

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 September, 2014, at 4:00 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.

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:

(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  
New hires/terminations report*

(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 such counsel.

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

Mr. Hogg joined the meeting at 4:10 p.m.

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, 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.*

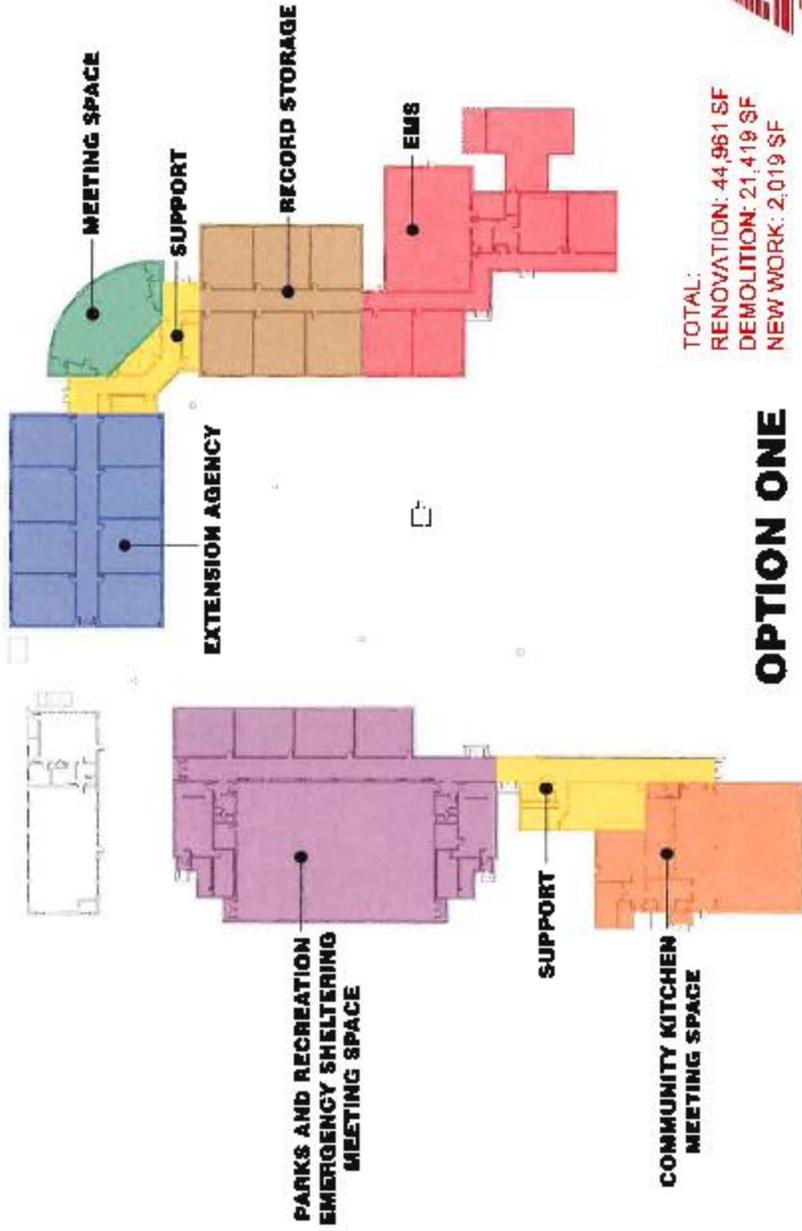
Board and Agency Presentations:

- (1) Presentation: DJG Architects – Northampton Middle School Renovation Project

Mr. Donald Booth and Mr. John Ozmore of DJG Architects, discussed with the Board multiple renovation options as well as cost estimates for same for the former middle school property. These options involved everything from the retention of the entire building to the demolition of most of the structure and ranged in cost from \$3.5 million to \$5.7 million and are set out as follows.

# NORTHAMPTON COUNTY

## Northampton Middle School Renovation



TOTAL:  
 RENOVATION: 44,981 SF  
 DEMOLITION: 21,419 SF  
 NEW WORK: 2,019 SF



**OPTION ONE**



448 Midway Circle  
 Williamsburg, VA 23107  
 (757) 253-4870  
 Fax: (757) 253-2510

## STATEMENT OF PROBABLE CONSTRUCTION COST

Project:	Northampton County Middle School Renovations	Date:	8/22/2014
Location:	Mathipongo, Virginia	Est. Status:	General
Description:	Open-Open Renovations	Job No.:	214LW30
GSF:	44,961	Prepared By:	JCC
Updated By:		Checked By:	DFG

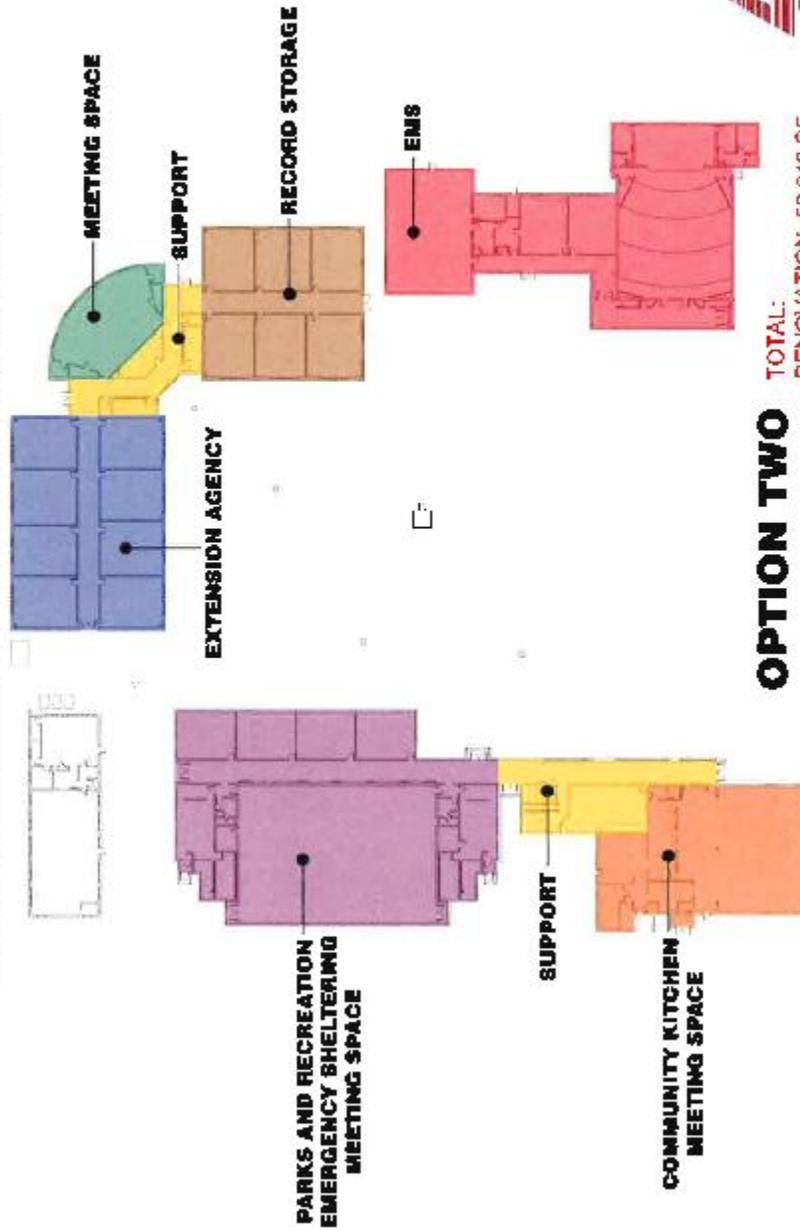
DIVISION	DESCRIPTION	EST. QTY.	UNIT	UNIT COST	TOTAL COST	DIVISION TOTALS
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### SUMMARY OF ESTIMATE

02	Existing Conditions (Demolition)	44,961	GSF	\$4.83	\$217,356	
02	Existing Conditions (Asbestos - Allowance)	1	LS	\$20,000.00	\$20,000	
03	Concrete	44,961	GSF	\$0.75	\$33,721	
04	Masonry	44,961	GSF	\$0.10	\$11,981	
05	Metals	44,961	GSF	\$0.80	\$35,969	
06	Wood & Plastics	44,961	GSF	\$4.33	\$179,644	
07	Thermal & Moisture Protection	44,961	GSF	\$12.80	\$575,613	
08	Openings	44,961	GSF	\$2.23	\$98,914	
09	Finishes	44,961	GSF	\$10.33	\$445,610	
10	Specialties	44,961	GSF	\$2.00	\$89,922	
11	Equipment	44,961	GSF	\$0.25	\$11,240	
12	Furnishings	44,961	GSF	\$0.00	\$0	
13	Special Contractor (New Construction)	2,019	GSF	\$185.30	\$373,515	
14	Conveying Equipment	44,961	GSF	\$0.00	\$0	
21	Fire Suppression	44,961	GSF	\$0.00	\$0	
22	Plumbing	44,961	GSF	\$4.00	\$179,844	
23	Heating, Ventilating, and Air Conditioning	44,961	GSF	\$18.00	\$809,298	
25	Electrical	44,961	GSF	\$18.00	\$809,298	
31	Earthwork	44,961	GSF	\$0.50	\$22,481	
32	Elevator Improvements	44,961	GSF	\$1.50	\$67,442	
33	Utilities	44,961	GSF	\$0.75	\$33,721	
<b>SUBTOTAL CONSTRUCTION COST</b>		<b>44,961</b>	<b>GSF</b>	<b>\$89.24</b>	<b>\$4,012,110.25</b>	
Division 1: General Requirements				12.00%	\$481,460.45	
Subtotal					\$4,493,570.69	
General Contractor Overhead & Profit				5.00%	\$224,678.45	
Subtotal					\$4,718,249.15	
Risks				1.20%	\$56,617.45	
Subtotal					\$4,774,866.60	
Construction Contingency				15.00%	\$716,229.99	
<b>CONSTRUCTION TOTAL</b>		<b>44,961</b>	<b>GSF</b>	<b>\$125.62</b>	<b>\$5,491,096.59</b>	

# NORTHAMPTON COUNTY

## Northampton Middle School Renovation



TOTAL:  
RENOVATION: 60,842 SF  
DEMOLITION: 15,538 SF

### OPTION TWO





449 Melara Circle  
 Williamsburg, VA 23107  
 (757) 253-0073  
 Fax: (757) 253-3316

## STATEMENT OF PROBABLE CONSTRUCTION COST

Project:	Northhampton County Middle School Renovations	Date:	8/22/2014
Location:	Wachapreague, Virginia	Est. Status:	Schematic
Description:	Option Two Renovations	Job No.:	2140500
GSF:	50,842	Prepared By:	JCC
Updated By:		Checked By:	DFD

DIVISION	DESCRIPTION	EST. QTY.	UNIT	UNIT COST	TOTAL COST	DIVISION TOTALS
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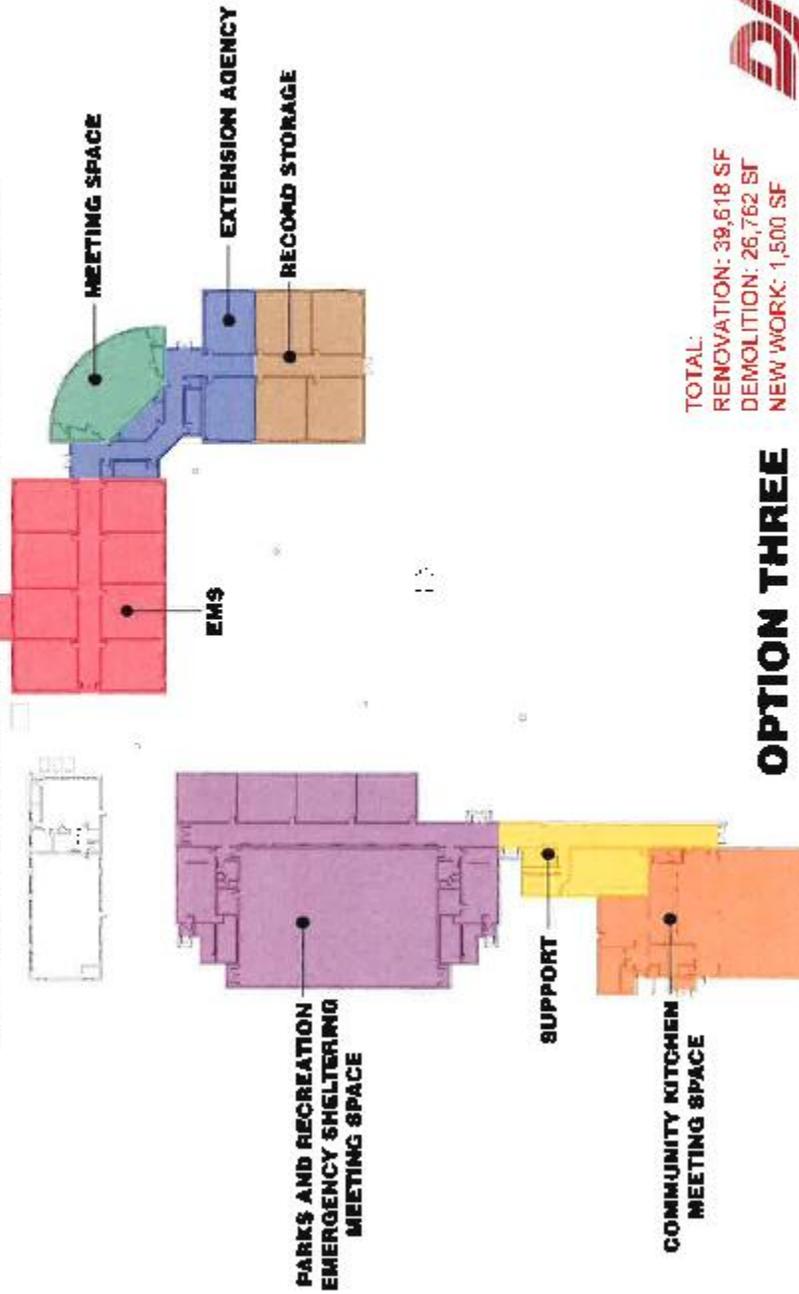
### SUMMARY OF ESTIMATE

02	Existing Conditions (Demolition)	50,842	GSF	\$4.00		\$203,241
02	Existing Conditions (Accommod Allowance)	1	LS	\$20,000.00		\$20,000
02	Concrete	50,842	GSF	\$0.75		\$38,132
04	Masonry	50,842	GSF	\$0.55		\$27,963
05	Metals	50,842	GSF	\$1.00		\$50,842
06	Wood & Plastics	50,842	GSF	\$4.00		\$203,368
07	Thermal & Moisture Protection	50,842	GSF	\$12.50		\$635,525
08	Openings	50,842	GSF	\$2.20		\$111,852
09	Finishes	50,842	GSF	\$10.00		\$508,420
10	Specialties	50,842	GSF	\$2.00		\$101,684
11	Equipment	50,842	GSF	\$0.25		\$12,711
12	Furnishings	50,842	GSF	\$0.00		\$0
12	Special Construction (New Construction)	1	GSF	\$165.00		\$0
14	Conveying Equipment	50,842	GSF	\$0.00		\$0
21	Fire Suppressor	50,842	GSF	\$0.00		\$0
22	Plumbing	50,842	GSF	\$4.00		\$203,368
22	Heating, Ventilating, and Air Conditioning	50,842	GSF	\$15.00		\$762,630
26	Electrical	50,842	GSF	\$12.00		\$610,104
31	Firework	50,842	GSF	\$0.50		\$25,421
32	Exterior Improvements	50,842	GSF	\$1.50		\$76,263
33	Utilities	50,842	GSF	\$0.75		\$38,132

<b>SUBTOTAL CONSTRUCTION COST</b>		<b>50,842</b>	<b>GSF</b>	<b>\$80.39</b>	<b>\$4,087,233.20</b>
Division 1 - General Requirements				12.30%	\$490,487.98
Subtotal					\$4,577,721.18
General Contractor Overhead & Profit				3.33%	\$136,216.00
Subtotal					\$4,713,937.18
Bonds				1.23%	\$58,927.01
Subtotal					\$4,772,864.19
Construction Contingency				15.33%	\$730,430.04
<b>CONSTRUCTION TOTAL</b>		<b>50,842</b>	<b>GSF</b>	<b>\$113.17</b>	<b>\$5,503,294.23</b>

