

VIRGINIA:

At a recessed meeting of the Board of Supervisors of the County of Northampton, Virginia, held in conference room #2 of the former Northampton County Middle School, 7247 Young Street, Machipongo, Virginia, on the 25th day of July, 2011, at 5:00 p.m.

Present:

Willie C. Randall, Chairman

H. Spencer Murray

Laurence J. Trala

Oliver H. Bennett

Richard Tankard

Absent:

Samuel J. Long, Jr., Vice Chairman

1. The meeting was called to order by the Chairman
2. The County Administrator presented the following bi-monthly report:

MEMORANDUM

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: July 20, 2011
RE: Work Session Report

A. Tall Ships/OpSail2012

I am hoping to meet with the Board of the ESVA Festivals in advance of the Monday work session. At this time, I have no new information to provide to the Board but may have something to report on Monday evening, if calendars permit for all involved.

B. Boards & Commissions

These are the questions that the Board needs to provide direction and answers so that we can consider this matter concluded:

1. There are 13 Boards of Commission required by law. 2 of those (ES Community Services Board and NC Board of Social Services) do not require a sitting Supervisor to serve as a member of the board but we have chosen to appoint a sitting supervisor as our representative. Do you wish to allow sitting supervisors to be appointed to another board or commission where it is not required by law if that supervisor has an interest and is willing to devote the time?

The Board concurred.

2. There are 17 Boards and Committees that have been created by request and intent of the Board of Supervisors (highlighted in yellow on spreadsheet). Within this grouping, there are 3 boards (ES Groundwater Committee, ESVA 911 Commission, and ES Tourism Commission) that are formed through a regional resolution with Accomack County and dictate the number of members from each county and whether a Board member is required to serve or not as well as financial contributions from each respective county. I am recommending that discussion of the regional agreement forming these 3 boards be part of an agenda for a joint meeting with Accomack County. In advance of any such meeting, I am seeking guidance from the Board as to their position if they feel a sitting supervisor(s) should service on any of these boards or if citizen representation is sufficient as well as your thoughts on funding formulas to be utilized for each of these entities. I am enclosing the spreadsheet from our FY2012 budget that shows the funding formulas for the regional entities.
3. There are 10 Boards and Commissions that are allowed by Code and have been enacted by the Board of Supervisors. 5 of these were formed regionally. The same questions and issues posed in #2 above are posed for this section as well for the following regional boards:
 - A-N Planning District Commission
 - E.S. Housing Alliance
 - A-N Transportation District Commission
 - E.S. Public Library Board of Directors
 - E.S. Area Agency on Aging/Community Action Agency

It is my intent to outline the Board's position regarding the regional agencies in a memo to the Accomack Board of Supervisors to serve as a basis of discussion in a joint meeting on this matter.

Mr. Tankard suggested that the Board come to an agreement on reducing its three appointments to two on the ANPDC, prior to the joint meeting with the Accomack Board. Mr. Bennett agreed.

4. Lastly, we have enclosed draft resolutions regarding the composition of the School Board, Planning Commission and Parks & Recreation Board to receive Board direction if this is the re-formation you are seeking in light of the redistricting

process. Please note that the Code of Virginia dictates that School Board membership is equal to the # of election districts as well as the Board has the ability to appoint up to 2 at-large members so the only discussion point on that resolution is whether to retain the at-large members.

The following three draft resolutions will be placed on the Board's action agenda for August.

**RESOLUTION FOR RESTRUCTURING OF
THE NORTHAMPTON COUNTY SCHOOL BOARD**

WHEREAS, Section 22.1-36 of the Code of Virginia of 1950, as amended, authorizes Northampton County to establish a local school board; and

WHEREAS, the 2010 Redistricting Process has resulted in the restructuring of the governing body of the County of Northampton and subsequently, the Northampton County School Board.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Northampton County, Virginia that the Northampton County School Board is hereby restructured, effective July 6, 2011, as set out below:

