve emergency medical services.

NOW THEREFORE, BE IT RESOLVED that the Northampton County Board of Supervisors establishes an ad-hoc committee called the Emergency and Medical Services Ad-Hoc Committee charged with exploring all options to provide emergency medical services to Northampton County including, but not limited to, the following:

- Establish an Emergency Room;
- Expand Emergency Medical Services (EMS) transport capabilities with associated staffing capabilities, whether through the County Department and/or the Volunteer Stations;
- Any other service offerings that could improve the provision of Emergency Care in Northampton County

Said analysis shall include the benefits and drawbacks of each option with a cost analysis of both capital costs and operational costs with associated staffing analysis and identification of potential service providers for each option and any other relevant issues or concerns.

The composition of this committee shall include a representative(s) from the Board of Supervisors, the Northampton County Director of Emergency Medical Services, representatives from the county that have experience and knowledge in the provision of medical services, financial experience and any other relevant areas. The ad-hoc

committee shall not exceed 7 members. The committee shall have the ability to seek input from individuals that have needed expertise or information to assist in their charge but these individuals shall not become members of the ad-hoc committee.

The committee will develop a final recommendation that will be presented to the Board of Supervisors no later than December 31, 2013.

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While the resolution had been presented with a “blank” for the number of membership, it was the consensus of the Board that seven was the appropriate number for the committee membership. Mr. Randall and Mr. LeMond volunteered to serve as representatives from the Board as well as Ms. Hollye Carpenter as EMS Director. While other names were suggested, the Board made no other formal appointments.

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the resolution be approved as modified. All members were present and voted “yes.” The motion was unanimously passed.

H. Bayview System – Notice from Department of Health:

Enclosed is correspondence from the Department of Health indicating that one or more of our water samples collected from the Bayview System indicate the presence of total coliform bacteria. We are pulling new samples but are also notifying the users of the system, as required.

I. Landfill Gas Monitoring – Status Report:

At your April 9, 2013 meeting, I provided you a report regarding the landfill gas monitoring as follows:

As part of the compliance requirements associated with a landfill (active or capped), there are gas wells located around the landfill that we test quarterly. We have received notification from our testing agent, the Hampton Roads Sanitary District (HRSD), that one of the gas wells has not provided gas samples, most likely a result of a higher than average water table in the area. We have retested over the last two months but have not been able to secure the required gas tests to meet our reporting requirements to the Department of Environmental Quality (DEQ).

DEQ is now requiring action by the county to correct this problem. Our engineering firm, Draper Aden Associates, has developed the following plan of action:

- 1. Conduct second quarterly 2013 landfill gas monitoring during May 2013. Waiting until May is to allow groundwater potentiometric surface levels to return to normal.*
- 2. If samples are obtained in all probes, continue monitoring on the normal quarterly frequency.*

3. *If samples cannot be obtained in all probes, conduct another monitoring event in June 2013.*
4. *If samples can be obtained during the contingency event in June, continue monitoring on the normal quarterly frequency.*
5. *If samples cannot be obtained from all probes during the June event, construct new landfill gas monitoring probes in the vicinity of the probes that could not be sampled. Probe construction logs will be submitted to the Department with a request for a minor permit modification to include the newly constructed probes in the compliance network.*

This proposed course of action has been submitted to DEQ for review and approval. Draper Aden has based this course of action on the belief that the conditions at our landfill do not endanger health or the environment due to the fact that methane has not been detected in any of the probes at the landfill since the monitoring program began in December 2000; high groundwater levels impede subsurface migration of landfill gas, if migration is occurring; and the low flow readings obtained during the first quarter of 2013 was only the second occurrence since the probes were installed in 2000.

The June monitoring samples continued to be non-responsive. I have authorized our engineer to move forward with replacing the gas monitoring probes and to modify our permit with the state to reflect this change.

J. Tall Ships – Status Report:

Enclosed is the status report from ESVAF, Inc. on the Tall Ships Event that was held from June 14 thru June 16, 2013.

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Citizen Information Period:

Mr. Spencer Murray encouraged the Board to send a letter of opposition in regard to the proposed elimination of navigational aids by the U.S. Coast Guard (see agenda item #7). He said that these aids need to be maintained as a matter of economic development.

Mr. Etienne Mauge, a resident of Hortense Lane near Capeville, said that he suffered from high home insurance premiums due to his location some distance from the nearest fire station and asked if the Board could do anything to increase fire protection in the southern end of the county.