# NORTHAMPTON COUNTY

## Northampton Middle School Renovation



TOTAL:  
RENOVATION: 39,618 SF  
DEMOLITION: 26,762 SF  
NEW WORK: 1,500 SF



### OPTION THREE



118 McLane Circle  
 Williamsburg, VA 23107  
 (757) 251-0873  
 Fax: (757) 251-0319

## STATEMENT OF PROBABLE CONSTRUCTION COST

Project:	Norfolk Area County Middle School Renovations	Date:	8/29/2014
Location:	Mecklenburg, Virginia	Est. Status:	Final/Mark
Description:	Option Three Renovation	Job No.:	2140000
GSF:	29,618	Prepared By:	JCU
Updated By:		Checked By:	DFB

DIVISION	DESCRIPTION	EST. QTY.	UNIT	UNIT COST	TOTAL COST	DIVISION TOTALS
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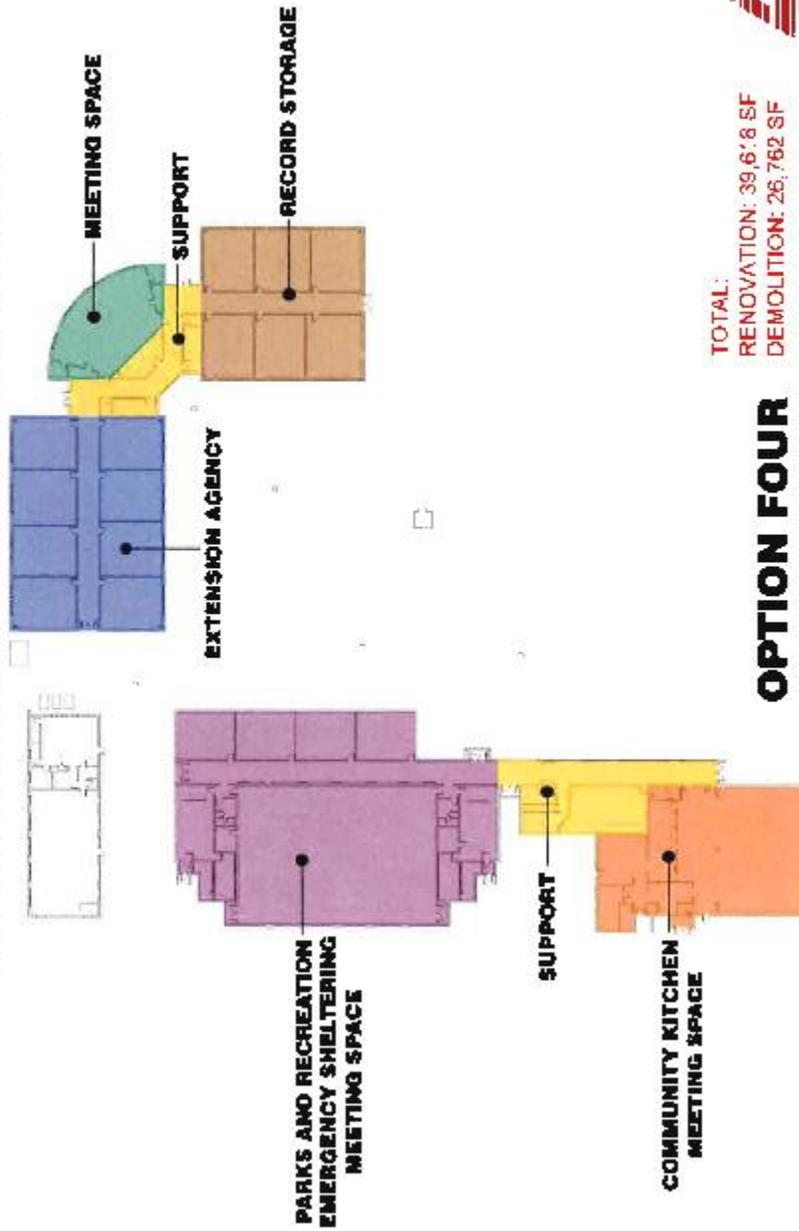
### SUMMARY OF ESTIMATE

02	Existing Conditions (Demolition)	29,618	GSF	\$5.81		\$170,179
09	Existing Conditions (Absence Allowance)	1	LS	\$20,000.00		\$20,000
03	Concrete	29,618	GSF	\$0.76		\$22,714
04	Masonry	29,618	GSF	\$0.40		\$11,847
05	Metals	29,618	GSF	\$0.30		\$8,884
06	Wood & Plastics	29,618	GSF	\$1.00		\$29,618
07	Thermal & Moisture Protection	29,618	GSF	\$12.50		\$370,225
08	Openings	29,618	GSF	\$2.20		\$65,160
09	Finishes	29,618	GSF	\$10.00		\$296,180
10	Specialties	29,618	GSF	\$2.00		\$59,236
11	Equipment	29,618	GSF	\$0.25		\$7,405
12	Furnishings	29,618	GSF	\$0.00		\$0
13	Special Construction (New Construction)	1,500	GSF	\$145.00		\$217,500
14	Conveying Equipment	29,618	GSF	\$0.00		\$0
21	Fire Suppression	29,618	GSF	\$0.00		\$0
22	Plumbing	29,618	GSF	\$4.00		\$118,472
23	Heating, Ventilating, and Air Conditioning	29,618	GSF	\$10.00		\$296,180
24	Electrical	29,618	GSF	\$10.00		\$296,180
31	Paintwork	29,618	GSF	\$0.50		\$14,809
32	Exterior Improvements	29,618	GSF	\$1.50		\$44,427
33	Lifts	29,618	GSF	\$0.75		\$22,214

<b>SUBTOTAL CONSTRUCTION COST</b>		29,618	GSF	\$125.97		\$3,724,700.00
Division 1: General Requirements				12.00%		\$447,564.00
Subtotal						\$3,277,136.00
General Contractor Overhead & Profit				8.00%		\$302,170.88
Subtotal						\$3,579,306.88
Bonus				1.00%		\$35,793.07
Subtotal						\$3,615,099.95
Contingency				15.00%		\$542,264.97
<b>CONSTRUCTION TOTAL</b>		29,618	GSF	\$125.24		\$4,157,364.92

# NORTHAMPTON COUNTY

## Northampton Middle School Renovation



TOTAL:  
 RENOVATION: 39,618 SF  
 DEMOLITION: 26,762 SF

### OPTION FOUR





449 N. Lows Circle  
 W. Henric, VA 23187  
 (757) 253-0078  
 Fax: (757) 753-4318

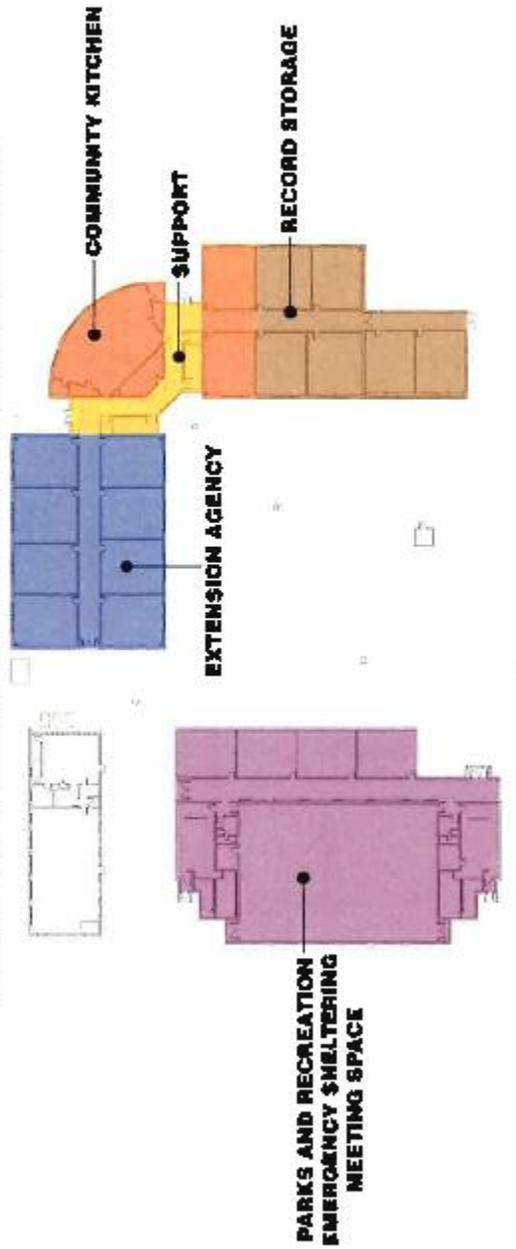
## STATEMENT OF PROBABLE CONSTRUCTION COST

Project:	Northampton County Middle School Renovations	Date:	8/22/2014
Location:	Manassas, Virginia	Est. Status:	Schematic
Description:	Option Four Renovations	Job No:	2140500
GSF:	38,818	Prepared By:	JGD
Updated By:		Checked By:	DFE

DIVISION	DESCRIPTION	EST. QTY.	UNIT	UNIT COST	TOTAL COST	DIVISION TOTALS
<b>SUMMARY OF ESTIMATE</b>						
02	Existing Conditions (Demolition)	38,818	GSF	\$5.81		\$233,119
02	Existing Conditions (Abatement Allowance)	1	LR	\$20,000.00		\$20,000
02	Concrete	38,818	GSF	\$3.53		\$138,008
04	Masonry	38,818	GSF	\$1.40		\$54,345
05	Metals	38,818	GSF	\$3.53		\$138,008
06	Wood & Plastics	38,818	GSF	\$4.33		\$168,272
07	Thermal & Moisture Protection	38,818	GSF	\$12.50		\$485,225
08	Doors	38,818	GSF	\$2.23		\$86,365
09	Finishes	38,818	GSF	\$10.33		\$401,000
10	Specialties	38,818	GSF	\$2.33		\$90,238
11	Equipment	38,818	GSF	\$1.25		\$48,523
12	Furnishings	38,818	GSF	\$0.30		\$11,645
13	Special Construction (New Construction)	3	GSF	\$135.00		\$405
14	Conveying Equipment	38,818	GSF	\$0.30		\$11,645
21	Fire Suppression	38,818	GSF	\$0.30		\$11,645
22	Plumbing	38,818	GSF	\$4.33		\$168,272
23	Heating, Ventilating, and Air Conditioning	38,818	GSF	\$18.00		\$698,524
26	Electrical	38,818	GSF	\$18.33		\$709,592
31	Earthwork	38,818	GSF	\$0.50		\$19,409
32	Exterior Improvements	38,818	GSF	\$1.50		\$58,227
33	Utilities	38,818	GSF	\$0.75		\$29,114
<b>SUBTOTAL CONSTRUCTION COST</b>		<b>38,818</b>	<b>GSF</b>	<b>\$581.41</b>		<b>\$3,225,190.00</b>
	Division 1: General Requirements			12.33%		\$398,058.87
	Subtotal					\$3,623,248.87
	General Contractor Overhead & Profit			8.33%		\$268,003.96
	Subtotal					\$3,891,252.83
	Bonds			1.73%		\$66,818.64
	Subtotal					\$3,958,071.47
	Construction Contingency			13.33%		\$522,255.51
<b>CONSTRUCTION TOTAL</b>		<b>38,818</b>	<b>GSF</b>	<b>\$114.61</b>		<b>\$4,480,327.00</b>

# NORTHAMPTON COUNTY

## Northampton Middle School Renovation



TOTAL:  
RENOVATION: 33,166 SF  
DEMOLITION: 33,214 SF



### OPTION FIVE



448 Vol. 966 Cross  
 Andersonburg, VA 22007  
 (757) 251-0673  
 Fax: (757) 251-2318

## STATEMENT OF PROBABLE CONSTRUCTION COST

Project:	Mathamalan County Middle School Renovations	Date:	8/25/2014
Location:	Mathijungo, Virginia	Est. Status:	Schematic
Description:	Option Five Renovations	Job No.:	2140700
GSF:	33,166	Prepared By:	JGD
Updated By:		Checked By:	DFB

DIVISION	DESCRIPTION	EST. QTY.	UNIT	UNIT COST	TOTAL COST	DIVISION TOTALS
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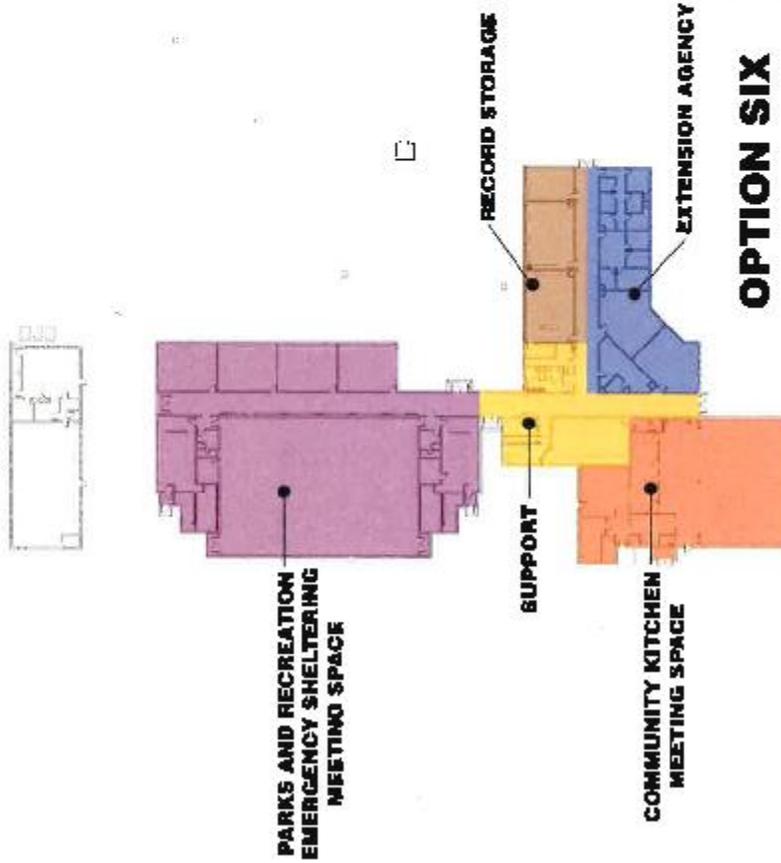
### SUMMARY OF ESTIMATE

02	Existing Conditions (Demolition)	33,166	GSF	\$7.41		\$245,884
02	Existing Conditions (Restatement Allowance)		LS	\$20,000.00		\$20,000
03	Concrete	33,166	GSF	\$0.50		\$16,583
04	Masonry	33,166	GSF	\$0.40		\$13,266
05	Metals	33,166	GSF	\$0.70		\$23,216
06	Wood & Plastics	33,166	GSF	\$4.00		\$132,664
07	Formal & Moldure Protection	33,166	GSF	\$12.50		\$414,575
08	Openings	33,166	GSF	\$2.20		\$72,965
09	Finishes	33,166	GSF	\$10.00		\$331,666
10	Specialties	33,166	GSF	\$2.00		\$66,332
11	Equipment	33,166	GSF	\$0.25		\$8,292
12	Furnishings	33,166	GSF	\$0.00		\$0
13	Special Contractor (New Construction)	0	GSF	\$185.00		\$0
14	Lifting Equipment	33,166	GSF	\$0.00		\$0
21	Fire Suppressor	33,166	GSF	\$0.00		\$0
22	Pumbing	33,166	GSF	\$4.00		\$132,664
23	Heating, Ventilating, and Air Conditioning	33,166	GSF	\$16.00		\$530,656
28	Electrical	33,166	GSF	\$16.00		\$530,656
31	Earthwork	33,166	GSF	\$0.50		\$16,583
32	Exterior Improvements	33,166	GSF	\$1.50		\$49,749
33	Utilities	33,166	GSF	\$0.75		\$24,875