<u>Member</u>	<u>District @ 7/1/2011</u>	<u>District @ 7/6/2011</u>	<u>Term Expires</u>
Patrick Hand 2242 Arlington Chase Cape Charles, VA 23310	2	1	6/30/2012
Delores Lindsey 4211 Kiptopeke Drive P. O. Box 81 Townsend, VA 23443	1	1	6/30/2014
Richard Bland P. O. Box 1239 Eastville, VA. 23347	4	declined to reapply	6/30/2011
Ann E. Terry P. O. Box 87 Willis Wharf, VA 23486	3	3	6/30/2013
Calvin Brickhouse 5561 Bayside Road Exmore, VA. 23350	6	position disappears	6/30/2011
Dr. Richard Drury P. O. Box 209 Jamesville VA 23398	5	5	6/30/2013

At-Large

Mickey M. Merritt P. O. Box 154 Franktown VA 23354	6	4	6/30/2014
Kristin Holland Webb P.O. Box 656 Nassawadox VA 23413	6	3	6/30/2013

ARTICLE 7 – DATE OF ORGANIZATION

7-1. This restructuring of the Northampton County School Board shall be effective on the 6th day of July, 2011.

Mr. Tankard indicated that he favored five school board members plus two at-large appointments. Mr. Murray and Chairman Randall also supported two at-large appointments. Mr. Bennett said that he would possibly support the elimination of the two at-large appointments.

**RESOLUTION FOR RE-CREATION AND RE-ESTABLISHMENT
OF THE NORTHAMPTON COUNTY RECREATION BOARD**

WHEREAS, Section 15.2-1806 of the Code of Virginia of 1950, as amended, authorizes Northampton County to create a local recreation board; and

WHEREAS, the Board of Supervisors is desirous of creating and establishing the composition and rules for a local recreation board; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Northampton County, Virginia to establish a Recreation Board, effective January 1, 2012, as prescribed below:

ARTICLE 1 – NAME, LOCATION, AUTHORITY & PURPOSE

- 1-1.** The name of this organization shall be the Northampton County Recreation Board, hereinafter called the “Board”.
- 1-2.** The principal office of the Board shall be in Eastville, Virginia.
- 1-3.** The purpose of the Board shall be to serve as the advisory body of the Northampton County Board of Supervisors. The Board shall serve as a liaison between the Recreation Director, the Board of Supervisors, and citizens of the County. The Board shall consult with and advise the County Administrator, the Recreation Director, and the Board of

Supervisors in matters affecting recreation policies, programs, personnel, finances, and the acquisition and disposal of lands and properties related to the total County recreation programs, and to its long-range, projected program for recreation.

ARTICLE 2 – MEMBERSHIP & TERMS OF OFFICE

- 2-1. The Board shall consist of seven (7) members who shall be citizens of the County.
- 2-2. There will be one (1) appointment from each of the five voting districts and two (2) at-large appointments from the County, with each member being appointed by a majority vote of the Board of Supervisors.
- 2-3. The current appointments to the Recreation Board are as set out below:

<u>Member</u>	<u>District @ 7/1/2011</u>	<u>District @ 1/1/2012</u>	<u>Term Expires</u>
(VACANT)	1	3	12/31/2012
Robert W. Stubbs 408 Jefferson Avenue Cape Charles, VA 23310	2	1	12/31/2011
Wm. E. Denny 5065 Cobb Station Road Cape Charles, VA 23310	3	2	12/31/2013
David Kabler 10352 Church Neck Road Machipongo VA 23405	4	4	12/31/2012
Roy Ballard P. O. Box 1124 Exmore, VA 23350	5	5	12/31/2011
Christopher C. Marshall P. O. Box 660 Eastville, Va 23347	(4) At Large	(4)	12/31/2013
Steve Lewis 5181 Peaceful Lakes Drive Jamesville, VA 23398	(5) At Large	(5)	12/31/2013
Devin Allen 7394 James Allen Drive Machipongo, Va 23405	(3) At Large	(2)	12/31/2013

Thereafter, each member shall be appointed for a term of four (4) years. No member shall serve more than two consecutive four (4) years terms.

ARTICLE 3 – VACANCIES & REMOVAL OF MEMBERS

- 3.1. Vacancies on the Board shall be filled for the unexpired term in the same manner as the

original appointment was made.

