

VIRGINIA:

At a regular meeting of the Board of Supervisors of the County of Northampton, Virginia, held in the auditorium of the former Northampton Middle School, 7247 Young Street, Machipongo, Virginia, on the 9th day of August, 2011, at 4:00 p.m.

Present:

Willie C. Randall, Chairman

Samuel J. Long, Jr., Vice Chairman

H. Spencer Murray

Oliver H. Bennett

Laurence J. Trala

Absent:

Richard Tankard

The meeting was called to order by the Vice Chairman.

Closed Session

Motion was made by Mr. Long, 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:

(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.

*District Four Waste Collection Site*

(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.

*Hospital Task Force Update/Action*

All members were present with the exception of Mr. Tankard 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. Robbie Lewis, Area Forester, presented the annual forestry report, indicating that agency’s efforts with regard to forest management plans, timber harvesting, education and water quality. Smokey the Bear also made an appearance.

(2) Dr. Walter Clemons, Division Superintendent of the Public School System, indicated that new teacher orientation will be held on August 15<sup>th</sup>. He also noted that preliminary enrollment projections indicate an additional 50-100 students with final numbers being available in October. Dr. Clemons also informed the Board of a new communication tool – Saturday chats – which would allow parents to meet with teachers and other staff on Saturdays. Lastly, he said that he was very amenable to looking at various ways to consolidate services between the County

and the School System including a re-look at the merger of the health insurance plans next year. He also answered several questions from Mr. Bennett with regard to dress code and phone usage.

Consent Agenda:

- (3) Minutes of the meetings of July 12 and 25, 2011.
- (4) Consider adoption of proclamation designating September as “Hunger Action Month”.
- (5) Consider adoption of proclamation designating September 17<sup>th</sup> as “Constitution Day” and September 17-23 as “Constitution Week”.

Following a correction to the July 12th meeting minutes wherein the name of a local service station was corrected, motion was made by Mr. Bennett, seconded by Mr. Long, that the consent agenda be approved as corrected. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed. Items #4 and #5 are set out below:

**Northampton County, Virginia  
PROCLAMATION**

WHEREAS, September has been declared Hunger Action month and the Foodbank of Southeastern Virginia, along with over 375 partner agencies and programs, the Federal of Virginia Food Banks and Feeding America™ have committed support for this national campaign and plan to spread the word, gather resources and continue efforts to end hunger in this community; and

WHEREAS, the Foodbank of Southeastern Virginia provides food for more than 385,000 individuals in a 4,745 square mile service area annually, and has recently seen an increase in demand for food – particularly among families with children – thereby leading it to distribute over 14.7 million pounds of food to help ease hunger; and

WHEREAS, hunger is a crisis every day for working, struggling families, their children, and senior citizens on fixed incomes who have to make choices between food, housing, utilities, and medicines; and Northampton County is committed to working with the Foodbank of Southeastern Virginia in educating people about the role and importance of food banks in addressing hunger and raising awareness of the need to devote more resources and attention to hunger issues; and

WHEREAS, working individuals, their children, and seniors in Northampton County rely on food provided by the Foodbank of Southeastern Virginia annually; and any additional

donations, funding and volunteer support generated by this National Call to Action will benefit the many families in need of assistance within Northampton County and the outlying areas; and

WHEREAS, the Foodbank of Southeastern Virginia distributed more than 14.7 million pounds of food in Fiscal Year 2010/11 through its network of food pantries, soup kitchens, shelters, and other community organizations.

NOW, THEREFORE, I, KATHERINE NUNEZ, County Administrator of Northampton County, do hereby proclaim September as

### HUNGER ACTION MONTH

in Northampton County and encourage citizens and businesses to join in supporting the Foodbank of Southeastern Virginia during this “Until Hunger Goes Away” national campaign to provide additional resources for the communities it serves.

\* \* \* \* \*

### PROCLAMATION

WHEREAS, the Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS, September 17, 2011, marks the two hundred twenty-fourth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America, designating September 17 through 23 Constitution Week.

NOW, THEREFORE, I, Willie C. Randall, by virtue of the authority vested in me as Chairman of the County of Northampton, Virginia, do hereby proclaim September 17, 2011 as CONSTITUTION DAY, and the week of September 17 through 23 as CONSTITUTION WEEK,

And ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, I hereunto set my hand and caused the Seal of the County of Northampton to be affixed this 9th day of August, of the year of our Lord two thousand and

eleven.