<b>SUBTOTAL CONSTRUCTION COST</b>		<b>33,166</b>	<b>GSF</b>	<b>\$43.01</b>		<b>\$7,723,113.60</b>
	Division 1 - General Requirements			12.00%		\$230,373.63
	Subtotal					\$3,063,487.23
	General Contractor Overhead & Profit			8.00%		\$246,876.96
	Subtotal					\$3,350,364.21
	Bonds			1.20%		\$259,961.99
	Subtotal					\$3,376,326.21
	Constructor Contingency			15.00%		\$506,398.93
	<b>CONSTRUCTION TOTAL</b>	<b>33,166</b>	<b>GSF</b>	<b>\$116.68</b>		<b>\$3,873,647.44</b>

# **NORTHAMPTON COUNTY**

## **Northampton Middle School Renovation**



**TOTAL:**  
**RENOVATION: 29,742 SF**  
**DEMOLITION: 36,638 SF**



**OPTION SIX**



440 Melrose Circle  
 Williamsburg, VA 23187  
 (757) 259-0078  
 Fax: (757) 259-2315

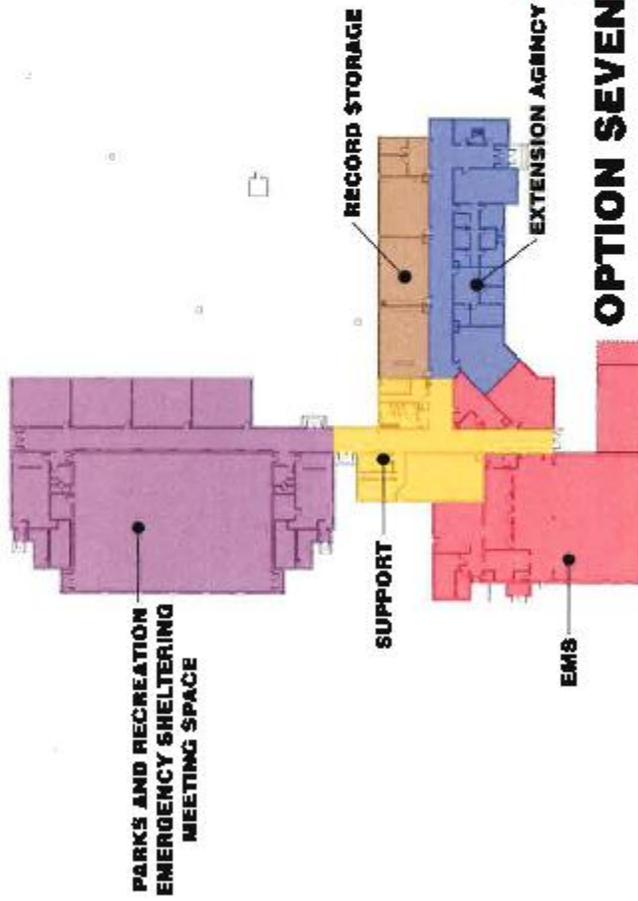
## STATEMENT OF PROBABLE CONSTRUCTION COST

Project:	Northampton County Middle School Renovations	Date:	02/20/2014
Location:	Machlonaige, Virginia	Est. Status:	Schematic
Description:	Option S + Renovations	Job No.:	2140500
RAF:	29.742	Prepared By:	JCO
Updated By:		Checked By:	CFB

DIVISION	DESCRIPTION	EST. QTY.	UNIT	UNIT COST	TOTAL CDET	DIVISION TOTALS
<b>SUMMARY OF ESTIMATE</b>						
02	Existing Conditions (Demolition)	29,742	GSF	\$8.51		\$253,901
02	Existing Conditions (Abatement Allowance)	1	LS	\$20,000.00		\$20,000
03	Concrete	29,742	GSF	\$0.91		\$14,907
04	Masonry	29,742	GSF	\$0.41		\$11,397
05	Metal	29,742	GSF	\$0.41		\$11,997
06	Wood & Plastics	29,742	GSF	\$4.00		\$118,968
07	Thermal & Moisture Protection	29,742	GSF	\$12.50		\$371,775
08	Openings	29,742	GSF	\$0.90		\$65,132
09	Finishes	29,742	GSF	\$10.00		\$297,120
10	Specialties	29,742	GSF	\$2.00		\$59,484
11	Equipment	29,742	GSF	\$0.25		\$7,436
12	Furnishings	29,742	GSF	\$0.00		\$0
13	Special Construction (New Construction)	0	GSF	\$105.00		\$0
14	Conveying Equipment	29,742	GSF	\$0.00		\$0
21	Fire Suppression	29,742	GSF	\$0.00		\$0
22	Pumbing	29,742	GSF	\$4.00		\$118,968
23	Heating, Ventilating, and Air Conditioning	29,742	GSF	\$18.00		\$535,356
26	Electrical	29,742	GSF	\$18.00		\$535,356
31	Exterior	29,742	GSF	\$0.30		\$14,871
32	Exterior Improvements	29,742	GSF	\$1.50		\$44,613
33	Utilities	29,742	GSF	\$0.75		\$22,307
<b>SUBTOTAL CONSTRUCTION CDET</b>		<b>29,742</b>	<b>GSF</b>	<b>\$84.21</b>		<b>\$2,501,631.20</b>
	Division - General Requirements			2.00%		\$30,014.62
	Subtotal					\$2,531,645.82
	General Contract Overhead & Profit			8.00%		\$202,491.66
	Subtotal					\$2,734,137.48
	Risks			1.20%		\$32,809.65
	Subtotal					\$2,766,947.13
	Construction Contingency			15.00%		\$414,972.01
	<b>CONSTRUCTION TOTAL</b>	<b>29,742</b>	<b>GSF</b>	<b>\$118.84</b>		<b>\$3,181,919.14</b>

# NORTHAMPTON COUNTY

## Northampton Middle School Renovation



TOTAL:  
RENOVATION: 32,138 SF  
DEMOLITION: 34,242 SF  
NEW WORK: 1,500 SF





JAM McLees Corp  
 Waterbury, VA 20167  
 (541) 251-4873  
 Fax: (541) 252-9318

## STATEMENT OF PROBABLE CONSTRUCTION COST

Project:	Norfolk County Middle School Renovations	Date:	8/22/14
Location:	Mequignon, Virginia	Est. Status:	Schematic
Description:	Splice Beam Renovation	Job No.:	2141000
GSF:	32,138	Prepared By:	JCD
Updated By:		Checked By:	JH-S

DIVISION	DESCRIPTION	EST. QTY.	UNIT	UNIT COST	TOTAL COST	DIVISION TOTALS
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### SUMMARY OF ESTIMATE

02	Existing Conditions (Demolition)	32,138	GSF	\$7.77		\$249,131
07	Existing Conditions (Treatment Allowance)	1	LS	\$20,000.00		\$20,000
03	Concrete	32,138	GSF	\$8.76		\$281,104
04	Masonry	32,138	GSF	\$0.40		\$12,855
05	Metals	32,138	GSF	\$0.10		\$3,214
06	Wood & Plastics	32,138	GSF	\$4.00		\$128,552
07	Thermal & Moisture Protection	32,138	GSF	\$12.50		\$401,725
08	Openings	32,138	GSF	\$2.20		\$70,704
09	Finishes	32,138	GSF	\$10.00		\$321,380
10	Specialties	32,138	GSF	\$2.00		\$64,276
11	Equipment	32,138	GSF	\$0.25		\$8,035
12	Furnishings	32,138	GSF	\$0.00		\$0
13	Special Construction (New Construction)	1,500	GSF	\$155.00		\$232,500
14	Conveying Equipment	32,138	GSF	\$0.00		\$0
21	Fire Suppression	32,138	GSF	\$0.00		\$0
22	Pumbing	32,138	GSF	\$4.00		\$128,552
23	Heating, Ventilating, and Air Conditioning	32,138	GSF	\$18.00		\$578,484
26	Electrical	32,138	GSF	\$19.00		\$610,622
31	Earthwork	32,138	GSF	\$0.50		\$16,069
32	Exterior Improvements	32,138	GSF	\$1.50		\$48,207
33	Utilities	32,138	GSF	\$0.30		\$9,641
<b>SUBTOTAL CONSTRUCTION COST</b>		<b>32,138</b>	<b>GSF</b>	<b>\$81.74</b>		<b>\$2,642,559.20</b>
Division - General Requirements				12.00%		\$317,107.08
Subtotal						\$3,025,499.28
General Contractor Overhead & Profit				8.00%		\$242,039.94
Subtotal						\$3,267,539.22
Bonds				1.25%		\$40,844.24
Subtotal						\$3,308,383.46
Construction Contingency				15.00%		\$496,257.52
<b>CONSTRUCTION TOTAL</b>		<b>32,138</b>	<b>GSF</b>	<b>\$128.20</b>		<b>\$4,300,898.84</b>

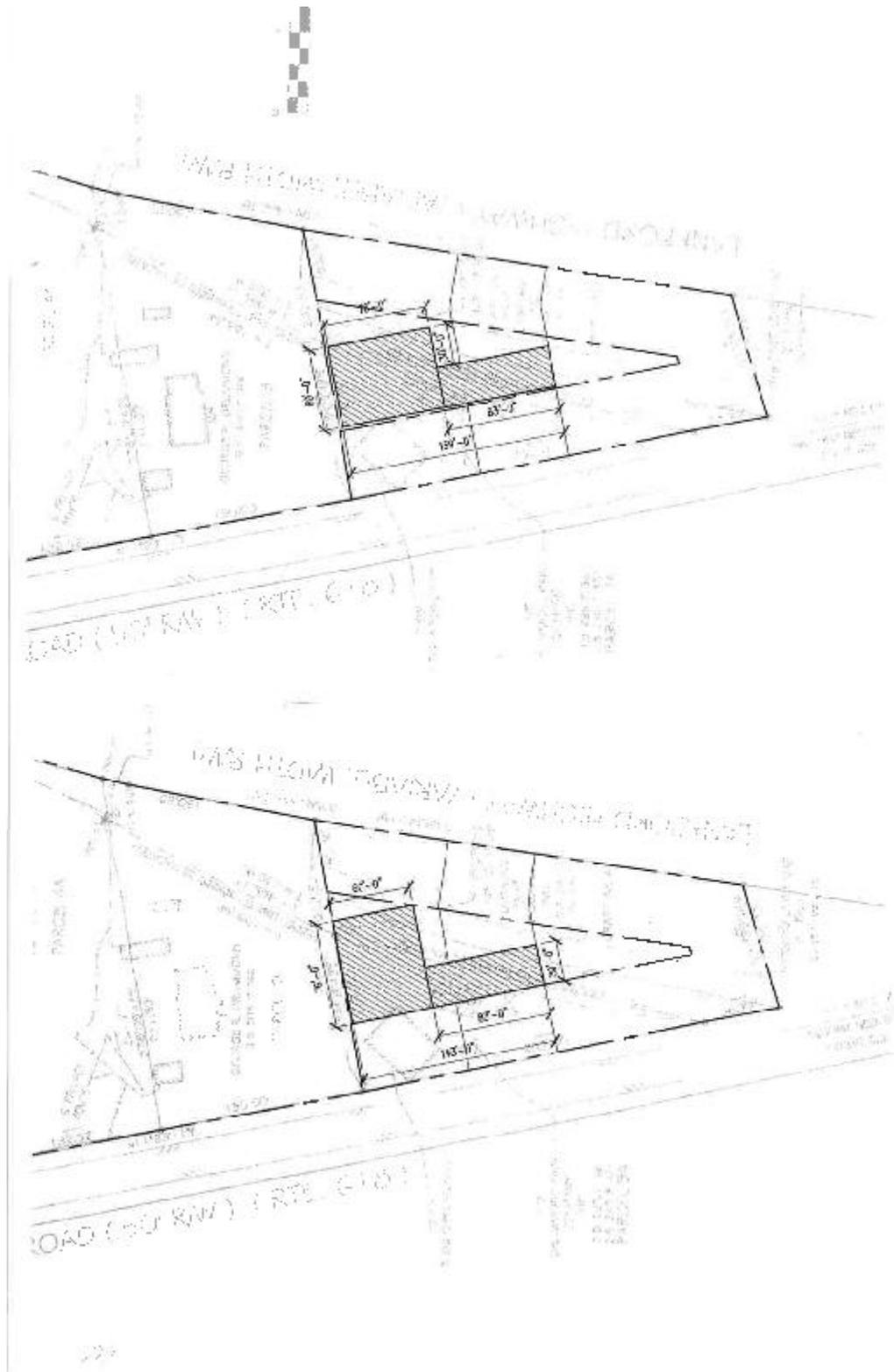
\* \* \* \* \*

Mr. Bennett questioned the lack of “history” displayed within the options.

Mr. Hogg questioned the condition of specific areas within the building. Mr. Booth replied that general maintenance had been performed in the gymnasium; there were known settling issues near the bathrooms; the auditorium and connecting rooms are in relatively good condition; the library through to the newest wing are in generally good condition especially with the County offices’ presence for sixteen months; the cafeteria is in structurally good condition; and the original portion of the building received some structural repairs while the school operations were there. Investment of funds will be necessary in this 62-year portion of the building if the Board wants to keep it.

Mr. Hubbard questioned the Board’s priorities. He thought that the gymnasium was a priority for use by the Parks & Recreation Department and then asked if the Virginia Cooperative Extension Service and Records Storage areas could be contained within the newest wing.

The County Administrator confirmed that the existing budget is not adequate to do the entire project and agreed that the Board must answer the basic questions of “what has to happen on this property, if anything, and what are the minimum goals we are trying to achieve?” She then asked DJG to share with the Board the layouts they had prepared of the existing EMS office location in Machipongo and several possible options and associated cost estimates (excluding site acquisition costs) for that site. Said information is shown below:





198 McLeese Circle  
 Williamsburg, VA 23167  
 (757) 268-0673  
 Fax: (757) 268-2316

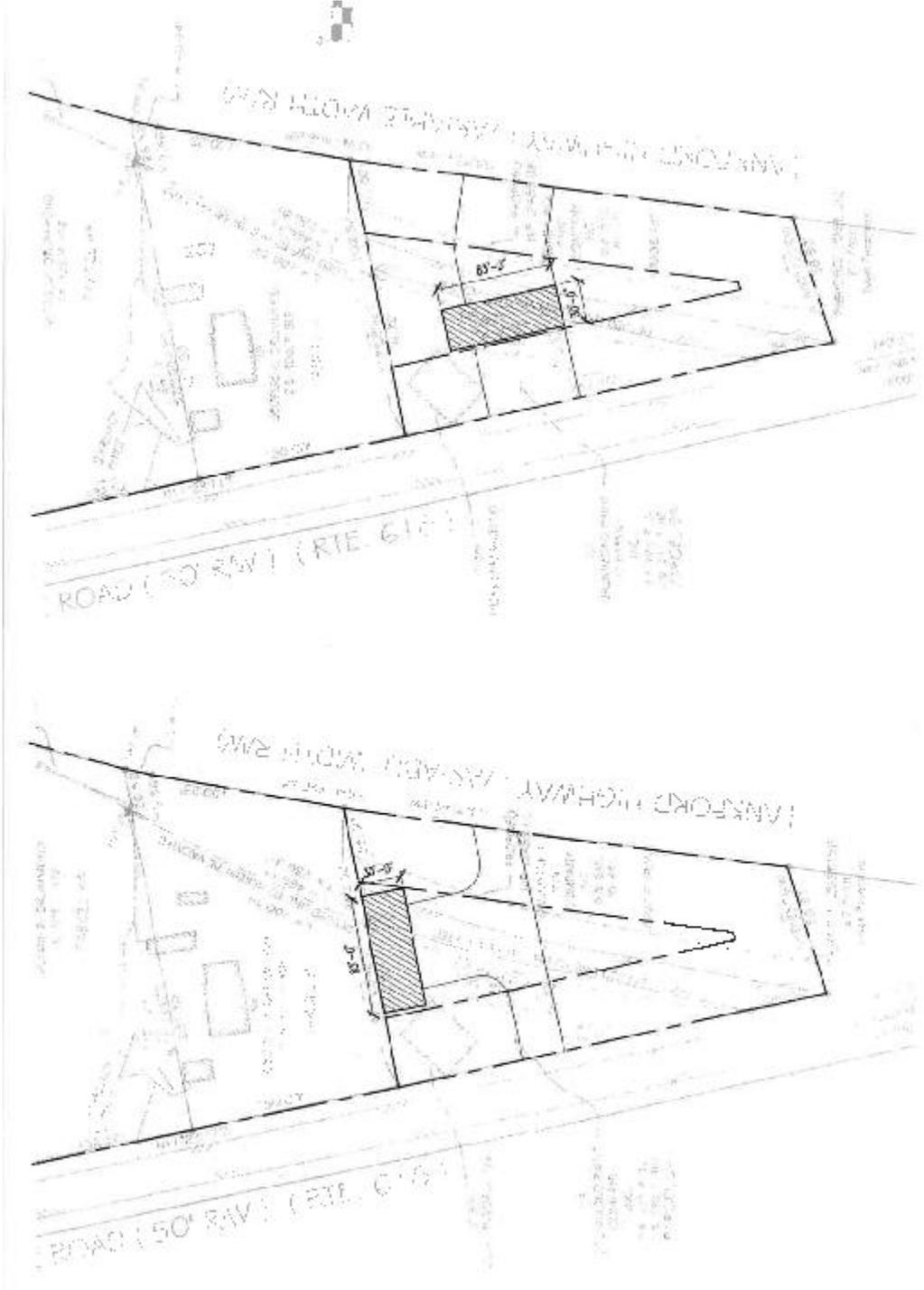
## STATEMENT OF PROBABLE CONSTRUCTION COST

Project:	Northampton County EMS	Date:	8/1/2014
Location:	Castville, Virginia	Est. Status:	Schematic
Description:	New EMS on Existing Site	Job No.:	2-10223
GSF:	7,052	Prepared By:	JCO
Updated By:		Checked By:	DFB

