

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 11th day of September, 2012, at 4:00 p.m.

Present:

Oliver H. Bennett, Chairman

Willie C. Randall, Vice Chairman

Richard L. Hubbard

Larry LeMond

Laurence J. Trala

The meeting was called to order by the Chairman.

Closed Session

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

(A) Paragraph 1: Discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees or employees of any public body.

*Appointments to Boards/Commissions*

(B) Paragraph 3: Discussion or consideration of the condition, acquisition, or use of real property for public purpose, or of the disposition of publicly held property.

*Oyster Harbor right-of-way parcel*

(C) Paragraph 5: Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

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

*District Four Waste Collection Site – condemnation status  
Oyster Harbor right-of-way  
G. F. Hogg, Jr., lawsuit - status*

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

Mr. Hubbard arrived at 4:03 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 5 and 7 of Section 2.1-3711 of the Code of Virginia of 1950, as amended. Upon being polled individually, each Board member confirmed that these were the only matters of discussion during the closed session.

The Chairman read the following statement:

*It is the intent that all persons attending meetings of this Board, regardless of disability, shall have the opportunity to participate. Any person present that requires any special assistance or accommodations, please let the Board know in order that arrangements can be made.*

Board and Agency Presentations:

(1) Mr. Robbie Lewis, Area Forester, presented the annual forestry report to the Board, noting that there has been a reorganization of that agency and that the Eastern Shore is now combined with the Hampton Roads region.

Although not on the agenda, Dr. Walter Clemons, Division Superintendent for the Northampton County Public Schools, was recognized and noted that school had a “very good opening”. There are no teaching vacancies at this time but there remain vacancies for a library media specialist at Kiptopeke Elementary School and a graduation coach/guidance counselor at the high school. The counselor is a new position provided through a school improvement grant. Dr. Clemons also briefed the Board on preliminary SOL scores data, indicating that

Occohannock Elementary School will achieve full accreditation, Kiptopeke Elementary School will not meet the math standard and the High School will fall short on the graduate completer index. Approximately 1660-1670 students are currently enrolled, a slight increase from the 1640 budgeted figure. Mr. Randall asked the Superintendent to take a look at the dual enrollment program currently available through Virginia State University.

Consent Agenda:

(2) Minutes of the meetings of August 14, 23 and 27, 2012.

Motion was made by Mr. Randall, seconded by Mr. Hubbard, that the consent agenda be approved as presented. All members were present and voted "yes." The motion was unanimously passed.

County Officials' Reports:

(3) Mrs. Leslie Lewis, Director of Finance, distributed the following budget amendment and appropriation requests:

**MEMORANDUM**

**TO:** Board of Supervisors  
**FROM:** Leslie Lewis, Director of Finance  
**DATE:** September 4, 2012  
**RE:** Budget Amendments and Appropriations – FY 2013

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

(1) Insurance claim reimbursement in the amount of \$315.40. Please return these funds to the Sheriff's Office vehicle repairs line item (100-3012-55600).

Thank you for your attention to this matter.

Amendments and appropriations approved as noted on the attached pages.

\* \* \* \* \*

Motion was made by Mr. Randall, seconded by Mr. Trala, that the foregoing budget amendment and appropriation be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

**MEMORANDUM**

**TO:** Board of Supervisors  
**FROM:** Leslie Lewis, Director of Finance  
**DATE:** September 6, 2012  
**RE:** Budget Amendments and Appropriations – FY 2013

Your approval is respectfully requested for the attached budget amendments and supplemental appropriations as requested by the Northampton County School Board:

- (1) **\$24,634.00** – an appropriation *reduction* to reflect the final award under the 2012-2013 title VI, Part B, Section 611 Special Education Flow-Through award.
- (2) **\$67.00** – an appropriation *reduction* to reflect the final award under the 2012-2013 Title VI, Part B, Section 619 Pre-School award.
- (3) **\$21,000.00** – an appropriation to reflect funding awarded by the Virginia Department of Education under the 2012-2013 Career and Technical Education – Jobs for Virginia Graduates Grant. These grant funds will be used to fund costs associated with assisting students at risk of dropping out and providing additional supports that enable these students to graduate, secure and retain quality jobs.