- 3-2. Notwithstanding the foregoing provision, a member of the Board may be removed from office by the Board of Supervisors without limitation in the event that the Board member is absent from any three consecutive meetings of the Board, or is absent from any four meetings of the Board within any 12-month period. In either such event, a successor shall be appointed in accordance with 3-1 above.

ARTICLE 4 – OFFICERS OF THE BOARD, MEETINGS & ADOPTION OF BY-LAWS

- 4-1. Officers of the Board include a Chairman, Vice-Chairman, and Secretary who shall be elected by the membership of the Board.
- 4-2. The Chairman and Vice-Chairman shall be elected for terms of one year or until their successors are elected. Organization of Officers will occur at the first regular meeting after February 1 of each year.
- 4-3. Board officers shall be eligible for re-election.
- 4-4. The Board shall hold regular meetings on a schedule which will be determined by the membership; provided, however, that the Board shall meet at least once every two months.
- 4-5. The Board may also hold such special meetings as it may deem necessary, at such time and places as it may find convenient.
- 4-6. Meetings of the Board shall be open to the public; however, the Board may hold closed session meetings in accordance with the Virginia Freedom of Information Act (Chapter 37 of the Code of Virginia of 1950, as amended).
- 4-7. A simple majority of the membership of the Board shall constitute a quorum at all meetings of the Board.
- 4-8. The Board shall adopt By-Laws and such other rules of order as it deems necessary to govern its operations, pursuant to and consistent with the Constitution and the laws of the United States and the Commonwealth of Virginia.

ARTICLE 5 – COMPENSATION OF MEMBERS

- 5-1. All members of the Board shall receive compensation, per meeting. The initial amount per meeting is \$25.00; this amount may be changed by resolution of the Board of Supervisors.
- 5-2. Any expenses for mileage and travel in the performance of their duties will be reimbursed to a member of the Board, if funds have been appropriated in the Board budget and the expense is authorized by the County.

ARTICLE 6 – MISSION, GOALS, DUTIES & RESPONSIBILITIES

6-1. The Board’s Mission and Goals are set out below:

(a) obtain and develop facilities for recreation programming (i.e., community parks, community center, Indiantown Park)

(b) develop cultural experiences, the arts, athletics and outdoor programs

(c) work in conjunction with all county agencies, civic groups and special interest groups to develop a series of recreation and leisure activities

(d) increase citizens’ involvement with all leisure activities

(e) develop a Parks & Recreation marketing plan to advertise all programs and activities of the Parks & Recreation Department.

6-2. The Board’s Duties & Responsibilities are set out below:

(a) Shall make recommendations for the establishment of a system of supervised recreation for the County;

(b) Shall set apart for use as parks, playgrounds, recreation centers, water areas, or other recreation areas and structures, any lands or buildings owned by or leased to the county and for approval by the Board of Supervisors, and may suggest improvements of such lands, buildings, and structures as may be necessary to the recreation program within those funds allocated to the Department in the construction, equipping, operation and maintenance of parks, playgrounds, recreation centers, and all buildings and structures necessary or useful to Department function.

ARTICLE 7 – DATE OF ORGANIZATION

7-1. This re-creation and re-organization of the Northampton County Recreation Board shall be effective on the 1st day of January, 2012.

AMENDED

**RESOLUTION FOR CREATION AND ESTABLISHMENT OF THE
NORTHAMPTON COUNTY PLANNING COMMISSION**

WHEREAS, Section 15.2-2210 of the Code of Virginia of 1950, as amended, authorizes Northampton County to create a local planning commission; and

WHEREAS, the Board of Supervisors is desirous of creating and establishing the composition and rules for a local planning commission; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Northampton County, Virginia to establish a Planning Commission, effective July 1, 2009, as prescribed below:

ARTICLE 1 – NAME, LOCATION, AUTHORITY & PURPOSE

- 1-4. The name of this organization shall be the Northampton County Planning Commission, hereinafter called the “Commission”.
- 1-5. The principal office of the Commission shall be in Eastville, Virginia.
- 1-6. The Commission shall be a public body corporate and political with all the powers and duties granted to it by Chapter 22 of Title 15.2 of the Code of Virginia of 1950, as amended.
- 1-7. The purpose of the Commission shall be to improve public health, safety, convenience and welfare of the citizens of Northampton County and to plan for the future development of the County that incorporates consideration for a planned transportation system; that community centers be developed with adequate highways, utilities and infrastructure, health, educational and recreational facilities; that the needs of agriculture, aquaculture, industry and business be recognized for future growth; that residential areas be provided with healthy surrounding for family life; and the growth of the community be in accordance with the efficient and economical use of public funds.