DIVISION	DESCRIPTION	EST. QTY.	UNIT	UNIT COST	TOTAL COST	DIVISION TOTALS
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### SUMMARY OF ESTIMATE

01	General Requirements	7052	GSF	\$2.54		\$17,812
02	Existing Conditions	7052	GSF	\$0.00		\$0
02	Concrete	7052	GSF	\$11.36		\$80,111
04	Masonry	7052	GSF	\$8.75		\$61,460
05	Metals	7052	GSF	\$4.10		\$28,913
05	Wood & Plastics	7052	GSF	\$3.35		\$23,423
07	Thermal & Moisture Protection	7052	GSF	\$14.08		\$99,292
08	Openings	7052	GSF	\$20.51		\$143,475
08	Finishes	7052	GSF	\$7.15		\$50,301
10	Specialties	7052	GSF	\$1.07		\$7,545
11	Equipment	7052	GSF	\$1.27		\$8,956
12	Furnishings	7052	GSF	\$0.00		\$0
13	Special Construction	7052	GSF	\$35.03		\$247,004
14	Conveying Equipment	7052	GSF	\$0.00		\$0
21	Fire Protection	7052	GSF	\$0.00		\$0
22	Plumbing	7052	GSF	\$14.00		\$98,728
23	Heating, Ventilating, and Air Conditioning	7052	GSF	\$14.25		\$100,541
26	Electrical	7052	GSF	\$15.00		\$105,780
31	Paintwork	7052	GSF	\$7.34		\$51,782
32	Exterior Improvements	7052	GSF	\$7.52		\$53,059
35	Utilities	7052	GSF	\$1.12		\$7,896
<b>GRAND TOTAL CONSTRUCTION COST</b>		<b>7052</b>	<b>GSF</b>	<b>\$183.80</b>		<b>\$1,293,128.74</b>
Division 1: General Requirements				0.05%		\$125,812.87
Subtotal						\$1,167,315.87
General Contractor Overhead & Profit				2.00%		\$171,365.39
Subtotal						\$1,338,681.26
Bonds				1.50%		\$20,050.46
Subtotal						\$1,358,731.72
Construction Contingency				0.00%		\$1,358,731.72
<b>CONSTRUCTION TOTAL</b>		<b>7052</b>	<b>GSF</b>	<b>\$252.82</b>		<b>\$1,792,961.37</b>





418 McLane Circle  
 Williamsburg, VA 23187  
 (757) 253-0072  
 Fax: (757) 253-2816

## STATEMENT OF PROBABLE CONSTRUCTION COST

Project:	Northampton County EMS	Date:	3/9/2014
Location:	Charlottesville, Virginia	Est. Status:	Schematic
Description:	New Addition	Job No.:	2110220
GSF:	1,970	Prepared By:	JCO
Updated By:		Checked By:	DFB

DIVISION	DESCRIPTION	EST. QTY.	UNIT	UNIT COST	TOTAL COST	DIVISION TOTALS
<b>SUMMARY OF ESTIMATE</b>						
01	General Requirements	1970	GSF	\$2.54		\$5,000
02	Existing Conditions	1970	GSF	\$0.00		\$0
03	Concrete	1970	GSF	\$11.26		\$22,382
04	Masonry	1970	GSF	\$5.73		\$13,250
05	Molds	1970	GSF	\$4.10		\$8,079
06	Wood & Plastics	1970	GSF	\$3.33		\$6,567
07	Thermal & Moisture Protection	1970	GSF	\$14.26		\$27,740
08	Ceilings	1970	GSF	\$2.78		\$15,231
09	Finishes	1970	GSF	\$1.38		\$3,703
10	Specialties	1970	GSF	\$1.37		\$2,100
11	Equipment	1970	GSF	\$1.27		\$2,500
12	Furnishings	1970	GSF	\$0.00		\$0
13	Special Construction	1970	GSF	\$29.48		\$58,052
14	Conveying Equipment	1970	GSF	\$0.00		\$0
21	Fire Suppression	1970	GSF	\$0.00		\$0
22	Plumbing	1970	GSF	\$13.30		\$38,026
23	Heating, Ventilating, and Air Conditioning	1970	GSF	\$8.14		\$18,969
26	Electrical	1970	GSF	\$17.50		\$34,475
31	Earthwork	1970	GSF	\$7.34		\$14,459
32	Site Improvements	1970	GSF	\$21.52		\$42,365
38	Utilities	1970	GSF	\$1.12		\$2,200
<b>SUBTOTAL CONSTRUCTION COST</b>		1970	GSF	\$180.70		\$356,746.91
Division 1: General Requirements				12.07%		\$38,029.83
Subtotal						\$354,756.54
General Contractor Overhead & Profit				12.07%		\$42,670.73
Subtotal						\$387,527.32
Bonds				1.50%		\$5,850.91
Subtotal						\$403,257.23
Construction Contingency				5.00%		\$20,164.38
<b>CONSTRUCTION TOTAL</b>		1970	GSF	\$214.95		\$423,451.61

\* \* \* \* \*

Consent Agenda:

(2) Minutes of the meetings of August 12 and 25, 2014.

(3) Consider a proclamation declaring September 14-20 as “Constitution Week” and September 17 as “Constitution Day”.

*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, 2014, marks the two hundred twenty-seventh 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 14 through 20 as Constitution Week.

NOW, THEREFORE, I, Larry LeMond, by virtue of the authority vested in me as Chairman of the County of Northampton, Virginia, do hereby proclaim September 17, 2014 as **CONSTITUTION DAY**, and the week of September 14 through 20 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 September, of the year of our Lord two thousand and fourteen.

\* \* \* \* \*

(4) Consider an A-95 Review entitled, “Chesapeake Bay Small Watershed Grants Program”; applicant: Eastern Shore Housing Alliance

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the Consent Agenda be

approved. All members were present and voted “yes.” The motion was unanimously passed. Mr. Bennett commented that, in reference to a statement by Mr. Art Schwarzschild on page 45 of the August 12<sup>th</sup> meeting minutes, he (Mr. Bennett) does meet with his constituents.

Later in the meeting, in regard to item (4) above, Mr. Hogg stated that until he saw some measure of what has been accomplished to date, he was not in favor of approving the A-95 Review. Motion was made by Mr. Hogg, seconded by Mr. Bennett, that the prior motion to approve the consent agenda be reconsidered. All members were present and voted “yes.” The motion was unanimously passed. Motion was then remade by Mr. Trala, seconded by Mr. Bennett, that the Consent Agenda be approved. All members were present and voted “yes,” with the exception of Mr. Hogg who voted “no.” The motion was passed.

County Officials’ Reports:

(5) Mrs. Leslie Lewis, Director of Finance, presented the following Budget Amendment and Appropriation Requests for the Board’s consideration:

**MEMORANDUM**

**TO:** Board of Supervisors  
**FROM:** Leslie Lewis, Director of Finance  
**DATE:** September 3, 2014  
**RE:** Budget Amendments and Appropriations – FY 2015

Your approval is respectfully requested for the following budget amendments and supplemental appropriations:

**\$5,767.20** – This represents an insurance reimbursement relative to a Sheriff’s Office incident. Please transfer these funds to the Sheriff’s Vehicle & Equipment Supplies line item (100-3102-55600).

**\$22,314.67** – This represents the insurance reimbursement relative to the hail damage sustained by various county vehicles during the 7-24-14 tornado. Please transfer these funds as outlined below:

County Administration (100-1201-55600)	\$ 3,664.92
Facilities Management (100-4302-55600)	\$ 1,504.80
Sheriff's Office (100-3102-55600)	\$17,144.95

**\$1,806.88** – This represents an insurance reimbursement relative to an incident with a Department of Social Services' vehicle. Please transfer these funds to the Social Services Fund, Eligibility Administration line item (210-5301-53831).

\* \* \* \* \*

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the budget amendments and supplemental appropriations be approved as presented above. All members were present and voted "yes." The motion was unanimously passed.

The Board requested that Sheriff Doughty attend a future meeting to discuss his automotive fleet and incident claims.

\* \* \* \* \*

## **MEMORANDUM**

**TO:** Board of Supervisors

**FROM:** Leslie Lewis  
Director of Finance

**DATE:** September 3, 2014

**RE:** Budget Amendments and Appropriations – FY 2015

Your approval is respectfully requested for the following budget amendments and supplemental appropriations as petitioned by the Northampton County Public Schools:

**\$25,435.00** – This represents a "Race to GED" grant award to the Eastern Shore Community College by the Virginia Department of Education and the Northampton County Public Schools has once again agreed to act as fiscal agent for the grant.

\* \* \* \* \*

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

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

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

The invocation was offered by Mr. Bennett.

The Pledge of Allegiance was recited.

Public Hearings:

Chairman LeMond called the following public hearing to order:

(6) AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, “AN ORDINANCE TO PERMIT EXEMPTION FROM TAXATION OF REAL ESTATE OF CERTAIN ELDERLY OR HANDICAPPED PERSONS”, codified as Section 33.027 of the Northampton County Code.

*The purpose of this amendment is to incorporate the definition of “eligible person” and an amendment to the definition of “total combined income” as a result of changes made by the 2014 General Assembly.*

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED,  
“AN ORDINANCE TO PERMIT EXEMPTION  
FROM TAXATION OF REAL ESTATE  
OF CERTAIN ELDERLY OR HANDICAPPED PERSONS”

BE IT ORDAINED by the Board of Supervisors of Northampton County, Virginia, that the Ordinance entitled, “An Ordinance to Permit Exemption from Taxation of Real Estate of Certain Elderly or Handicapped Persons”, codified as Section 33.027 of the Northampton County Code, be amended follows:

**§ 33.027 EXEMPTION FROM TAXATION OF REAL ESTATE OF CERTAIN ELDERLY OR HANDICAPPED PERSONS.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless

the context clearly indicates or requires a different meaning.

**COMMISSIONER OF THE REVENUE.** Commissioner of the Revenue of the County of Northampton, Virginia or any of his duly authorized deputies or agents.

**DWELLING.** The full-time residence of the person or persons seeking the exemption.

**ELIGIBLE PERSON.** Means a person who is at least age 65 or permanently and totally disabled. Under this ordinance, real property owned and occupied as the sole dwelling of an eligible person includes real property (i) held by the eligible person alone or in conjunction with his spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which the eligible person or the eligible person and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which an eligible person alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term “eligible person” does not include any interest held under a leasehold or term of years.

**EXEMPTION.** Exemption from the county real estate tax according to the provisions of this section.

**NET COMBINED FINANCIAL WORTH.** All assets of the owners of the dwelling who reside therein, and of the spouse of any such owners, including equitable interests, excluding the value of the dwelling and the land in an amount not to exceed one acre upon which it is situated. For determination of value of real estate properties, the fair market value shall be used.

**PERMANENTLY AND TOTALLY DISABLED.** Unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person’s life.

**PROPERTY.** Real property.

**TAXABLE YEAR.** The calendar year, from January 1 through December 31, inclusive, for which exemption is sought.

**TOTAL COMBINED INCOME.** Total income from all sources of the owners of the dwelling residing therein and of any relative of the owners who reside in the dwelling, except for those relatives living in the dwelling and providing bona fide caregiving services to the owner whether such relatives are compensated or not. However, if a person has already qualified for exemption under this section, and if the person can prove by clear and convincing evidence that after so qualifying the person’s physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a relative move in and provide care for the person, and if a relative does then move in for that purpose, then none of the relative’s income shall be counted towards the income limit.

**TREASURER** or **COUNTY TREASURER**. Treasurer of the County of Northampton, Virginia, or any of his duly authorized deputies or agents.

(B) *Administration.* The exemption shall be administered by the Commission of the Revenue or his authorized delegate according to the general provisions contained in this section. The Commissioner is authorized and empowered to prescribe, adopt and enforce rules and regulations, including the requirements of answers under oath, as may be reasonably necessary to determine qualifications for exemption. The Commissioner may require reproduction of certified tax returns and appraisal reports to establish income and financial worth.

(C) *Eligibility for exemption.* Exemption shall be granted to persons subject to the following provisions:

(1) The title to the property for which exemption is sought is held or partially held, on December 31, immediately preceding the taxable year by the person or persons seeking the exemption. If the ownership of the property for which application for exemption is made is not held solely by the applicant or jointly with the applicant's spouse, then the amount of the tax exemption hereunder shall be in proportion to the applicant's ownership interest in the subject real property, as the ownership interest may appear;

(2) The head of the household occupying the dwelling and owning title or partial title hereto is 65 years or older on December 31 of the year, immediately preceding the taxable year. Such dwelling must be occupied as the sole dwelling of the person or persons seeking the exemption;

(3) The total combined income of the owners during the year immediately preceding the taxable year shall be determined by the Commissioner of the Revenue to be an amount not to exceed \$22,000. Total combined income shall include income from all sources of the owners, spouses, and of the owners relatives living in the dwelling for which exemption is claimed; provided, however, that the first \$3,000 of annual income of the owners' relatives living in the dwelling other than the spouse's shall be excluded in computing total combined income;

(4) The net combined financial worth as of December 31 of the year immediately preceding the taxable year of the owners and of the spouse of any owner shall be determined by the Commissioner of the Revenue to be an amount not to exceed \$80,000. Net combined financial worth shall include the value of all assets, including equitable interest of the owners and the spouse of any owner, excluding the fair market value of the dwelling and the land, not to exceed one acre, upon which it is situated and for which exemption is claimed;

(5) The levies against the property seeking relief be current and that the levy for the year the relief is granted be paid timely.

(D) *Application for exemption.*

(1) Annually after January 1, and before the last day of February of the taxable year, the person or persons claiming exemption shall file with the Commissioner of the Revenue, on forms

supplied by such Commissioner of the Revenue, an affidavit under oath and subject to the penalties of perjury, setting forth the location and assessed value of the property and the names of all the related persons occupying such real estate; the total combined income of the persons as specified in division (C)(3) above; and the net combined financial worth of the persons as specified in division (C)(3) above. If such person is under 65 years of age, such form shall have attached thereto a confirmation by the Social Security Administration, the Veterans' Administration, or the Railroad Retirement Board, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two medical doctors licensed to practice medicine in the Commonwealth, to the effect that such person is permanently and totally disabled, as herein defined. The affidavit of at least one of such doctors shall be based upon a physical examination of such person by said doctor.

(2) The affidavit of one of the doctors may be based upon medical information contained in the records of the Civil Services Commission which is relevant to the standards for determining permanent and total disability as herein defined. The Commissioner of the Revenue shall also make such further inquiry of persons seeking exemption requiring answers under oath as may be reasonably necessary to determine qualifications therefor, including qualifications as permanently and totally disabled. The Commissioner of the Revenue is authorized to require the reproduction of certified tax returns to establish the income or financial worth of any applicant for exemption from tax hereunder.