\* \* \* \* \*

County Officials' Reports:

(6) Mr. Mack Cook, Interim Finance Director, presented the following Budget

Amendment and Appropriation which stated in part:

“The County has received notice that it has received a Victim-Witness Assistance Grant in the amount of \$20,024.00 from the Commonwealth of Virginia, Department of General Services. Request is made to accept the grant for the stated purpose in the grant application and amend the County’s FY 2012 budget accordingly.”

<u>Account Number</u>	<u>Account Description</u>	<u>Increase</u>	<u>Decrease</u>
100-2107-55350	Office Supplies	392.00	
100-0026-45175	Victim-Witness Grant	392.00	

\* \* \* \* \*

Motion was made by Mr. Long, seconded by Mr. Murray, that the budget amendments and appropriations be approved as presented. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

Mr. Cook presented the following Budget Amendment and Appropriation:

“Eastern Shore of Virginia Broadband Authority has requested a reallocation of previously approved expenditures among existing project locations plus the addition of the following three (3) project locations:

- \* Accomack ES
- \* Kegotank ES
- \* ES Rural Health New Church

“The aggregate requested reallocation neither increases nor decreases previously approved total budgeted expenditures.

Current Budgeted  
Expenditures

Proposed Budget  
Expenditures

Line Item Expenditures  
Description                      Account No.

Construction Improvements	57850	559,779.00	565,072.39
Communications Equipment	58500	117,280.00	129,858.96
Engineering	57560	71,411.00	77,211.00
Inspections	57560	56,876.00	60,141.74
Surveys, Permits, Testing	57500	<u>39,730.00</u>	<u>12,791.91</u>
	TOTALS	845,076.00	845,076.00
		=====	=====

\* \* \* \* \*

Motion was made by Mr. Bennett, seconded by Mr. Long, that the budget amendments and appropriations be approved as presented. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

Mr. Cook presented the final budget amendment request as follows:

“Your consent is respectfully requested to accept a grant award in the sum of \$37,077.12 from the Virginia Tourism Corporation for participatory funding of the ‘CROSS THE BAY FOR A DAY, BETTER YET DECIDE TO STAY’, tourism promotion program and approve the corresponding budget amendment and appropriation as attached hereto. The net effect of the proposed change to the FY 12 budget is a decrease in the budgetary fund balance of \$10,000.

“The County received notice that it will receive a Marketing Leverage Program grant in the amount of \$37,077.12 from the Virginia Tourism Corporation. The funds are to be used to supplement the total estimated cost of \$111,231 of the program as detailed in the attached Marketing Calendar and Budget.

“Northampton County, as Lead Partner in this program, shall obligate itself to contribute \$23,000 towards the total costs. Of this obligation, the County has secured the following commitments of financial support (per attached):

Town of Cape Charles	\$2,500
Northampton County Chamber of Commerce	\$2,000
Bay Creek Resort & Club	\$2,500
Chatham Vineyards, LLC	\$2,500
Sunset Beach Resort & Hotel	\$2,500
YMCA Camp Silver Beach	<u>\$1,000</u>
TOTAL PARTICIPATION	\$13,000
	=====
Therefore, the County’s net contribution shall be	\$10,000
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<u>Fund</u>	<u>Account Description</u>	<u>Account Type</u>	<u>Increase</u>	<u>Decrease</u>
General	8108 .52725 VA's ES Tourism Comm.	Expenditure	\$60,077.12	
General	8118.42375 Miscellaneous	Revenue	\$13,000.00	
General	8126.44285 Va. Tourism Commns.	Revenue	<u>\$37,077.12</u>	
		Net		
			(\$10,000.00)	
			=====	

Motion was made by Mr. Long, seconded by Mr. Murray that the budget amendments and appropriations be approved as presented. All members were present with the exception of Mr. Tankard and voted "yes." The motion was unanimously passed.

Mr. Cook presented for the Board's review a summary of the lease-purchase proposals received for FY 2012 budgeted capital acquisitions. He noted that proposals had been received from four vendors: Bank of America, PNC, Peninsula Mercantile Bank, and Shore Bank, with interest rates ranging from a low of 1.98% to a high of 5%. His memorandum stated in part, "Upon review of all qualified responses, it is the recommendation of the Finance Department that the County accepts the proposal tendered by Bank of America at 1.98 percent per annum for the 3-year term of the lease. The annual aggregate debt service on the County's acquisitions shall be \$31,650. \$55,533 had been budgeted for debt service in FY 12 for these acquisitions. Per conversation with Ms. Brook Thomas, she shall be making the same recommendation to the School Board to accept Bank of America's proposal for the School's capital leases at a rate of 2.27 percent per annum for the 5-year term of the lease. The annual aggregate debt service on the School's acquisitions shall be \$37,667. Bank of America's proposal remains in effect until August 19, 2011."