ARTICLE 2 – MEMBERSHIP & TERMS OF OFFICE

- 2-1. The Commission shall consist of ~~nine (9)~~ **seven (7)** members who shall be citizens of the County. A majority of the membership must be property owners within the County of Northampton.
- 2-2. There will be one (1) appointment from each of the ~~six~~ **five** voting districts and ~~three (3)~~ **two (2)** at-large appointments from the County, with each member being appointed by a majority vote of the Board of Supervisors.
- 2-3. The initial appointments to the Planning Commission shall be staggered terms consisting of two members appointed for a term of one (1) year, two members appointed for a term of two (2) years; two members appointed for a term of three (3) years; and three members appointed for a term of four (4) years. Thereafter, each member shall be appointed for a term of four (4) years. No member shall serve more than two consecutive four (4) years terms.

ARTICLE 3 – VACANCIES & REMOVAL OF MEMBERS

- 3.1. Vacancies on the Commission shall be filled for the unexpired term in the same manner as the original appointment was made.
- 3-2. Any member of the Commission may be removed by the Board of Supervisors for malfeasance in office. Notwithstanding the foregoing provision, a member of the Commission may be removed from office by the Board of Supervisors without limitation in the event that the Commission member is absent from any three consecutive meetings of the Commission, or is absent from any four meetings of the Commission within any 12-month period. In either such event, a successor shall be appointed in accordance with 3-1 above.

ARTICLE 4 – OFFICERS OF THE COMMISSION, MEETINGS & ADOPTION OF BY-LAWS

- 4-1. Officers of the Commission include a Chairman, Vice-Chairman, and Secretary who shall be elected by the membership of the Commission. The Chairman and the Vice-Chairman shall be elected from its own appointed membership but the secretary may be elected either from its own membership or a member of the administrative staff of the board.
- 4-2. The Chairman and Vice-Chairman shall be elected for terms of one year or until their successors are elected. Organization of Officers will occur at the first regular meeting after July 1 of each year.
- 4-3. Commission officers shall be eligible for re-election.
- 4-4. The Commission shall hold regular meetings on a schedule which will be determined by the membership; provided, however, that the Commission shall meet at least once every two months.
- 4-5. The Commission may also hold such special meetings as it may deem necessary, at such time and places as it may find convenient and in accordance with §15.2-2214 of the Code of Virginia of 1950, as amended.
- 4-6. Meetings of the Commission shall be open to the public; however, the Commission may hold closed session meetings in accordance with the Virginia Freedom of Information Act (Chapter 37 of the Code of Virginia of 1950, as amended).
- 4-7. A simple majority of the membership of the Commission shall constitute a quorum at all meetings of the Commission.
- 4-8. The Commission shall adopt By-Laws and such other rules of order as it deems necessary to govern its operations, pursuant to and consistent with the Constitution and the laws of the United States and the Commonwealth of Virginia.

ARTICLE 5 – COMPENSATION OF MEMBERS

- 5-1.** All members of the Commission shall receive compensation, per meeting. The initial amount per meeting is \$25.00; this amount may be changed by resolution of the Board of Supervisors.
- 5-2.** Any expenses for mileage and travel in the performance of their duties will be reimbursed to a Commissioner, if funds have been appropriated in the Commission budget and the expense is authorized by the County.