(3) If, after audit and investigation, the Commissioner of the Revenue determines that the person or persons are qualified for exemption he or she shall so certify the same, and shall determine the percentage of exemption allowable and issue non-negotiable exemption certificates in the amount of the exemption determined to be applicable to the claimant's real estate tax liability.

(4) Such exemption certificate shall apply only to the tax year for which issued. The person or persons to whom an exemption certificate has been issued shall, on or before the past due date established for payment of such real estate tax, present such exemption certificate to the Treasurer, together with payment of the difference between such exemption and the full amount of the tax payment due on the property for which the exemption was issued. Any exemption certificate not presented in settlement of such taxes on or before the date specified for payment shall be null and void and unusable thereafter and the Commissioner of the Revenue may not reissue a certificate for such tax year.

(5) An exemption certificate may be renewed by the Commissioner of Revenue annually for two years, provided the person holding the exemption files an affidavit, under oath and subject to the penalties of perjury, that no information contained in the last preceding affidavit or written statement has changed.

(E) *Exempt schedule.*

(1) Where the person or persons seeking exemption conforms to the standards and does not exceed the limitations contained herein, the real estate tax exemption shall be as shown on the following schedule:

<i><b>Total Combined Income From All Sources</b></i>	Tax Exemption Net Worth
	0 - 80,000
0 - 16,000	90%
16,001 - 17,500	80%
17,501 - 19,000	70%
19,001 - 20,500	60%
20,501 - 22,000	50%

(2) Provided, however, that the maximum annual exemption on any one property shall not exceed \$400.

(F) *Additional provisions.*

(1) The fact that persons who are otherwise qualified for tax exemption are residing in hospitals, nursing homes, convalescent homes or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the real estate for which the exemption is sought does not continue to be the sole dwelling of such person/persons during such extended periods of other residence so long as such real estate is not used by or leased to others for consideration.

(2) Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit is filed and having the effect of exceeding or violating the limitations and conditions provided in this section shall nullify any exemption for the then current tax year immediately following.

(3) For purposes of this section, a mobile home shall be real estate if the owner's intention that it be permanently affixed is shown by the facts that:

(a) It is located on land belonging in whole or in part to the owner of the mobile home, his spouse, parent or child, and is connected to permanent water and sewer lines or facilities; or

(b) Whether or not it is located on land belonging to persons described in subsection (a), it rests on a permanent foundation, and consists of two or more mobile units which are connected in such a manner that they cannot be towed together on a highway or consists of a mobile unit and other connected rooms or additions which must be removed before the mobile unit can be towed on a highway.

\* \* \* \* \*

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

Ms. Katherine H. Nunez, County Administrator, indicated that this proposed amendment was brought forward as a result of a change in the Code of Virginia by the 2014 General Assembly.

Mr. Robert C. Richardson said that he supported this amendment but further noted that the County has many ordinances which have no bounds and that it was difficult to know if this ordinance is being used in the County.

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

Motion was made by Mr. Hubbard, seconded by Mr. Bennett, that AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE TO PERMIT EXEMPTION FROM TAXATION OF REAL ESTATE OF CERTAIN ELDERLY OR HANDICAPPED PERSONS", be adopted as set out above. All members were present and voted "yes." The motion was unanimously passed.

The Chairman called to order the following public hearing:

(7) AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "AN ORDINANCE ESTABLISHING THE NORTHAMPTON COUNTY SUBDIVISION ORDINANCE", codified as Section 156 of the Northampton County Code.

*The purpose of this amendment is to comply with corrective action imposed by the Virginia Department of Conservation and Recreation relative to the inclusion of language in the Subdivision Ordinance that plats shall have a notation of the five-year pump-out for onsite septic systems as outlined under the Chesapeake Bay Preservation Area Designation and Management Regulations.*

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED,  
"AN ORDINANCE ESTABLISHING THE  
NORTHAMPTON COUNTY SUBDIVISION ORDINANCE"

BE IT ORDAINED by the Board of Supervisors of Northampton County, that "AN ORDINANCE ESTABLISHING THE NORTHAMPTON COUNTY SUBDIVISION ORDINANCE", codified as Section 156 of the Northampton County Code, be amended as

follows:

1. That new paragraphs be added to § 156.071 CONTENTS OF PLAT as set out below:

(SS) All record plats and final site plans shall show the resource protection area and resource management area boundaries and the extent of the buildable area allowed on each lot based on all applicable setbacks, buffers, easements, right-of-ways and other limitations such as the location of the primary and reserve on-site sewage disposal system areas and well protection areas, if public utilities are unavailable.

(TT) All record plats and final site plans shall provide the following notation: “There shall be no encroachments in the resource protection area, including but not limited to, land disturbing activities, vegetation removal and construction activities without the appropriate authorization from Northampton County.”

(UU) All record plats and final site plans shall provide the following notation: “As the resource protection area is a dynamic feature and may change due to natural processes such as erosion and accretion, the location of the resource protection area as shown on this plat shall be re-verified prior to the issuance of development permits by Northampton County.”

(VV) All record plats and final site plans shall show the location of all primary and 100% reserve on-site sewage disposal system areas and shall provide the following notation: “All on-site sewage disposal systems must be pumped out at least once every five years.”

2. That all remaining portions and provisions of “AN ORDINANCE ESTABLISHING THE ‘NORTHAMPTON COUNTY SUBDIVISION ORDINANCE’” are reenacted and reaffirmed hereby.

\* \* \* \* \*

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

The County Administrator indicated that the purpose of this amendment is to comply with corrective action imposed by the Virginia Department of Conservation and Recreation relative to the inclusion of language in the Subdivision Ordinance that plats shall have a notation of the five-year pump-out for onsite septic systems as outlined under the Chesapeake Bay Preservation Area Designation and Management Regulations. This relates specifically to

paragraph (VV). Paragraphs (SS), (TT), and (UU) contain suggested language from the Department of Conservation & Recreation and County staff.

Mr. Robert C. Richardson said that he did not believe that it was legal to impose conditions on the contents of a plat and urged the Board to table this matter pending further research.

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

Mr. Hubbard said that he had an issue with paragraph (TT), indicating that he would like to see “common sense” language added.

Mr. Hogg suggested that language such as “It is recommended that....” be added to the beginning of paragraphs (SS), (TT), and (UU).

The County Administrator stated that she did not know what steps the Department of Conservation & Recreation would take if the County does not adopt the ordinance amendment, and suggested further review by legal counsel and bringing this matter back to the Board at its October meeting.

Motion was made by Mr. Hogg, seconded by Mr. Trala, that the Board table action on AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, “AN ORDINANCE ESTABLISHING THE NORTHAMPTON COUNTY SUBDIVISION ORDINANCE”. All members were present and voted “yes.” The motion was unanimously passed.

The Chairman called to order the following public hearing:

(8) AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, “AN ORDINANCE TO PROVIDE FOR RABIES CONTROL REGULATIONS IN NORTHAMPTON COUNTY, CODIFIED AS CHAPTER 95: ANIMALS, OF THE NORTHAMPTON COUNTY CODE.

*The purpose of this amendment is to exempt service dogs from the animal license tax.*

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED,**

**“AN ORDINANCE TO PROVIDE FOR RABIES CONTROL  
REGULATIONS IN NORTHAMPTON COUNTY”, CODIFIED AS  
CHAPTER 95: ANIMALS OF THE NORTHAMPTON COUNTY CODE**

BE IT ORDAINED by the Board of Supervisors of Northampton County, Virginia, that the Ordinance entitled, “AN ORDINANCE TO PROVIDE FOR RABIES CONTROL REGULATIONS IN NORTHAMPTON COUNTY”, codified as Chapter 95: ANIMALS of the Northampton County Code, be amended as follows:

1. That a new paragraph shall be added to Section 4. Unlicensed Dogs and Cats Prohibited, to read as follows:

No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing-impaired person, or that is trained and serves as a service dog for a mobility-impaired or otherwise disabled person. As used in this section, “hearing dog”, “mobility-impaired person”, “otherwise disabled person”, and “service dog” have the same meaning as assigned in § 51.5-40.1. of the Code of Virginia of 1950, as amended.

2. That all remaining portions and provisions of said Ordinance are reenacted and reaffirmed hereby.

3. This Ordinance shall become effective immediately upon its adoption.

\* \* \* \* \*

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

The County Administrator indicated that the amendment to this ordinance was coming as a result of changes made to the Code of Virginia by the 2014 General Assembly.

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

Motion was made by Mr. Trala, seconded by Mr. Bennett, that AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, “AN ORDINANCE TO PROVIDE FOR RABIES CONTROL REGULATIONS IN NORTHAMPTON COUNTY”, CODIFIED AS CHAPTER 95: ANIMALS, OF THE NORTHAMPTON COUNTY CODE, be adopted as presented. All members were present and voted “yes.” The motion was unanimously passed.

Citizens Information Period:

(9) Mr. H. Spencer Murray and Mr. Jeffrey K. Walker will address the Board relative to its capital planning efforts.

**Northampton County Board of Supervisors**

**September 9, 2014**

**Capital Planning**

**Comments by former Chairman Jeff Walker and former Vice Chair H. Spencer Murray**

**Jeff Walker:** Good evening Mr. Chairman and members of the Board. Thank you for allowing us to address you regarding a most important topic, Capital Planning.

First let us say that our comments tonight are offered with the utmost respect for you and the difficult issues you face. As veterans of the governing process we realize that decisions sometimes must be made with imperfect information and only hindsight can be 20/20. This is especially true of Capital Planning, where decisions are usually large ones and the consequences, both intended and unintended, last beyond the terms of many Boards and changes in the County. I know you are currently faced with some challenging capital demands. The one I am most familiar with is the need for a county EMS facility and garage that gets the county's ambulance and two quick response vehicles out of the weather.

I have researched this issue and want to leave you with two conclusions:

1. After talking with both paid and volunteer EMS officials here and in VA Beach, it is clear that EMT training can be conducted locally in existing facilities. There are at most one to two classes per year. VA Beach uses Tidewater Community College very successfully.
2. As the EMS Task Force recommended and you endorsed earlier in February this year, a new cooperative agreement between the county EMS Department and Volunteer Agencies is badly needed. The agreement should address roles and responsibilities, revenue sharing, and focus on the mutual needs of each, and hopefully strengthen the bond of respect and trust between the county and the volunteers, which I believe is necessary to serve our citizens.

In the next few minutes Spencer is going to give some historical perspective to Capital Planning over the last fifteen years, talk about where the County is today as we face new capital demands, and summarize where we think the County should focus over the next five to ten years. In closing let me say no one will ever make a hundred decisions and never wish to be able to remake at least some of them. The past is always clearer than the future. Spencer and I both learned that during our terms as Supervisors. I hope you will find our comments helpful as you make some critical decisions this year.

**With that, here is Spencer:** Good evening again Mr. Chairman and Members of the Board.

**First, a little history. It has been said that if we don't learn from it we are doomed to repeat it.**

In the 1990's and through 2010 Northampton County experienced overwhelming demand for capital projects. In fact, a report given the Board on August 26 last year by Davenport and Company, the county bond issuer, shows a list of projects and debt issuance totaling \$49.5 million dollars.

Sound arguments were made for each project, some more sound than others. As Jeff already said one of the challenges of capital planning is that everything sounds like a good idea at the time.

When I moved to the Shore in 1986, my daughter attended the old Willis Wharf School, recently demolished, and later Machipongo. I for one did certainly not question the need for two new elementary schools. Fortunately, the debt was retired last year but, since they are aging, ongoing maintenance is now a significant expense.

Since the 1980s our county has been shrinking in overall population and in students. In 2001, the Average Daily Membership (ADM) in Northampton Schools was 2002 students. Projected ADM for 2014-2015 is 1,520, a loss of 682 students. If this trend continues it is unlikely that Northampton will need capital planning for additional elementary classrooms. However, the Middle School and High School represent an immediate capital planning challenge. In our view this challenge should drive Capital Planning. But first, some more history. In 1998 The Sustained Technology Industrial Park (STIP) was a \$2.4 million dollar Economic Development project that for the most part remained unused until purchased by the Baldwin family and all the debt repaid except grant funds received from the USDA which I will discuss later.

From 1999 through 2007 various debt funding was secured through bonds and utilized to construct the General District and Circuit Court facilities, solid waste convenience centers, a new Sherriff's Department Annex, Social Services Building, school bus replacement, a \$24 million dollar "regional" jail half of which was funded by the County and due to excess capacity, still requires \$1.5 million transferred from the General Fund for operating expense each year, far from self-supporting, as was originally forecast. Other projects were the waste transfer station, landfill closure, new sheriff's office, County Administration Renovation, additional waste convenience centers, repairs to the back wall of the High School and Middle School, and a new J&DR Court Services building. There are other projects of smaller nature too numerous to mention.

Also the Davenport report stressed the importance **of Multi-Year Capital Planning**. The objective of course is to align debt issuance and projects thereby avoiding huge spikes that inevitably drive higher taxes for debt service. In reality, that is easier said than done. Through multiple projects throughout the county, school debt and very costly creation of the

Eastville County Government complex, we have now have debt of over \$30 million extending out to the year 2033. Of course the debt has been much higher but through annual debt service and smart refinancing it is where it is today. As of June 30, 2014 there is \$25.4 million in county debt and lease-purchase agreements and \$4.9 million in school debt and lease-purchase obligations.

Projected **county** debt service (**PAYMENTS**) for FY14-15 is \$2,103,381 or 16% of transfers out of the General Fund **and school debt service** is \$368,359 or 3% of transfers out of the General Fund. Total annual debt service is **\$2,471,740 or 19%** of Transfers out of the General Fund.

Adding the annual operating cost of the jail which must be funded by the county, **\$1,540,320** shows a total of **\$4,012,060 for debt service and jail operations** or transfers out of the General Fund. That number speaks to the importance of capital planning.

While the **Unreserved/Undesignated General Fund balance is building** along with the **Capital Reserve Fund, if not raided**, the County Finance Director has estimated **that FY 2018** is the “earliest date to consider adding debt.” Jeff and I have great respect for Ms. Lewis, however, our view is that **2018** may be optimistic and perhaps risky given rising interest rates and a unstable world.

I hope we all agree that it is easier to borrow money than it is to pay it back. Davenport and Company can and will issue more debt if the county desires it. **The county’s credit card is pre-approved.** Funds to repay the debt must come from the taxpayers. If revenues decline the county’s options are to raise taxes, massive expense cuts to staff and teachers, or default on the debt. Default is not a good option, so other needs will suffer.

**Well, if we have spent almost \$50 million in the last 15 years and still owe almost \$30 million, what are the major capital planning issues today?**

The newly elected school board has said they do not wish to take back the Machipongo Middle School property to reopen it for our 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> grade students. The school board does, however, want the county to plan for a new High School/Middle School complex which will cost approximately \$20 to \$25 million.

**In order to keep county and school debt at current levels this borrowing could not happen before FY2024. If the county is able to continue to grow the Capital Reserve Fund at \$777,640.00 per year, then optimistically borrowing could occur in FY 21. My hope is that the school board is aware of this reality.**

The school board’s decision drives the next question for capital planning, that is what to do with the Machipongo property. The current proposal I saw being considered and presented to the architects for design is renovation of the former middle school into a **community center and emergency medical services garage and training center at a cost of \$1,260,166 dollars.** I thought I was coming to speak to that proposal.

At your five PM session tonight the county's architects, DJG, Inc., offered additional uses to build on to the County Machipongo complex. They showed a number of design alternatives for renovation of the Machipongo complex with and without EMS ranging in cost from \$5.7, \$5.6, \$4.9, \$4.5 (no EMS), \$3.8, \$3.5 and \$4.1 million dollars. These proposals do several things, all of which are negative.

**First, any of these projects encumber the Machipongo property such that the county will forever own and maintain it while only a small portion is actually to be used, unless more money is poured into it.** You all know the critical issues with the buildings and infrastructure, so I will not list them.

Second, while an EMS facility at the county Machipongo complex gets the county ambulance and Quick Response vehicles out of the weather, as Jeff has stated, the need for an EMS training facility needs to be fully examined.