Thank you for your attention to this matter.

Amendments and appropriations approved as noted on the attached pages.

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

**MEMORANDUM**

**TO:** Board of Supervisors  
**FROM:** Leslie Lewis, Director of Finance

**DATE:** September 7, 2012  
**RE:** Budget Amendments and Appropriations – FY 2013

Your approval is respectfully requested for the following budget amendment and supplemental appropriation as initially outlined in the County Administrator’s memorandum to the Board last month in regards to transfer of excess traffic enforcement revenue generated by the Sheriff’s Office from undesignated fund balance to the Sheriff’s salary line item.

**\$11,571.89** from Undesignated Fund Balance (100.32000) to Sheriff’s Office Regular Salaries (100.3102.50000)

Thank you for your attention to this matter.

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Motion was made by Mr. Hubbard, seconded by Mr. Randall, that the foregoing budget amendment and appropriation be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

**MEMORANDUM**

**TO:** Board of Supervisors  
**FROM:** Leslie Lewis, Director of Finance  
**DATE:** September 7, 2012  
**RE:** Budget Amendments and Appropriations – FY 2013

Your approval is respectfully requested for the following budget amendment and supplemental appropriation as follows:

**\$2,590.00** – a request from Sheriff David Doughty to transfer these funds from the Asset Forfeiture Account to purchase an in-car video system. These funds will be transferred into the Sheriff’s Office police supplies line item (100-3102-55950)

Thank you for your attention to this matter.

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Motion was made by Mr. Trala, seconded by Mr. Randall, that the foregoing budget amendment and supplemental appropriation be approved as presented. All members were

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

(4) Mrs. Sandra Benson Thornton presented the departmental update from the Planning & Zoning office which referenced the Board of Zoning Appeals, Staff Activities, Comprehensive Plan Advisory Committee, Comprehensive Plan Review and the Northampton County Planning Commission – Other Projects.

Mr. Bill Parr, Chairman of the County’s Comprehensive Plan Advisory Committee, presented that group’s quarterly report which contained five summarized recommendations as follows:

*1. It should be acknowledged that the role of Economic Development Director is more expansive than one of business and industry recruitment alone.*

*2. The position should be expected to carry with it certain business and industry advocacy/ombudsman responsibilities in addition to recruitment.*

*3. The job description should be vetted through the Virginia Economic Development Partnership, including but not limited to a review of the former EDA model.*

*4. The county should ensure that the work of its Economic Development department is well funded.*

*5. There should be an expectation of process that would run concurrent to the hiring of the economic development director that would consider a more comprehensive approach to economic development, specifically one that would anticipate the establishment of a Northampton County economic development commission and funding model for economic development activities.*

The Chairman asked Mr. Parr to provide him with additional documentation relative to the telephone survey which was shared with the Board at the August work session. Mr. Parr responded that the 100+ page document was on the County’s website. Mr. Bennett, however, asked for specific demographic information that could be gleaned from the voluminous document and Mr. Parr replied that Mr. Joe Goode, Senior Vice President of American Strategies (who conducted the citizen survey) would be happy to participate in another conference call and

answer Mr. Bennett's questions.

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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 Rev. Patti Money of Cheriton Methodist Church.

The Pledge of Allegiance was given.