Motion was made by Mr. Murray, seconded by Mr. Long, that the Board approve the recommendation of the Finance Director and award the lease-purchase contract for FY 2012 to Bank of America in accordance with its proposal. All members were present with the exception

of Mr. Tankard and voted “yes.” The motion was unanimously passed.

Lastly, Mr. Cook distributed a FY 2012 Projected Flow of Operating Cash chart for the Board’s information. He noted that the County Treasurer will be providing a more detailed report at a future work session.

(7) Ms. Sandra Benson, Director of Planning, presented that departmental update which included activity reports for the following projects: Board of Zoning Appeals, Staff Activities, Kings Creek Water Sampling and Analysis, Mill Creek TMDL Implementation Plan Stakeholders Meeting and Comprehensive Plan Advisory Committee.

The Board recessed at 6:00 p.m. for a dinner break.

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

The invocation was offered by Rev. Clarence Bowen, Johnsons Church.

The Pledge of Allegiance was given.

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

- (i) 8/22/11: Work session – joint meeting with fire and rescue companies
- (ii) 9/26/11: Work session – Topic to be announced
- (iii) 10/24/11: 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 7, 2011  
**RE:** Bi-Monthly Update

**I. PROJECTS:**

**A. Construction Projects – Status Reports:**

1.) County Administration Renovations:

Work is still progressing on schedule. Interior work is underway with floors being installed, ceilings being closed up and ceiling tiles installed;

permanent power should be installed by end of next week which will allow the building to be closed up and interior finish work to commence. We are below budget at this time. We are currently anticipating a completion date of September 20, 2011 and a move date the weekend of October 7 – 10, 2011.

2.) Court Services/Probation Services Construction:

Work is progressing on schedule. Permanent power is now installed to the site and interior work is rapidly progressing (painting, fixtures). We are anticipating a completion date of August 25, 2011 and a move date the first week of September 2011.

B. ESVA Public Services Authority Update:

The ESVA PSA met on Tuesday, July 19, 2011. We have scheduled a community meeting for Cheriton and its surrounding areas on Thursday, August 18, 2011 @ 7:00 p.m. at the Cheriton Fire Department to determine the level of interest from those communities, residences and businesses outside and surrounding Cheriton to participate in a regional wastewater system. The PSA submitted an application to the 2012 Virginia Clean Water Revolving Loan Fund administered through the Department of Environmental Quality for the Northern Node project.

The next meeting of the ESVA PSA is Tuesday, August 16, 2011.

C. Tall Ships Initiative/OpSail:

A meeting was held with ESVA Festivals, Inc. to determine if they would be interested in entering into a contract with the county to organize and manage the OpSail/Tall Ships Initiative. They are interested in taking on this venture, contingent upon the terms of a contract. I am working on that draft contract and will be supplying it to ESVA Festivals, Inc. for their review and consideration as quickly as possible.

*On a similar note, Supervisor Murray complemented the Town of Cape Charles on its recent 125<sup>th</sup> anniversary celebration.*

D. Ambulance Billing:

I have issued a Request for Proposals for our new service of Ambulance Billing, associated with our new ambulance. Proposals were submitted by the due date of July 13, 2011. The committee has completed its initial review and determined that it needs to conduct interviews of the top 3 proposals. These interviews have been scheduled for August 17, 2011; therefore, the committee will not be providing a recommendation of award until the Board's August work session on this contract.

E. Virginia Tourism Corporation Grant:

As a follow up from your June 14, 2011 Board report, the Virginia Tourism Corporation awarded our grant application the full amount requested (\$37,077.12) which will be matched with \$23,000 from the partners (us, Town of Cape Charles, Northampton County Chamber of Commerce, Bay Creek Resorts, YMCA Camp Silver Beach, Sunset Beach Resort, and Chatham Vineyards). These funds are for a marketing initiative called “Cross the Bay for a Day, Better Yet Stay”. In addition, several of the partners have pledged supplemental funds totaling \$51,154.23 for advertising specific to their establishment that will complement this organized marketing campaign.