**Third**, spending almost \$1.2 million on a county EMS facility at the Middle School site sends a bad signal to the Volunteer Rescue agencies which have EMS facilities and need county support over and above the county staff imbedded in their units. **The county could not afford to pay for the resources they provide.** First responders by definition need to be disbursed which the volunteer units now provide. There are alternative county EMS sites at less cost. Here are three to look at. Jeff has researched these numbers:

1. Doubling the space at the current county EMS site (Drummond Property), adding 1,408 sq. ft. at \$85.00 per square ft. plus the purchase of the land and **existing building**, and new infrastructure such as water/drainfield could be accomplished for approximately \$299,680.
2. The School Board owns the school bus garage property in Eastville that could easily be transferred to the county or traded for the Selma lots that were purchased during my term as a supervisor. Without or without demolishing the old school buildings there, an EMS Office and garage of 2800 sq. ft. could be constructed at \$150 per sq.ft. plus infrastructure for approximately \$437,400.
3. The county owns property next to the jail with water/sewer in place, however , the EMS site needs to be closer to Rt. 13 access, so this land is not suitable for an EMS site but should be used for other purposes before additional land is purchased by the county. Please look for other good options with Rt. 13 access .

Here is a **fourth** reason not to encumber the Machipongo school property forever. **A community commercial kitchen for canning etc. has a nice ring to it but is it a want or a need? If there is a business plan that shows positive net income for the county from this capital investment, it should be made public.** As hopefully we have learned from the STIP and the massive jail projects, "If you build it, they will come" makes a nice movie, but it is not a sound basis for capital planning.

Good questions need to be asked. Could the "community kitchen" be placed at the Indian Park facility? Could the School Board use the old DSS building for Administration and hold

meetings here or at the new DSS building conference room? Could the VA Extension Service use vacant office space at the new DSS building on the Eastville County Government complex? Do we want to spend thousands of dollars for records storage or just those legally required and would digitizing them be cheaper?

**Last, the county has constructed an Eastville County Government complex and we have the debt to show for it. The county does not need another complex in Machipongo.** Like Mr. Bennett, I believe some creative way needs to be devised to memorialize the significance of the Machipongo Middle School site in Northampton County history.

In closing we do not believe the USDA obligation of \$600,000 associated with the sale of the STIP should hang over the head of the board as a sword driving a long term capital planning decision. Mr. Walker and I urge the Board to have this obligation met **through smaller projects** that meet USDA community benefit criteria. It may be necessary for the Board to take an active role in this resolution enlisting the support of our elected federal representatives, Congressman Rigell and Senators Warner and Kaine. **It should not drive the Capital Plan, possibly leading to a bad long term decision.**

Again, we respect the critical and complicated nature of capital planning. Please accept our comments in the spirit of support that they are offered. We hope you will discuss these Capital Planning points and we are happy to answer any questions.

\* \* \* \* \*

(10) Comments from Barbara Herondorf – freezing taxes for senior citizens.

Mrs. Herondorf presented the following comments:

Barbara Herondorf  
6287 Johnson Cove Rd.  
Exmore, VA 23350  
757-442-4437



August 14, 2014

Janice Williams  
County Administration Office  
PO Box 66  
Eastville, VA 23347

To Northampton County Board of Supervisors:

I would like to suggest to the Board of Supervisors here in Northampton County to freeze property taxes and personal property taxes for seniors 62 years old and for persons on disability (at any age), especially our disabled veterans. This includes taxes on primary residences and second homes if living in them for at least six months of the year.

Why is it necessary to freeze property taxes for seniors? Freezing the amount of the tax keeps it from rising year after year due to a combination of 1- increasing property values and 2- increases in the amount of the tax itself. For example, if you bought a property years ago for \$50,000, you may find many years later that the property is now worth \$500,000 and you can't afford the taxes. Once you retire, your income is likely to drop considerably and some seniors live entirely on their social security. They find that property taxes continue to take a larger and larger chunk out of their fixed incomes, leaving less money to spend on other necessities. Freezing taxes can prevent seniors and disabled persons from losing their homes or from having a lien put on their property.

Many cities and counties in the US, and some states on a statewide basis, are providing this assistance to their seniors and disabled persons by freezing the amount of their property tax. Some have decreased the amount or eliminated completely taxes for seniors with incomes of \$60,000 or less and for those at the poverty level. Taxes can also be assessed on a pro-rata basis or percentage of income. In one US city, they completely abolished property taxes for anyone after they had been paying for 30 years.

I would appreciate if the Board could give me a written response to my letter.

Sincerely,

*Barbara Herondorf*  
Barbara Herondorf

An additional letter was submitted by Ms. Herondorf as set out below:

09/04/2014 09:55:41 PM BURBARD, HERONICR

757-442-4437

P.01

Barbara Herondorf  
6287 Johnson Cove Rd.  
Exmore, VA 23350  
757-442-4437

September 4, 2014

Janice Williams  
County Administration Office  
PO Box 66  
Fastville, VA 23347

To Northampton County Board of Supervisors:

Now that the county has a new noise ordinance, I would like to suggest some changes to it:

1- Because the county ordinance was modeled after Virginia Beach's ordinance, it requires sound meter readings to be taken inside with doors and windows closed, standing 4 ft away from the wall. However, the Eastern Shore is very different from Virginia Beach, which is congested with many buildings that are close together - single family houses, apartment buildings, townhouses, and hotels.

My question to the Board is: Is this my right as a citizen here in Northampton County to peace and quiet on my property? Citizens must go inside and close all the doors and windows and stand clear of the walls?

Citizens have a right to peace and quiet on their property, whether it's inside or outside their home, whether they are sitting on their front porch or back porch or on the lawn reading a book.

My suggestion is, therefore, on larger properties with single family homes, meter readings should not be taken inside. Readings should be taken outside from a point on the property, or from the front or back porch. Readings should be taken either from the citizen's property who is making the complaint, or directly from the property where the noise is originating from.

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2- Citizens have a right to take their neighbor, or anyone they have differences with, to court as a civil matter, a privilege that can be enforced by an individual without law enforcement involvement. The new noise ordinance, at this time, takes that right away from Northampton County citizens, because citizens don't have sound meters.

3- Cost to citizens for a sound meter: The cost for a type 2, A weighted meter is \$350 to \$10,000 - the cost to download the ANSI standards from their website is \$100 - a one year calibration of a sound meter by a third party unbiased is approximately \$180, and if you drop it, it must be recalibrated.

Therefore, I suggest that Northampton County loan sound meters to its citizens, like the library loans books with a check-in, check-out system. And for citizens who want to purchase their own meters, that the ANSI standards, as well as the county's standards, be posted on the county's website.

4- The new ordinance requires training and certification on the use of sound meters for law enforcement officers and "other persons." Who is going to do the training for its citizens?

5- I would like a suggestion from the Board as to how a citizen can prove to the judge in court where the reading on a meter came from?

6- I would like to suggest that noise coming from emergency signal devices and similar noises should not be a criminal offense. Instead a non-court related fine from the Treasurer's Office.

7- Unnecessary noise is bothersome at any time. Citizens have the right to peace and quiet any time of the day or night. There should be no time restrictions such as 10pm-7am and 7am to 10pm, especially for people who work nights and sleep days - they have the same right to peace and quiet while they sleep.

8- I have previously proposed to the Board an alternative solution to the sound meter ordinance. My alternative can either replace the current noise ordinance OR it can be used along with it. I believe that the current Virginia Code would allow for both the new sound meter ordinance and my proposed alternative to be used at the same time. So it doesn't have to be either one or the other.

Page 3

My proposal I believe would stand the test of the Virginia Supreme Court, uses no equipment, involves no cost to the county or its citizens, defines necessary and unnecessary noise, does not use general, vague, biased, or discriminatory wording, and is very clear so citizens and law enforcement officers can understand it.

9- Another option is to incorporate the noise ordinance into Disorderly Conduct.

Please feel free to call me if you have any questions. I would value the opportunity to speak with you. Also, I would appreciate if the Board could give me a written response to my letter.

Sincerely,

  
Barbara Herondorf

\* \* \* \* \*

Mr. Robert C. Richardson presented the following comments:

9/9/14

TO: Northampton County Board of Supervisors

FROM: Robert C. Richardson *RCR*

SUBJECT: Public Comments

Mr. Chairman and Members of the Board

I am Robert C. Richardson from Seaview. I respectfully request that the Board consider taking the following actions at this meeting:

1. Delay hasty emergency service decisions at the Machipongo location until more appropriate and greatly more economical areas are investigated and publically disclosed.
2. Publically request that any person or organization having verifiable evidence of pollution discharge in the seaside of district 1 (Capeville) produce such evidence to the county within 20 (twenty) days.
3. Northampton County is not on the east coast electric grid. Because of this fact in the 21<sup>st</sup> century we have virtually no redundancy and cannot offer reliable electric service to potential residences or prospective businesses. Consequently, we are precluded from providing basic infrastructure to any businesses who consider coming to the county. The opportunity to generate businesses and employment in the county is dependent upon connections into the power grid at Eumore and Kiptopeke at this time.

Mr. Greg DeYoung of Community Fire Company presented the following comments:

## **COMMUNITY FIRE COMPANY, INC.**

3356 MAIN STREET P.O. BOX 706 EXMORE, VA 23350  
Ph. (757) 442-7813 - Fax (757) 442-6014 - E-mail [exmorefire13@yahoo.com](mailto:exmorefire13@yahoo.com)

Good evening Mr. Chairman and members of the Board.

Thank you for the opportunity to speak.

My name is Greg DeYoung and I am the Fire Chief of Community Fire Company, Inc. in Exmore. I have been a member of this organization for 29 years and have witnessed many highs and lows in volunteerism within our organization and similar organizations throughout the County and the Shore.

I am here tonight asking you to restore the ability of the employees of the County's Department of Emergency Medical Services, to volunteer with the County's volunteer EMS agencies.

Currently, Department of EMS personnel, with the exception of the Director, are prohibited from volunteering as an EMS provider with the volunteer EMS agencies. This is due to the Administration's current interpretation of the U. S. Department of Labor's Fair Labor Standards Act.

In April of this year, the Fire-Rescue Commission requested that the County obtain an opinion letter, from the Department of Labor, as to whether or not County employees in the Department of EMS could volunteer as EMS providers with the volunteer agencies within the County. On June 18<sup>th</sup>, the County Administrator submitted this request. It is my understanding the Department of Labor would not offer an opinion, only references to statutes, regulations, interpretations and cases that are relevant to the request.

An interpretation / opinion letter, with factors that closely mirror Northampton County's, already exists. FLSA2008-13, issued on December 18, 2008, starts by stating

"This is in response to your request for an opinion regarding whether paid emergency medical technicians (EMT's) employed by the County may volunteer to provide the same services for the local volunteer emergency crew under the Fair Labor Standards Act (FLSA). It is our opinion that County EMT's may volunteer for the crew."

The two most important questions that needed to be answered in reaching this opinion were:

1. How is the term "volunteer" defined?
2. Are the volunteer agencies and the County Department of EMS the "same public agency"?

Section 3(c)(4)(A) of the FLSA and 29 C.F.R. 553.101 indicate that an individual is a volunteer, not an employee of a public agency, when they meet the following criteria:

1. They provide their services for civic, charitable, or humanitarian reasons without promise, expectation, or receipt of compensation for the services rendered, although a volunteer can be paid expenses, reasonable benefits, or a nominal fee to perform such services;
2. They offer their services freely and without coercion, direct or implied, from the employer; and
3. They are not otherwise employed by the same public agency to perform the same services as those for which they propose to volunteer; in other words, individuals can qualify as volunteer if they either volunteer for a different public agency or perform services for the same agency different from those they are otherwise employed to perform.

The Fourth Circuit Court of Appeals decision in *Beushoff v. City of Virginia Beach* (1999) would conclude that the County's Department of EMS and the volunteer EMS agencies are NOT the same public agency.

Some of the factors considered when reaching this decision were:

1. The volunteer agencies were providing EMS services before the creation of the Department of EMS and were not created to avoid compensation under FLSA
2. The volunteer agencies maintain the ultimate authority to accept or reject candidates for membership and the County does not control the personnel decisions of the volunteer agencies; and,
3. The agencies are private organizations, with their own by-laws and boards of directors controlling their decisions

Also, Opinion letters FLSA2001-19 (Nov. 27, 2001) and FLSA 2002-1 (June 5, 2002) provide that even though volunteers and career employees performed the same services, a public agency was not required to pay career (providers) for the time spent volunteering for nonprofit volunteer (agencies) in the same county, because the (agencies) were separate and independent nonprofit corporations.

Reviewing these established opinion letters should offer ample evidence that these County employees are able to volunteer as EMS providers for the volunteer agencies, should they choose to do so.

Some numbers to consider:

Of the 30 employees of the Department of EMS, 15 of them live within the EMS districts of the volunteer agencies of this County.

Throughout the years, there have been numerous volunteers "taken away" from the volunteer agencies by accepting employment from the County. (I don't fault anyone for trying to better themselves through employment). Of the 30 current employees, 16 of them used to volunteer in Northampton County.

Recruiting volunteers is extremely difficult, especially when you convey the time commitment for initial and ongoing training, and other operational tasks.

This certainly is not a solution to the EMS staffing issues that all of our agencies are facing; however, it will remove a barrier to those who wish to volunteer. And who knows, if a member is still allowed to volunteer, maybe they would consider becoming an employee.

Thank you for your time and consideration.

The U. S. Department of Labor opinion letters as referenced in Mr. DeYoung's correspondence are on file in the Office of the County Administrator.

Mr. Ken Dufty presented the following comments:

6182 Wardtown Road  
Exmore, Virginia 23350

September 9, 2014

TO: Northampton County Board of Supervisors  
16404 Courthouse Road  
Eastville, VA 23347

Re: Elimination of Detailed Intent Statements in Proposed New Zoning  
Ordinance for Northampton County, Virginia

Dear Chairman LeMond and Northampton County Supervisors:

Thank you for this opportunity to have the following comments considered and included in the official record of the instant proceeding which proposes to completely revise the current Northampton County Zoning Ordinance. These comments pertain to the issue of the "Intent statements" that are included in the present zoning ordinance, but which have been dramatically altered and abbreviated in the proposed new zoning ordinance. As you may know, the Intent Statements that normally precede the allowed use section of each zoning district in most local government's zoning regulations are an important tool for attracting new investments in any locality. The Intent Statements capture the spirit and future plans for each district, and give potential investors certainty that the future development of that area will be in accordance with the vision and margins outlined in such statements. For instance, in our current zoning ordinance, which includes lengthy intent statements for every zoning district, the following statement describes the intent and purpose for the *Conservation District*:

- (1) To protect the resources of the Atlantic (Seaside) coastal area, the Barrier Islands, tidal marshes and intercoastal waters between the islands and the mainland from any actions that would degrade the environment of those areas and threaten them as nursery and habitat for marine life, waterfowl, and other forms of wildlife;**
- (2) To help ensure the viability of the seafood industry, which is dependent upon these fragile and environmentally coastal areas;**
- (3) To protect limited areas in the Chesapeake Bay coastal area that may be identified as important nursery and habitat for marine life and waterfowl;**
- (4) To protect limited upland coastal areas identified as unique or unusual enough to warrant preservation because of geology, habitat, or contribution to water quality.**

Similarly, each district contains a very detailed and comprehensive description of their respective districts, many taking up most of the page as contained in Section 154.082 of the current code. In stark contrast to this responsible planning approach are the intent statements contained in the proposed zoning ordinance. Indeed, most of the new intent statements in the proposed zoning ordinance merely contain a cursory statement of the purpose of the district, and then concludes with a statement of the purpose of the district that allows "other residential or non-residential uses".

During the short-lived deliberations on the new zoning ordinance by the Planning Commission from March to May, PC members asked staff why they eliminated the comprehensive intent statements that are in the current zoning ordinance. Staff responded that the elimination of the intent statements were an attempt to streamline the ordinance and make it more user friendly. However, ultimately the Planning Commission voted to reject the staff's statements, ruling that it was better to have no intent statements than the ones suggested by staff.

Subsequently, during a recent meeting of the Board of Supervisors, staff was asked where the intent statements were in the proposed ordinance, and they replied that "the planning commission made us take them out." With no explanation by staff for the reasons why the planning commission had rejected the brief intent statements as proposed, and in response to the Board's query, staff agreed to reinsert the intent statements as originally submitted.