(5) The following work session agenda schedule was presented for the Board's information:

- (i) 9/24/12: Work session (topic to be announced)
- (ii) 10/22/12: Work session (topic to be announced)
- (iii) 11/26/12: Work session (topic to be announced)

The County Administrator's bi-monthly report was presented as follows:

**TO:** Board of Supervisors  
**FROM:** Katie H. Nunez, County Administrator  
**DATE:** September 7, 2012  
**RE:** Bi-Monthly Update

**I. PROJECTS:**

**A. ESVA Public Services Authority Update:**

There is no update since the PSA did not meet in the month of August. Their next meeting is on Tuesday, September 18, 2012.

**B. Conversion of Interim Lit Loan Note to Permanent Debt:**

The School Board has passed the required resolution to submit the application to the Virginia Public School Authority (VPSA) to convert our temporary note into a permanent debt for the high school construction/repair work that was done 3 years ago. We have scheduled the required public hearing for the Board's consideration of a similar resolution for Monday, September 24, 2012.

**C. Facilities Management:** The Department of Facilities Management has completed most of its move to its new home on Stumptown Road. We received assistance from inmate labor to move this department as well as loan of a truck with a lift from the School Department over several days that were invaluable in handling this move in-house with nominal expenses. There is

still on-going work at the Stumptown property to meet the needs of the department, in terms of organization and storage space, so some materials are still housed in their old garage space.

D. Shared Fueling Station with the School: As you may recall, we reached agreement with the School Board to migrate the county departments onto the School's computer system for tracking fuel usage through their fuel pumps located at Willow Oak Road. The first department that is being migrated over is the Sheriff's Office - it has taken some time for us to get it set up in a manner to easily track usage by department, vehicle and individual so we will use the Sheriff's Office as our pilot group to ensure we have set up the tracking and reporting properly. Once we have confirmed that our set-up is accurate, we will then migrate the rest of the county departments to utilize the School fuel pumps which we hope will be accomplished by the end of this calendar year.

## **II. OTHER:**

A. The University of Virginia Darden School of Business - Third Annual Tayloe Murphy Resilience Awards Competition: Enclosed is the announcement regarding the 3<sup>rd</sup> Annual Tayloe Murphy Resilience Awards Competition and the selection of one of our county businesses , the Ballard Fish & Oyster Co., Inc. in Cheriton, that received an award in the Agriculture Sector.

B. Building Collaborative Communities Grant Application: ANPDC is working on completing the application for submission by the deadline of Monday, September 17, 2012, in accordance with the feedback received from both Boards of Supervisors. I will get you a copy of the application once I have a completed version.

C. State Surplus for Fiscal Year 2012: Governor McDonnell has announced that the state achieved a surplus of \$448.5 million for Fiscal Year 2012 which is the third straight fiscal year surplus totaling nearly \$1.4 billion. This is a program in which the localities pay the state a portion of funds – for Fiscal Years 2013 & 2014, the state is seeking \$50 million per fiscal year in total from all localities. This program was first introduced in FY2009; the county has now paid \$847,209 (for FY2010, 2011, and 2012) and will pay in January an additional \$186,494 for Fiscal Year 2013, bringing our total to \$1,033,703.

With the state achieving a significant surplus for concurrent fiscal years, the county in conjunction with VACo needs to continue to lobby to have the Governor repeal the Locality Contribution to State Aid program which has diverted significant local funds from supporting our local operations.

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Citizen Information Period:

There were no comments from the public.

Public Hearing:

Chairman Bennett called to order the following public hearing:

(6) **Special Use Permit 2012-06:** Pamela & Randy Widgeon, property owners, and Robert G. Seckers, applicant, have petitioned to operate an off-premise catering facility on property zoned WV-2 Waterfront Village-Two District in Willis Wharf. The property is described as Tax Map 11A, double circle 4, parcel 1 and contains 29,202 square feet of land located on Willis Wharf Road (SR 603).

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

Ms. Sandra Benson Thornton indicated that the Planning Commission was recommending approval of this petition with the condition that the use of lighting after 10:00 p.m. be limited to one low light in the work area as offered by the applicants.