F. Committee/Board/Commission Review:

As a follow-up from the July 25, 2011 Board work session, I was asked to research three committees/boards/commissions and provide information back to the Board to help in your determination to retain or abolish the organization.

- 1) ESVA RC&D: Enclosed is information from Paige Ross, Chair of RC&D, regarding the current funding status of RC&D, and their annual report and newsletter. In spite of the loss of federal funding for this organization, they have indicated that the Eastern Shore chapter is self-sufficient and active and request the Board to retain their appointments to this organization.
- 2) Architectural Review Board: This board is referenced in our Codes under two sections (it is also referred to as the Historical Review Board): §154.161 Historic Preservation District (Zoning Ordinance) & §150.55 Spot Blight (Building Regulations Ordinance). While the use of this board is contingent upon building activity or application, it is a necessary board as called for under these two ordinances.
- 3) Workforce Investment Board: This board is created pursuant to the Workforce Investment Act of 1998 adopted by U.S. Congress. Within this act, it outlines the provisions of each state to accept, receive and administer federal, state and local funds for workforce development programs, including the One Stop Career Shops. This act details the local requirements for each locality to be a member of a Workforce Investment Region overseen by a Workforce Investment Board which is appointed by local representatives (government and business representatives). We need to maintain our representation on this board in order to maintain compliance with the Workforce Investment Act of 1998.

**II. MEETINGS**

**III. GRANT OPPORTUNITIES**

**IV. OTHER**

I am pleased to report that our 2010 Comprehensive Annual Financial Report (CAFR) has received a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association. This represents

the highest form of recognition in governmental accounting and financial reporting and we have been successful in obtaining this certification since 2002.

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In recognition of the August 22<sup>nd</sup> work session with the fire and rescue personnel, motion was made by Mr. Long, seconded by Mr. Bennett, that the following resolution be adopted to change the meeting location from the conference room to the auditorium at the former middle school. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed. Said resolution as adopted is set forth below:

**RESOLUTION**

BE IT RESOLVED by the Northampton County Board of Supervisors, this 9th day of August, 2011, that the recessed meeting of the Board, scheduled for Monday, August 22, 2011 at 5:00 p.m., in conference room #2 of the former Northampton Middle School, 7247 Young Street, Machipongo, Virginia, be changed to Monday, August 22, 2011 at 5:00 p.m. in the auditorium of the former Northampton Middle School, 7247 Young Street, Machipongo, Virginia; and

BE IT RESOLVED that, following this meeting, the date, time and place of the recessed meeting of the Northampton County Board of Supervisors shall revert to the fourth Monday of each month in conference room #2 of the former Northampton Middle School, 7247 Young Street, Machipongo, Virginia, at 5:00 p.m.

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In a matter not on the agenda, motion was made by Mr. Murray, seconded by Mr. Trala, that the following resolution be adopted, endorsing a grant application by the Eastern Shore of Virginia Housing Alliance on behalf of the Culls community. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed. Said resolution as adopted is set forth below:

**RESOLUTION**

WHEREAS, the United States Department of Agriculture/Rural Development is now accepting pre-applications for its 2011, Section 533 Housing Preservation Grant Program; and

WHEREAS, it is the policy of the United States Department of Agriculture/Rural

Development to provide Housing Preservation Grants to eligible applicants to operate a program which finances repair and rehabilitation of single-family housing for low-income homeowners; and

WHEREAS, the County of Northampton supports the residents of the Culls Community in their efforts to improve the living conditions of families within their community; and

WHEREAS, the residents of the Culls Community have requested that the Eastern Shore of Virginia Housing Alliance apply for a Housing Preservation Grant to help rehabilitate houses in their community.

NOW, THEREFORE, BE IT RESOLVED that the County of Northampton does hereby endorse the submission of a Housing Preservation Grant pre-application from the Eastern Shore of Virginia Housing Alliance for a Housing Preservation Project targeted toward the Culls Community.

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Citizen Information Period:

Ms. Shaundra Willis read the following letter into the record:

“We are in receipt of your letter dated July 25, 2011 and the Board’s current offer of \$48,000 based on the appraisal you requested which is dated July 1, 2011. We wish to state that we do not, nor have we in the past, had a desire to sell this property. Many of us are intimately familiar with the sacrifices and struggle Charlie Willis endured to purchase this land for our family’s benefit. However, under the threat of eminent domain, which was used from the very beginning, we have considered the county’s requests.