On its face, it is argued, intent statements are not necessary as a potential investor can just skim the allowable uses to get the flavor and restrictions of a particular district. But the intent statements that are in the current zoning ordinance are a great incentive to prospective investors, and as such we hold that they should be brought forward into any proposed zoning amendment or revision. But there is another reason for not allowing the brief intent statements proposed by staff. Indeed, the proposed abbreviated statements can be, and are in fact, incredibly dangerous.

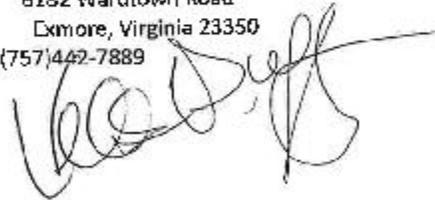
It is well established that if a land use is not listed as allowable in a zoning ordinance, it is not allowed, not only by rulings by the courts, but in your own zoning code. Section 154.1-207(A) emphatically states that "if a use is not listed for a specific zoning district, that use shall not be permitted in that specific zoning district."

So if a developer or an investor wanted to purchase or lease a parcel and use it in a manner that was not listed as allowable, under the current zoning ordinance he or she would be barred from operating in that manner. But the cursory statement in the new proposed intent statement, swings wide the door for any "other residential or non-residential use". A "non-residential use" could be any conceivable use that one could think of...a casino, a fracking drill rig, a waste-to-energy plant-or any other adverse land use that could have a profound impact on neighboring property or the future solvency of an entire neighborhood or region.

There are two simple fixes to this problem, with the first one including in any proposed zoning ordinance amendment or revision, the comprehensive intent statements that are contained in the current zoning ordinance. It is that remedy, and only that remedy, that could stand the challenge of an arbitrary and capricious test in a more formal setting. However, the other remedy, which is far less favorable than the first, is to include a statement after the cursory one now proposed that states that "any and all allowable land uses in this district are limited to the uses listed below" or a similar statement that protects Northampton County citizens from being laid open to the will and desire of a developer (or developers) who wish to operate outside of the boundaries of reasonable land use law.

Thank you again in advance for your consideration of these comments.

Kenneth Dufty  
6182 Wardtown Road  
Exmore, Virginia 23350  
(757)442-7889



\* \* \* \* \*

Mrs. Katie Nunez, County Administrator (*informational items only*):

Work session/other meeting agendas:

- (i) 9/22/14: Work Session: Proposed Zoning Ordinance Amendments
- (ii) 9/29/14: Recessed Meeting: Presentation by  
Investment Consulting Associates, NA, LLC (*author of the  
Competitiveness Assessment Report provided last month*)
- (iii) 10/1/14: Recessed Meeting: Joint Meeting w/ School Board  
And Davenport & Co.: county capital plan
- (iv) 10/27/14: Work Session: Proposed Zoning Ordinance Amendments

(11) Bi-monthly Report

**TO:** Board of Supervisors  
**FROM:** Katie H. Nunez, County Administrator  
**DATE:** September 5, 2014  
**RE:** Bi-Monthly Report

**I. Projects:**

A. Public Service Authority:

The next meeting of the PSA is September 16, 2014 @ 7:00 p.m. I have enclosed the response received from Hurt & Proffitt relative to the PSA's review of the design documents. In addition, the Town of Cape Charles is reviewing and revising its proposed rate for the treatment of waste from the PSA project and will be forwarding that to the committee working on this matter as soon as they have finalized this rate structure.

B. Lease of Old Jails with the Town of Eastville:

The Town of Eastville has indicated that Nancy Mulligan and Furlong Baldwin will be their representatives to the committee tasked with discussing the lease of the old jails between the County and the Town of Eastville and the Northampton County Historic Preservation Society has selected Nan Bennett and Eyre Baldwin as their representatives. My office is coordinating everyone's schedule to set the first meeting of this group.

C. Consideration of Requiring the Disclosure of Real Parties in Interest as Part of the Zoning Ordinance and its impact to the County's Ordinance that prohibits the issuance of any permit from Planning, Zoning or Building due to delinquent taxes:

Pursuant to the Board's request to determine whether other localities require the "Disclosure of Real Parties in Interest" as contained in the Code of Virginia §15.2-2289, I queried my manager's group and received the following responses:

City of Fairfax – YES  
County of Fairfax – YES  
County of Rappahannock – YES  
County of Chesterfield – YES

Town of Pulaski - NO

In talking with the group manager of these types of queries, the limited response from all localities tends to be a sign that most localities have not required this disclosure requirement.

Mr. Hogg made the following comments:

*As indicated in Ms. Nunez's Report there are localities that request such information. They do this to avoid potential Conflicts of Interests. How many times have you heard of a persons that have a bank or trustee managing an account and learn after the fact they had a financial interest in a matter where they voted.*

*I also respect Mr. Jones comments. In answering Ms. Nunez request for information, he has postured his comments carefully around the issue of Delinquent Taxes. Corporations, LLC's, and other similar entities are treated as individuals. Like you and I they are obligated to pay their taxes. You don't need to know who they are except when an application has been made for "a SPECIAL EXCEPTION, or a special use permit, amendment to the Zoning Ordinance or variance". The issue is about "OPEN GOVERNMENT". So why not request the disclosure of the "REAL PERSONS OF INTEREST" when an exception is requested? Let the public know there is "NO ONE BEHIND THE CURTAIN".*

*I stand by my statement "the Board needs to have an open policy" when an EXCEPTION IS REQUESTED.*

*Question to Mr. Jones ( The County Attorney was not present to answer the following) If a Corporation that owns property in Northampton County fails to pay the Real Estate Taxes, fails to file the proper documents with the State Corporation Commission and the corporation loses its charter what happens to the assets?*

*Are the assets returned to the Stockholders? How difficult will it be to determine the heirs? If the stockholder is deceased and there are heirs to the stockholders estate are the heirs subject to pay the Real Estate Tax? How difficult will it be to determine the heirs?*

Mr. Hubbard said that he does not think it is the County's business to be concerned about the division of a company's assets as Mr. Hogg described. Mr. Trala noted that he believes the County does have an "open" policy.

D. EMT Daytime Staffing at Northampton Fire and Rescue:

Correspondence has been received from Northampton Fire and Rescue requesting that the career staff currently assigned to them as a pilot program for the summer be extended permanently. EMS Director Hollye Carpenter has reviewed the stats from this summer and has provided a short presentation for the Board's review, including our recommendation regarding the continuation of this staffing.

*(Ms. Carpenter's presentation is included at the end of this section as well as the related Board discussion.)*

E. Willis Wharf Demolition:

The demolition of the former Willis Wharf School has been completed. Enclosed please find a copy of the Asbestos Certification from our third-party inspector, Applied Laboratory Services, for this project. The Board appropriated a total of \$265,014 from Undesignated Fund Balance for this demolition project and final costs came in at \$249,554.

F. 2015 Legislative Agenda Call:

VACo has indicated that they would like each county to submit their 2015 Legislative Agenda by November 1, 2014. We will place this item on the October 2014 Board agenda to finalize the legislative list but wanted to give you time to develop items.

G. Allowance of Full-Time EMTs to Volunteer as EMTs in the Volunteer Squads:

Several months ago, the Board instructed me to request an Administrator Opinion Letter from the Department of Labor on the question of whether the County's full-time and part-time EMTs can be allowed to volunteer as an EMT with one or more of the County's volunteer ambulance companies without it being considered overtime work requiring overtime pay pursuant to their full-time or part-time employment with the County. This letter was returned to me, unopened, by the Department of Labor on July 18, 2014. After several calls to the Department of Labor, I received a call from Joy Stevenson, a representative working in the Wage & Hour Division of the Department of Labor, who indicated that the agency no longer issues Administrator Opinion Letters. She offered her assistance to research existing opinion letters relative to this matter to ensure that we had copies of all of the prior rulings from the Department of Labor on this matter and she spoke with me and the County Attorney regarding our situation. She was not able or willing to provide any guidance to us relative to our particular situation and that the County would need to reach a decision on this matter.

Therefore, the Board needs to make a determination if full-time and/or part-time EMTs employed by the County will be allowed to volunteer as an EMT for any of the volunteer Emergency Medical Squads.

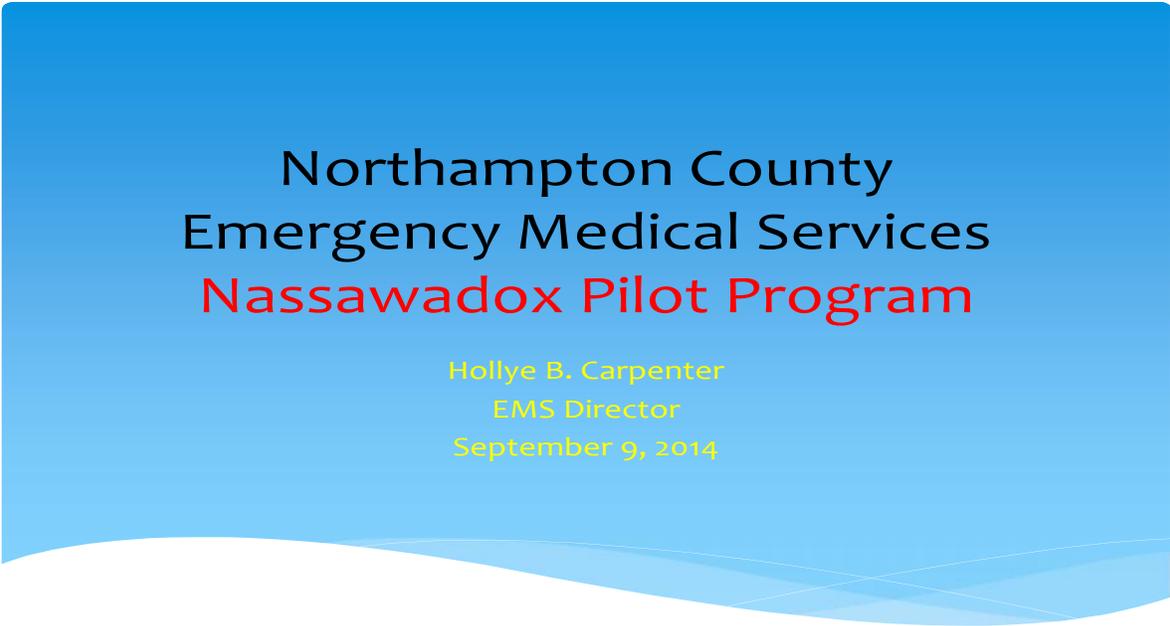
It was the consensus of the Board to bring this matter back for discussion at its September 22<sup>nd</sup> work session.

H. FEMA – Letter of Determination & County Floodplain Map

FEMA has provided the County its Letter of Determination regarding a new floodplain map. Pursuant to our current ordinance (154.162 (F) (1), it states that “The basis or the delineation of these districts shall be the Flood Insurance Study (FIS) for Northampton County prepared by the FEMA, Federal Insurance Administration, dated August 29, 2008, and as may be amended.”

Therefore, the Letter of Determination, dated September 2, 2014 is amending the earlier determination and becomes effective immediately. No further action is required by the County.

\* \* \* \* \*



**Northampton County  
Emergency Medical Services  
Nassawadox Pilot Program**

Hollye B. Carpenter  
EMS Director  
September 9, 2014

## Emergency Medical Services HISTORY

- \* September 2003 – Night-time ALS Response Vehicle was placed in service
- \* September 2003 through March 2004 NCEMS personnel were alternated between Exmore and Nassawadox week to week
- \* March 2004 - NCEMS personnel station at Nassawadox were discontinued

## Emergency Medical Services HISTORY

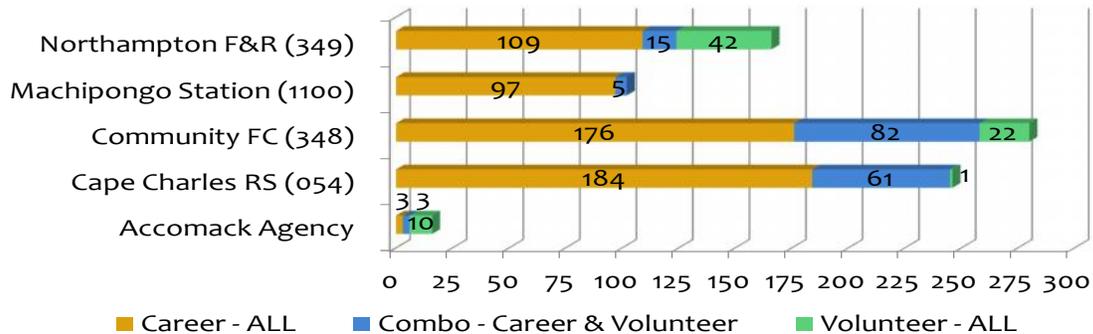
- \* July 2011 – Ambulance 31-1 (Machipongo) was placed in service for night and weekend coverage
- \* Summer 2011 - Recognized need to have a 3<sup>rd</sup> ambulance (Power Shift) from Memorial Day to Labor Day and funding was established in FY12 & FY13 budget.
- \* Summer 2012 – Ambulance 31-1 (Machipongo) staffed as 3<sup>rd</sup> available ambulance, generating REVENUE for the county
- \* Summer 2013 – NCEMS did not enough personnel available to utilize Ambulance 31-1 (Machipongo) as a 3<sup>rd</sup> ambulance due to various employee leave situations
- \* January 2014 - Northampton Fire & Rescue sent a letter of request to reinstate daytime personnel in their station

# Emergency Medical Services HISTORY

- \* June 2014 – NCEMS personnel provided to Nassawadox for 14 weeks (69 days) POWER SHIFT, covering from Memorial Day to Labor Day
- \* August 2014 – Nassawadox sent another letter of request to continue personnel on a permanent basis
- \* August 2014 – BOS approved personnel to continue in Nassawadox till 9/27/2014 till BOS can review program information

## Emergency Medical Services May 25 – August 30, 2014 Calls by Ambulance Base

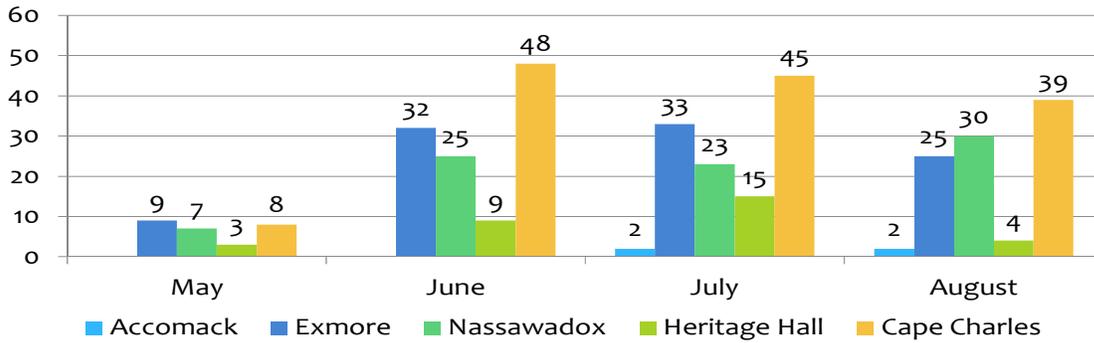
810 Total Calls



This represents calls taken by each respective station listed on the left.