Public Hearings:

The Chairman called to order the following public hearing:

(6) An Ordinance To Repeal An Ordinance Entitled, “An Ordinance to Establish Compensation for Northampton County Board of Supervisors”. *The purpose of this amendment is to repeal the legislation which formerly set the level of compensation for members of the governing body. Effective January 1, 2014, the Board will be utilizing another section of the Code of Virginia to determine its compensation.*

**AN ORDINANCE TO REPEAL AN ORDINANCE ENTITLED,
“AN ORDINANCE TO ESTABLISH COMPENSATION
FOR NORTHAMPTON COUNTY BOARD OF SUPERVISORS”**

WHEREAS, the Northampton County Board of Supervisors (Board) adopted AN ORDINANCE TO ESTABLISH COMPENSATION FOR NORTHAMPTON COUNTY BOARD OF SUPERVISORS on June 14, 2011; and

WHEREAS, §15.2-1414.2 of the Code of Virginia of 1950, as amended, provides authority for the Board to fix its compensation at a level other than that provided in the aforementioned ordinance; and

WHEREAS, it is the desire of the Board to repeal the aforementioned ordinance.

NOW, THEREFORE, BE IT ORDAINED that the Northampton County Board of Supervisors does hereby repeal AN ORDINANCE TO ESTABLISH COMPENSATION FOR NORTHAMPTON COUNTY BOARD OF SUPERVISORS, effective the 31st day of December, 2013, as codified in the Northampton County Code of Ordinances, Section 30.06.

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Mr. Randall asked if there were any present desiring to speak.

The County Administrator presented background information on the need for this ordinance repeal, noting that the Board would be utilizing a different section of the Code of Virginia in order to set its compensation, one which did not require an ordinance and was not based on population.

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

Motion was made by Mr. LeMond, seconded by Mr. Bennett, that AN ORDINANCE TO REPEAL AN ORDINANCE ENTITLED, “AN ORDINANCE TO ESTABLISH

COMPENSATION FOR NORTHAMPTON COUNTY BOARD OF SUPERVISORS be adopted as presented. All members were present with the exception of Mr. Hubbard and voted “yes.” The motion was unanimously passed.

Matters Presented by the Board Including Committee Reports & Appointments

(7) US Coast Guard Proposal to abandon seaside boating channels

The Board reviewed a citizen request in regards to a proposed plan by the U. S. Coast Guard to di-establish the navigational aids along the Virginia Inside Passage, from Chincoteague to the northwest side of Fisherman’s Island. The Coast Guard has cited encroaching shoaling conditions, limited surveys and a lack of funds to dredge the passage. Motion was made by Mr. Bennett, seconded by Mr. LeMond, that the Board adopt a resolution in opposition to this plan and so notify both the U.S. Coast Guard and the Army Corps of Engineers as well as our state and federal representatives. All members were present with the exception of Mr. Hubbard and voted “yes.” The motion was unanimously passed. Said resolution as adopted is set forth below:

**RESOLUTION IN OPPOSITION
TO DE-ESTABLISHMENT
OF NAVIGATIONAL AIDS**

WHEREAS, the Northampton County Board of Supervisors has been apprised of the proposed plan of the United States Coast Guard to de-establish 135 navigational aids along approximately 100 miles of the Virginia Inside Passage from Chincoteague to the northwest side of Fishermans Island; and

WHEREAS, the Coast Guard is soliciting comments on the proposed de-establishment and the possible impact on business operations and navigation along the route; and

WHEREAS, the Northampton County Board of Supervisors strongly opposes this proposed plan, believing that the elimination of the aids will negatively impact the economic health of the County, not only for the working watermen but for the enormous numbers of recreational boaters who frequent the area; and

WHEREAS, the Northampton County Board of Supervisors also requests the Army Corps of Engineers to address the shoaling conditions which have led to the Coast Guard’s

potential actions in regards to the Virginia Inside Passage, believing that the lack of dredging and the inability of the Corps to maintain appropriate navigable depths is central to this issue and one of vital importance to Northampton County and the entire Eastern Shore.

NOW, THEREFORE, BE IT RESOLVED, that the Northampton County Board of Supervisors does hereby oppose the proposed plan of the United States Coast Guard to de-establish navigational aids along the Virginia Inside Passage and directs that such notice be provided to the Coast Guard and the US Army Corps of Engineers as well as the County's state and federal legislative representatives.

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Mr. Bennett stated that during the last VDOT mowing event, the contractor did a very poor job. It was the consensus of the Board to request the Residency Administrator to attend the next meeting in order to address this matter.

Chairman Randall asked the County Administrator to provide data in response to Mr. Mauge's comments from earlier in the evening.

Recess

Motion was made by Mr. LeMond, seconded by Mr. Bennett, that the meeting be recessed until 5:00 p.m., Monday, July 22, 2013 in the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, in order to conduct the regular work session. All members were present with the exception of Mr. Hubbard and voted "yes." The motion was unanimously passed.

The meeting was recessed.

_____CHAIRMAN

_____ COUNTY ADMINISTRATOR