“There are several troubling issues presented by your July 25<sup>th</sup> letter. These issues are outlined on Attachments A and B. Attachment A addresses concerns that relate to the Virginia Code of 1950 versus the Board’s communications with our family. Attachment B outlines questions we have that need to be answered concerning the appraisal. A representative from our family would like the opportunity to address the Board at Tuesday’s August 9, 2011 meeting. We believe the true value of our property to be between \$87,840 and \$103,000 and that justification can be made with the response to our questions outlined on Attachment B and compared to properties currently on the market listed on Attachment C.

“We realize that this nation is changing, and we must change with the times. Much has already been taken from families on the shore, and the uphill battle continues. We have found other listings on the market (see Attachment C). The understanding of why one of those cannot be used instead of the focus on the Willis Estate escapes us. We have kept the land “beat down”, paid the taxes on time, and mowed the grass. A hold has been put on anything with the “old” house pending the unresolved battle with the county. By the way, in the past we were advised in a Board Meeting that acquisition of the Willis property would not be pursued, but here we are again.

“Until we can resolve the issues we have, there can be no consideration for your offer.

Sincerely,

Charles Willis Heirs, LLC

/s/ Ms. Marga Rogers

/s/ Ms. Shaundra Willis”

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Ms. Willis’ entire packet of information is on file in the office of the County Administrator.

Dr. Noel Galen, a retired psychiatrist, spoke to the Board about the need for psychiatric facilities on the Eastern Shore; currently, there are no such facilities. He said that it was impossible to get a patient in the hospital across the Bay and noted that a local group is working on this matter in the hopes of creating some kind of facility here on the Shore.

Mr. Robert C. Richardson of Seaview distributed a copy of Virginia Code Section 3.2-301, known as the “Right to Farm” act, and said that the Planning & Zoning Office had harassed a Capeville farmer who was accused of illegally digging an irrigation pond. He asked the Board to investigate the matter.

Mr. G. F. Hogg, Jr., asked for a status report on the Board’s action from last month wherein it directed that a letter be sent to Delegate Lynwood Lewis with regard to the Food Lion intersection near Cape Charles.

Ms. Sue Rice, Manager of the Eastern Shore of Virginia National Wildlife Refuge, informed the Board that their payment in lieu of taxes in the amount of \$25,000.00 had been electronically transmitted to the County last month.

Public Hearing:

Chairman Randall called to order the following public hearing:

(9) AN ORDINANCE PERTAINING TO TAX ON PROBATE OF WILLS, GRANTS OF ADMINISTRATION, AND FEES FOR FILING LISTS OF HEIRS

**AN ORDINANCE PERTAINING TO TAX ON PROBATE OF WILLS, GRANTS OF ADMINISTRATION AND FEES FOR FILING LISTS OF HEIRS**

BE IT ORDAINED, by the Board of Supervisors of Northampton County, Virginia that Chapter 33 of the Code of Northampton County is amended to add Section 33.015 as follows:

33.015 This Ordinance is enacted pursuant to Section 58.1-1718 of the Code of Virginia, 1950, as amended and is effective upon adoption .

A. In addition to the state tax and fee imposed by § 58.1-1712 and § 58.1-1717.1:

1) Pursuant to Section 58.1-3805 of the Code of Virginia there is hereby imposed, on the probate of every will or grant of administration not exempt by law, a County tax in the amount of one-third the amount of the state tax on such probate of a will or grant of administration, as set forth in Section 58.1-1712 of the Code of Virginia. *(This provision already in place via County Code Section 33.013(C) .*

2) Pursuant to Sections 58.1-1718 and 58.1-3805 of the Code of Virginia, a \$25.00 fee shall be charged on the recordation of a list of heirs pursuant to Section 64.1-134 of the Code of Virginia or an affidavit pursuant to Section 64.1-135 of the Code of Virginia unless a will had been probated for the decedent or there has been a grant of administration on the decedent's estate.

B. The tax and fee imposed hereby shall be collected by the Clerk of the Court in which such action is filed and, upon collection, shall be remitted to the County Treasurer.

C. The tax and fee provided for herein shall be in addition to any other fees prescribed by law.

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

The staff report indicated that the need for this ordinance had been brought to the Board's attention by Clerk of Court Traci Johnson following a change last year in the Code of Virginia which established authority for the County to collect the fee and tax.