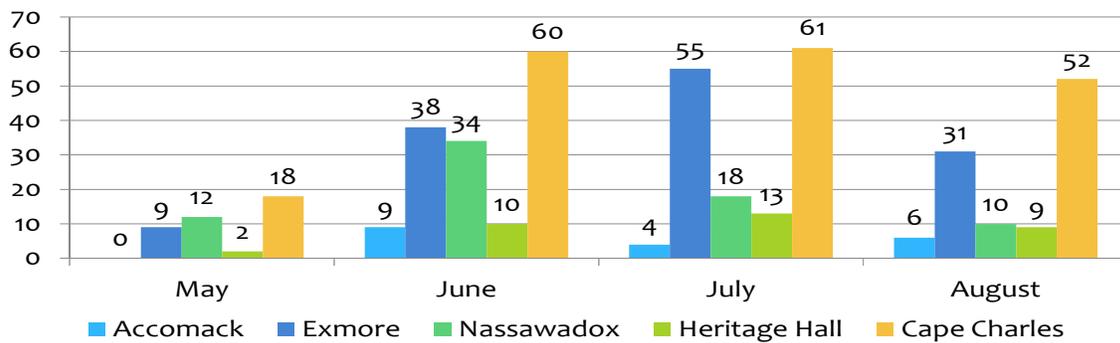
## Emergency Medical Services DAYTIME Calls by DISTRICT

359 Calls



## Emergency Medical Services NIGHT/WEEKEND Calls by DISTRICT

451 Calls



## Emergency Medical Services FY15 BUDGET ALLOCATION

Station/Function	Shifts per week	Amount
Exmore (Station 13)	18	\$ 283,053
Cape Charles (Station 19)	18	\$ 283,053
Machipongo (Station 31)	14	\$ 220,152
Supervisor (Machipongo)	14	\$ 220,152
NEW (2 positions)	8	\$ 125,801
Administration (Machipongo)		\$ 157,003
Operations		\$ 118,180
<b>TOTAL BUDGET</b>	<b>72</b>	<b>\$ 1,407,395</b>

## Emergency Medical Services COST per PERSON per 12 hour SHIFT

**\$302**

Based on FY15 budget allocation  
Basis of Determination:

- \* Excludes Operational Costs
- \* Excludes Administrative & Benefits (EMS Director & Battalion Chief)
- \* Includes all other SALARIES (Regular, Holiday, Part-time, Holiday OT, Overtime, PT Overtime)
- \* Includes all other BENEFITS (Retirement, Health Insurance, Dental Insurance, Group Life Insurance)
- \* Also includes Line of Duty Death, Unemployment Insurance, Worker's Comp Insurance

## Emergency Medical Services Summer Cost for NASSAWADOX COVERAGE

**\$41,676**

### Represents:

- \* Power Shift
- \* May 25 through August 30, 2014 = 138 shifts
- \* 14 Weeks
- \* Monday through Friday
- \* 6 am to 6 pm
- \* ALS Ambulance Crew (2 person)

## Emergency Medical Services Annual Cost for NASSAWADOX COVERAGE

**\$157,040**

### Equates to:

- \* Monday through Friday
- \* 6 am to 6 pm
- \* ALS Ambulance Crew (2 person)
- \* 10 shifts per week
- \* 3 1/3 FTE

## Emergency Medical Services County Revenue Generated

**\$0**

130 calls answered by 16-2  
99 transports by 16-2  
Personnel cost = \$421/transport

## Emergency Medical Services Performance Measure

- \* 90% of the time EMS agencies will have an ambulance on scene within 20 minutes of the time of dispatch, 24 hours a day.
- \* Response time = time from 911 dispatch to ambulance arriving on scene.

## Emergency Medical Services Daytime Response Performance

Cape Charles	Nassawadox	Exmore
1 <sup>st</sup> Quarter (January, February, March, 2014), without personnel in Nassawadox		
Calls = 77 Performance = 96% Average = 10.22 mins Max = 27 mins	Calls = 107 Performance = 99% Average = 9.37 mins Max= 21 mins	Calls = 91 Performance = 96% Average = 8.17 mins Max = 24 mins
Power Shift (June, July, August 2014), with personnel in Nassawadox		
Calls = 132 Performance = 94% Average = 9.69 mins Max = 33 mins	Calls = 106 Performance = 97% Average = 7.83 mins Max= 28 mins	Calls = 90 Performance = 98% Average = 6.67 mins Max = 22 mins

## Emergency Medical Services Night & Weekend Response Performance

Cape Charles	Nassawadox	Exmore
January, February, March 2014		
Calls = 132 Performance = <b>89%</b> Average = 13.01 mins Max = 33 mins	Calls = 131 Performance = 98% Average = 9.83 mins Max= 29 mins	Calls = 102 Performance = 95% Average = 9.61 mins Max = 30 mins
June, July, August 2014		
Calls = 179 Performance = <b>89%</b> Average = 12.44 mins Max = 39 mins	Calls = 196 Performance = 97% Average = 10.41 mins Max= 24 mins	Calls = 1126 Performance = 96% Average = 8.91 mins Max = 31 mins

# Emergency Medical Services Recommendation

- \* Discontinue placement of personnel at Nassawadox, effective 9/28/2014, because call volume does not support need or expense
- \* Consider future report from Ad-Hoc Emergency Committee on recommendations for overall EMS system, which should address placement of personnel and funding
- \* If the decision is made to continue providing NCEMS personnel to Nassawadox, the following concerns need to be addressed:
  - \* Create a healthier work environment (furniture in office is not clean and needs replacing)
  - \* Establish climate control in station work area (no air conditioning throughout the summer)
  - \* Maintain consistent Internet connectivity and create space for NCEMS work area (computer, desk, etc)
  - \* Replace ambulance stretcher with a power stretcher to enhance personnel and patient safety

\* \* \* \* \*

Mr. Hubbard said that he believed that the County should share in the revenue generated by its staff who are working within the volunteer rescue units.

Mr. Hogg asked about the origins for those calls of the Cape Charles squad and agreed that we need to look at revenue sharing as we go forward. He asked what commitment was asked of the EMT students in becoming a volunteer once they complete the training. Ms. Carpenter responded that all students are encouraged to affiliate with a volunteer unit as the instructor's fees are affected.

The Board received a late-arriving item from Northampton Fire & Rescue and recognized Ms. Amy Wilcox who discussed the letter's content with the Board as follows:

Northampton Fire and Rescue  
P.O. Box 833  
10239 Pine Avenue  
Nassawadox, VA 23413

September 8, 2014

Northampton County Board Of Supervisors  
P.O. Box 66  
Lastville, VA 23347

Attn: Larry Leonard, Chairman  
Rick Hubbard, Vice Chairman  
Oliver Bennett  
Laurence Trala  
Granville Hogg, Jr.

Re: Daytime Staffing Northampton Fire and Rescue

Dear Northampton County Board of Supervisors:

Northampton Fire and Rescue is requesting that career staff (two personnel) from the county continue to staff our department from 6 a.m. to 6 p.m., Monday through Friday.

The career staff began a "pilot program" of career staff at our department, beginning May 26, 2014 and was set to end August 29, 2014. However, at the August 12, 2014, BCOS meeting, Ms. Nunez stated she would be extending the program to September 20, 2014, to review the response time, call volume, and if it was conducive to six week scheduling. We ask that this "pilot program" become a permanent solution. We believe that the program has been very successful. Having career staff at our department to respond to emergencies within our jurisdiction has not only decreased response time, from having to have another unit come from Exmore/Cape Charles/Accomack Co., but has also increased the perception of the county, Northampton Fire and Rescue, currently at the seat of the medical community in Nassawadox, no longer has an ambulance that sits day in and day out with no response. We have received positive feedback from the medical facilities, as well as the community as a whole.

Northampton Fire and Rescue, Inc had 32 daytime calls in June. That was 41 % of our total call volume. 43 % of the calls to Heritage Hall/Presenius (dialysis) etc. were during the day (10/21). We believe this to be statistically significant. Especially considering that on only 3 out of the 32 daytime calls, if daytime staff was in Machipongo, would have met us or arrived prior to NFR on scene (.09%).

Northampton Fire and Rescue, Inc had 41 daytime calls in July. That was 57 % of our total call volume. 82% of the calls to Heritage Hall/Presenius (dialysis) etc. were during the day (19/26). We again believe this to be statistically significant. Again considering that on only 3 out of the 41 daytime calls, if daytime staff was in Machipongo, would have met us or arrived prior to NFR on scene (.07%).

Northampton Fire and Rescue, Inc had 36 daytime calls in August. That was 63% of our total call volume. 73% of the calls to Heritage Hall/Presenius (dialysis) etc. were during the day (14/17). We

Board of Supervisors  
September 7, 2014  
Page 2

also find this to be statistically significant. Finally, 5 out of the 36 daytime calls, if daytime staff was in Machipungwe, would have met us or arrived prior to NER on scene (.14%)

Our agency does not argue that Cape Charles has the largest call volume. However, Exmore has had equal to or less than daytime call volume than NER. In July, Exmore had 36 daytime calls. That was 40% of their total call volume. In August, Exmore had 27 daytime calls. This was 45% of their call volume. We believe given the above facts, that there is a need for Northampton Fire and Rescue, Inc to maintain its' daytime career staff on a permanent basis.

Again, we cannot help but reiterate, the call volume continues to increase and the hospital is going to move and with that comes a longer turn-around time. Finally, although Northampton Fire and Rescue, Inc. did make the decision for the good of the all at the time to dismiss staff. Three staffed ambulances were utilized and in place ten years ago, it does not make sense to not have three staffed ambulances now when the call volume has gone up exorbitantly.

Northampton Fire and Rescue, Inc made many strides to make our station welcoming to the paid staff. We have remodeled our kitchen, adding a new stove, and a new set of pots and pans for cooking. We also painted the "radio room" in an effort to refresh the atmosphere since we are no longer allowed smoking in the area. We advised in our first letter to you, that in the event we were granted daytime staff we would look at a "Power-Pro" stretcher. This type of stretcher is a minimum of \$13,000. We do have a quote on one and we are ready to move forward.

Our sincerest apologies for the air conditioning being out of service at some points this summer. Upon notification that there was an issue, we immediately tried to ameliorate the problem. We tried to provide alternatives by suggesting opening the larger bioga room. We understand that the hot weather is not friendly.

As to the internet issue, we purchased an additional router. There are multiple routers throughout the building, so there should be no problems with Wi-Fi. Verizon has been out a few times this summer. Unfortunately, we do not have any control or resolution for this.

We have tried to obtain feedback from the career staff as to things they would like to see. Concerns they have had, etc. This report is the first we have heard of any furniture issues. We were very thankful that one of your employees, donated an office chair that they were no longer using. We had plans to replace the original chair. These things can be addressed; we just need to be aware of them. We never stop trying to improve.

We would like to welcome Northampton County EMS as a permanent part of our team. We strive to provide the best service to the community that we can. We believe that the career staff has done that during this "pilot program." Furthermore, we believe that we have illustrated that the service is needed at Northampton Fire and Rescue, Inc., not another location, and not dismissed. Three staffed ambulances are needed and are needed now. Please let staffing remain at Northampton Fire and Rescue.

If you have any questions or concerns, please do not hesitate to contact either of us. Thank you for your time and consideration in this matter.

Sincerely,

Amy S. Wilcox, NB-Paramedic  
Rescue Captain

Rhonda S. LeCuto  
President

Cc: County Administrator Katie Nunez; Director of Emergency Services Holly Carpenter

Mr. Hogg stated that the Ad-Hoc Emergency Care Committee will be meeting soon and

that he needs additional time to review this matter. He also stated that there is a significant need at Heritage Hall and the need is currently being met by Northampton Fire & Rescue.

The County Administrator noted that there are some funds in the current budget as the two new positions approved by the Board have not been filled yet. She clarified that this specific matter has not been tasked to the Ad-Hoc Committee and then suggested that perhaps the Board wished to continue this conversation at its work session. It was the consensus of the Board to table this matter until September 22<sup>nd</sup>.

(12) Report on Legislative Summary – Optional Items Not Discussed Last Month

Due to the lateness of the hour, it was the consensus of the Board to table discussion of this item until the October regular meeting.

Tabled Item:

(13) Consider a request from Northampton County Public Schools re: donation of Selma property.

The County Administrator presented the following memorandum:

**MEMORANDUM**

**TO:** Board of Supervisors  
**FROM:** Katie H. Nunez, County Administrator  
**DATE:** September 5, 2014  
**RE:** Selma Farm Lots – Use by School

I met with Superintendent Lawrence and Karen Leffel regarding a proposed grant for the construction of a soccer field on the lots adjacent to the School, known as the Selma Farm Lots, that the County purchased a few years ago. The County owns Lots 58-2-6, 58-2-7, 58-2-8, 58-2-9 and 58-2-10. While not all of the lots are needed for the direct construction of the soccer field, assignment of all of these lots would be beneficial in supporting the various athletic programs of the school and provide them flexibility with training spaces.

The construction of this soccer field would benefit 5 soccer teams that use the existing fields. Having this new field would provide relief of usage to the football field and allow for a better

maintenance program for the football field. The grant would focus on the placement of a new field covering all of Lot 58-2-7 and portions of Lots 58-2-6 and 58-2-8. On a long term basis, Lots 58-2-9 and 58-2-10 would be upgraded and improved to serve as a practice field for the soccer program and other athletic programs.

I have enclosed a copy of the proposed layout of the soccer field, along with the grant particulars and the quotation for the proposed work. I am recommending to the Board that we transfer all five lots to the School Board for this objective.

\* \* \* \* \*

The Board recognized Superintendent Eddie Lawrence and Ms. Karen Leffel who indicated that the grant requires clear ownership of the parcels. In response to a question from Supervisor Hogg, Ms. Leffel responded that it would be 1-2 years before the field preparations would begin. Mr. Hogg asked if there was any possibility of a property “swap” between the Board and the School Board and the Superintendent replied that the Board would have to present a proposal to the School Board for it to consider.

Mr. Hubbard asked if three lots were acceptable rather than the entire five. Mr. Lawrence said that play fields as well as practice fields were needed in order to accommodate the multiple sports teams and to preserve the existing football field and track.

Mr. Bennett said that he had concerns with the future maintenance of the fields as well as serious concerns with the existing track. Mr. Lawrence said that the proposed new soccer fields would extend the life of the other parts of the infrastructure.

Motion was made by Mr. Trala, seconded by Mr. Hubbard, that the Board provide its intention to transfer the five “Selma” lots as identified above to the Northampton County Public Schools, pending completion of the requisite public hearing. All members were present and voted “yes,” with the exception of Mr. Hogg who voted “no.” The motion was passed.

Noting the members of the School Board in attendance, Mr. Bennett stated that he had several concerns this school year which have been shared with the School Board including dress

code enforcement; electronic devices not being allowed; and the implementation of a program to conduct random drug testing for all teachers, school administrators and School Board members.

Action Items:

(14) Consider a request from Dr. David Smith for subdivision of property within the Dalbys AFD

Motion was made by Mr. Hogg, seconded by Mr. Hubbard, that the Board approve the request from Dr. David Smith for subdivision of property, identified as Tax Map 98, Parcel 32 within the Dalbys AFD as requested. All members were present and voted “yes”, with the exception of Mr. Bennett who abstained. The motion was passed.

Matters Presented by the Board Including Committee Reports & Appointments

Motion was made by Mr. Bennett, seconded by Mr. Trala, that Mr. Willie C. Randall and Ms. Stephanie Castro-Webber be appointed to the Ad-Hoc Tax Structure Committee. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Hubbard, seconded by Mr. Bennett, that Mrs. Sally Richardson be appointed to the Eastern Shore RC&D Council, completing the term of Mr. Dave Harris who has resigned; said term expiring December 31, 2015. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Hubbard, seconded by Mr. Trala, that a County policy be developed to extend congratulations to any citizen who receives some type of award. All members were present and voted “yes.” The motion was unanimously passed. The Board also asked that Mr. Charles McSwain, Development Director, send letters of congratulations to the County’s oyster companies in recognition of “Oyster Month” as declared by the Governor.

Mr. Hogg asked that the Board reconsider its action relative to the insertion of zoning text language dealing with BMP outfalls as detailed on page 57 of the August 12<sup>th</sup> meeting minutes.

Based on further discussions, Mr. Hogg agreed to withdraw his request and make his suggestions during the public hearing for such zoning text amendment.

Mr. Hogg again referenced the Townfield Drive stormwater pond and provided copies of correspondence from Kellam Gerwitz, Inc. addressed to the County's engineer John Salm dated October 19, 2007 regarding verification of water table for Townfield Meadows and Kings Meadow as well as maintenance agreements for best management practices between Dennis Gerwitz and the County and Donald & Mamie Appenzeller and the County. Mr. Hogg said that groundwater has been discharged into Cherrystone Creek for the last seven years and asked the Board to reaffirm its 2011 resolution in which the Board approved the Northampton County Regional Water Supply Plan.

At this time, the Chairman asked that Mr. Charles McSwain, Development Director, and other appropriate staff accompany Mr. Hogg and himself to the Townfield Drive stormwater pond site for a site visit based on Mr. Hogg's assertion that the pond has failed.

Recess

Motion was made by Mr. Bennett, seconded by Mr. Trala, that the meeting be recessed until 5:00 p.m., Monday, September 22, 2014, in the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, in order to conduct the work session.

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

The meeting was recessed.

\_\_\_\_\_ CHAIRMAN

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