ARTICLE 6 – FUNCTIONS, POWERS & DUTIES

6-1. As prescribed by the Code of Virginia, at the date of this resolution and any future amendments thereto, the Commission is hereby granted the following powers and responsibilities:

- (a) The Commission shall prepare and recommend to the Board of Supervisors a comprehensive plan, and any amendments thereto, for the physical development of the county;
 - (b) The Commission may make, or cause to be made, the official map of the county;
 - (c) The Commission may, and at the direction of the Board of Supervisors shall, prepare and revise annually a capital improvement program based on the comprehensive plan of the county for a period not to exceed the ensuing five-year period;
 - (d) The Commission shall prepare and recommend to the Board of Supervisors the subdivision ordinance, or any amendments thereto, for the County;
 - (e) The Commission may, and at the direction of the Board of Supervisors shall, prepare a proposed zoning ordinance including a map or maps showing the division of the county into districts and a text setting for the regulations applying in each district;
 - (f) The Commission shall submit to the Board of Supervisors its recommendations on any amendments to the or re-enactment of the zoning ordinance for the county;
 - (g) The Commission shall make recommendations and report at least annually to the Board of Supervisors concerning the operation of the Commission and the status of planning within the county;
 - (h) The Commission shall, at the direction of the Board of Supervisors, prepare, public and distribute reports, ordinances and other material relating to its activities; and
 - (i) The Commission shall, at the direction of the Board of Supervisors, or as otherwise required by law, assume other duties and responsibilities as allowed under law.
- 6-2.** It shall be the duty of the Commission to promote the cooperation of the planning commissions of any incorporated areas within the county and coordination of the plans of

such incorporated areas and the coordination of such plans with the county plan, and generally confer with and advise town councils, the County Administrator and the Board of Supervisors for the purposes of promoting coordinated and adjusted development of the county. The Commission shall, upon request, advise the Board of Supervisors with respect to public improvement programs.

ARTICLE 7 – DATE OF ORGANIZATION

7-1. This creation and organization of the Northampton County Planning Commission shall be effective on the 6th day of July, 2009.

It was the consensus of the Board to place these three resolutions on the August action agenda for consideration.

Mr. Tankard also suggested the elimination of the Architectural Review Board, the Eastern Shore RC&D Council and the Workforce Investment Board. The County Administrator was asked to provide a recommendation on these proposed eliminations. He also noted that the Board no longer has an appointee to the Riverside Shore Memorial Hospital Board of Directors since October 2008 and called this a “true indication that it ceased to be a community hospital”.

Mr. Murray, representing the Hospital Task Force, presented the following update:

Hospital Task Force Update
Northampton County Board of Supervisors
July 25, 2011

Supervisor Richard Tankard Supervisor H. Spencer Murray

Mr. Chairman and Fellow Supervisors:

On July 18, 2011 the Commissioner, VA Department of Health (VDH) denied Northampton County “good cause standing” in the remaining process regarding Riverside’s Certificate of Public Need (COPN) application. In essence this does not mean the Commissioner has or will approve the COPN application as submitted, but it does mean that Northampton County will not be a party to further VDH deliberations and that the County will not have standing to appeal the COPN decision.

However Northampton County can appeal the “good cause standing” decision in a Richmond or Henrico Circuit Court by giving such notice within 30 days of the ruling. The Task Force has

reviewed the basis for appeal with counsel and believes it would have validity in Circuit Court.

However, prior to the BOS making a decision whether or not to appeal, the Task Force has created a written **framework of proposed conditions for resolution of differences** with Riverside and recommends that the Board of Supervisors authorize Supervisors Tankard and Murray, the County Administrator and Attorney Stephen Fox to present that framework to Riverside for their consideration.

We will report back to the full Board of Supervisors with the results of our discussion and a recommendation at our regular meeting on August 9, 2011.

Mr. Chairman, I believe a motion to authorize those actions is needed.

Respectfully,

Richard Tankard, Supervisor, District #6
H. Spencer Murray, Supervisor, District #4

* * * * *

Closed Session

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

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

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

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 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.

Adjourn:

Motion was made by Mr. Murray, seconded by Mr. Bennett, that the meeting be adjourned. All members were present with the exception of Mr. Long and voted “yes.” The motion was unanimously passed.

The meeting was adjourned.

_____ CHAIRMAN

_____ COUNTY ADMINISTRATOR