Mr. Robert C. Richardson of Seaview called this a “death tax” and urged the Board to deny same.

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

Noting that there was a need for minor modification by the County Attorney, motion was made by Mr. Murray, seconded by Mr. Bennett, that AN ORDINANCE PERTAINING TO TAX ON PROBATE OF WILLS, GRANTS OF ADMINISTRATION AND FEES FOR FILING LISTS OF HEIRS, be adopted pending minor modification by the County Attorney. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

Tabled Items:

(10) **Zoning Text Amendment 2011-08:** The Northampton County Planning Commission intends to amend the Northampton County Code, Chapter 154 Zoning Code, §154.083 Statements of Intent for Overlay Zoning Districts to add a new section to be known as **(D) WIND ENERGY OVERLAY DISTRICT**; and to include a new section to be known as **§154.166 WIND ENERGY OVERLAY DISTRICT**. The amendment includes a map delineating areas for placement of such facilities.

Motion was made by Mr. Trala, seconded by Mr. Long, that this item be taken off the table. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

The County Attorney shared with the Board several options open to it relative to this (and the next) agenda item; i.e., is the Board in favor of wind turbines and through what method {by right, by special use permit, by overlay district}.

Mr. Murray stated that he did not believe that the wind turbines should be allowed through an overlay district and was in favor of the special use permit process, which would allow the Board to impose conditions on a case-by-case basis.

Motion was made by Mr. Murray, seconded by Mr. Long, that Zoning Text Amendment

2011-08 be denied. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

(11) **Zoning Text Amendment 2011-09:** The Northampton County Planning Commission intends to amend the Northampton County Code, Chapter 154 Zoning Code, **§154.003 DEFINITIONS** to include new definitions pertaining to wind energy facilities; to add a new section to be known as **§154.114 STANDARDS FOR WIND TURBINES, LARGE AND UTILITY-SCALE**; and to amend Appendix A – Use Regulations, by deleting in Category 4, Community Service Uses, Item 35 Wind Farm and by adding in Category 3, Commercial Uses, and Category 4, Community Service Uses, to allow by major special use permit Large and Utility-Scale Wind Turbines in the A/RB Agriculture/Rural Business and EI Existing Industrial Zoning Districts.

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

Ms. Benson indicated that the Planning Commission crafted a substitute version of the proposed text amendment and was unanimously recommending approval of same.

When questioned by Mr. Long, Ms. Benson indicated that she believed that wind turbines could not be constructed on marshland due to the foundation requirements. She believed that the question of shadow-flicker could be determined through engineering evaluation. Ms. Benson noted that the goal of the Planning Commission had been to minimize these possible impacts which were considered significant in other localities and the performance standards were developed to recognize the County’s natural resources.

Mr. Jones clarified that any conditions contained in the performance standards can be set by the Board on a case-by-case basis through the special use permit process.

Mr. Long said that the County was looking for safe industry that hopefully will grow the tax base and that we do not want to scare off such an industry in the beginning stages.

Mr. Murray stated that he hoped this would be an opportunity for the Board and Planning

Commission to use their flexibility in the protection of our local resources as well as adjacent property owners.

At this time, the Board agreed to hear from Ms. Sally McNeilan of Fugro Atlantic who said that it was her impression that the proposed performance standards, specifically the shadow-flicker and noise standards, were restrictive but were better than the original Planning Commission version.

Mr. Long asked that the Board consider a modification to page 5, Section ( C) (10), changing the duration of shadow-flicker from 15 minutes to 25 minutes per day.

Motion was made by Mr. Long, seconded by Mr. Murray, that Zoning Text Amendment 2011-09 be approved as modified. All members were present with the exception of Mr. Tankard and voted “yes,” with the exceptions of Mr. Randall, Mr. Bennett and Mr. Trala who voted “no.” The motion was denied. Messrs. Randall, Bennett and Trala indicated that they believed the performance standards were too restrictive.

Action Items:

- (12) Consider adoption of a Resolution for Restructuring of the Northampton County School Board
- (13) Consider adoption of a Resolution for Re-Creation and Re-establishment of the Northampton County Recreation Board
- (14) Consider adoption of an Amended Resolution for Creation and Establishment of the Northampton County Planning Commission.

Noting that the Board wished to further review these matters and await further information from the County Attorney, motion was made by Mr. Long, seconded by Mr. Trala, that items #12, #13 and #14 as outlined above be tabled. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

Matters Presented by the Board Including Committee Reports & Appointments

Mr. Long noted that he had received a request from Mr. Phil Colson concerning the installation of “Watch for Farm Vehicles” signage approaching the C&E grader shed on Seaside Road. He asked that this item be placed on the September action agenda and the Board concurred.

Motion was made by Mr. Murray, seconded by Mr. Bennett that the Virginia Department of Transportation be requested to consider:

- (1) A “Reduced Speed Ahead” sign to be placed on Church Neck Road (SR 619) just north of the “Welcome to Vacluse” sign.
- (2) Two “Speed Limit 25 MPH” signs to be placed at intervals on Church Neck Road between the “Welcome to Vacluse Shores” sign and the end of Church Neck Road at Peacock Lane.
- (3) The first “Speed Limit 25 MPH” sign to be placed at the “Welcome to Vacluse Shores” sign on Church Neck Road

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

Motion was made by Mr. Trala, seconded by Mr. Bennett, that Ms. Dorothy Field and Ms. Nancy Drury be reappointed to the Northampton County Wetlands Board for new terms of office commencing July 1, 2011. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Murray, seconded by Mr. Bennett, that Mr. Samuel J. Long, Jr., be appointed as the Board’s representative to the Northampton County Fire & Rescue Commission for the 2011 year. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Murray, seconded by Mr. Bennett, that Mrs. Barbara Coady be appointed to both the Eastern Shore Community College Board of Directors and the Eastern

Shore Public Library for new terms of office commencing July 1, 2011. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Murray, seconded by Mr. Bennett, that Dr. John Ogram be appointed to the Eastern Shore Community Services Board, filling the unexpired term of the late Dr. Claudia Johnson Upshur. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Long, seconded by Mr. Murray, that Ms. Martina Coker be appointed to the Eastern Shore Rural Health Systems, Inc. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Murray, seconded by Mr. Long, that the Board request that Virginia Department of Transportation install speed bumps on Ballard Drive and Ballard Farm Road in Willis Wharf. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

Mr. Murray presented the following Hospital Task Force Update:

**Hospital Task Force Update**  
**Northampton County Board of Supervisors**  
**August 9, 2011**

Supervisor Richard Tankard      Supervisor H. Spencer Murray

Mr. Chairman and Fellow Supervisors:

At our July 25, 2011 work session the Hospital task Force reported that the VDH Commissioner denied Northampton County good cause standing in further considerations of Riverside’s COPN application. As was explained then, this means that Northampton County is no longer a party to further VDH action and cannot submit new information into the official record.

We also reported that the Commissioner’s decision can be appealed in Circuit Court, the venue being either Richmond or Henrico County. The BOS decided to postpone a decision to appeal as the Hospital Board task Force, assisted by Chairman Randall, desired to present Riverside with a

proposal, namely a “Framework for Resolution of Differences”. On July 26 this private proposal was presented by our attorney, Stephen Fox to Riverside’s counsel.

On July 27 Riverside responded through their attorney, “Riverside is not aware of any disputed issues with Northampton County that require compromise”.

Also on July 26 Chairman Randall presented the private proposal to the local Riverside Shore Memorial Board. The results of that discussion are unknown as Chairman Randall was not allowed to participate.

Riverside has indicated a willingness to meet with the Northampton BOS, however, attempts to set up a meeting last week were unsuccessful.

The Hospital Task Force and the County Administrator recommend to the BOS that we instruct Attorney Fox to file the necessary notices to appeal the IFFC good standing decision and that we continue our attempts to set up a meeting with Riverside Health Systems management.

Mr. Chairman, I am prepared to make a motion to that effect when you are ready.

Respectfully,

Richard Tankard, Supervisor, District #6

H. Spencer Murray, Supervisor, District #4

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Motion was made by Mr. Murray, seconded by Mr. Long, that the Northampton County Board of Supervisors instruct our Attorney, Stephen K. Fox, to file the necessary notices to appeal the decision of the VDH Commissioner’s ruling denying Northampton County good cause standing in the matter of Riverside Shore Memorial Hospital’s COPN application #7820. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

Recess:

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the meeting be recessed until 5:00 p.m., Monday, August 22, 2011, in the auditorium of the former Northampton County

Middle School, 7247 Young Street, Machipongo, Virginia, in order to conduct the regular work session. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

\_\_\_\_\_ CHAIRMAN

\_\_\_\_\_ COUNTY ADMINISTRATOR

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