Mr. Bill Parr, representing the applicant, stated that Mrs. Anna Seckers should have been listed as the “applicant” rather than Mr. Robert Seckers as the business license as well as the ABC license were in her name. Mr. Seckers is an employee. He said that the applicant was proposing an off-premise catering facility on an adjacent lot used historically as a parking lot. The facility would consist of a small 16’ x 26’ shed which will contain a meat cooker.

Mr. Bruce D. Jones, Jr., County Attorney, indicated that there was an issue with Mr. Seckers and his delinquent county taxes and wondered if the new applicant, Mrs. Seckers, had delinquent taxes.

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

Motion was made by Mr. Randall, seconded by Mr. Trala, that Special Use Permit 2012-06 be approved with the condition that the use of lighting after 10:00 p.m. be limited to one low light in the work area as offered by the applicant, and contingent on Mrs. Seckers having no delinquent taxes. All members were present and voted “yes.” The motion was unanimously passed.

The Chairman called to order the next public hearing as follows:

(7) Continuance of Zoning Text Amendment 2012-09: The Northampton County Planning Commission intends to amend the Northampton County Code, Chapter 154 Zoning Code, **§154.003 Definitions, (C) Specific Definitions** in order to revise the definition of ***Bed and Breakfast*** to read, “A single dwelling unit, other than a motel, hotel, rooming or boarding house, or inn, occupied by the owner of the unit or a resident manager where up to nine (9) separate sleeping rooms are provided in the primary dwelling or in accessory structures on the property, for compensation, to overnight transients and a morning meal is usually offered as part of the lodging charge. Any transient occupation of less than thirty (30) days shall not be considered in calculating development density for the parcel.”

The Chairman asked if there were any present desiring to speak, noting that this matter was continued from last month.

Mrs. Thornton indicated that the Planning Commission was requesting withdrawal of this petition without prejudice.

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

Motion was made by Mr. LeMond, seconded by Mr. Hubbard, that the Board approve the withdrawal of the subject petition, without prejudice. All members were present and voted “yes.” The motion was unanimously passed.

Chairman Bennett called to order the next public hearing as follows:

(8) Continuance of Special Use Permit 2012-04: Pamela Barefoot & James M. Green have applied to operate a bed and breakfast in an accessory structure located on 7.828 acres of land at 6235 Osprey Lane. The property, zoned A/RB Agriculture/Rural Business District, is described as Tax Map 13, double circle A, parcel 51 in the Salt Works area.

The Chairman asked if there were any present desiring to speak and noted that this matter was also continued from last month.

Mrs. Thornton indicated that the applicant has requested withdrawal of this petition without prejudice.

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

Motion was made by Mr. Trala, seconded by Mr. Randall, that the Board approve the

withdrawal of the subject petition, without prejudice. All members were present and voted “yes.” The motion was unanimously passed.

Tabled Item:

(9) **Zoning Text Amendment 2012-06:** The Northampton County Planning Commission intends to amend the Northampton County Code, Chapter 154 Zoning Code, **§154.127 Low Impact Commercial Uses Section (A) Home occupation** to read: An occupation in a **an owner-or-renter-occupied** dwelling unit (or dwelling accessory structure) provided that...; amend (A) (6) to read: The business owner shall have no more than one full-time employee or ~~two equivalent part-time employees~~ **or one full-time equivalent.**; amend (A) (7) to read: Home occupations shall be divided into ~~two~~ **three** categories:(a) Home Office, (b) Home Business **and (c) Micro-Business.**; and to add **(c) A Micro-business shall be an owner- or renter-occupied home or farm based business requiring a Zoning Clearance and meet the following criteria:**

**1. A Micro-business shall have no employees, other than the owner/operator;**

**2. A Micro-business shall have no identifying signage;**

**3. A Micro-business shall have no outside storage or additional vehicle traffic beyond that generally found for a household or on a farm;**

**4. There shall be no retail sales on the premises, and any products must be delivered off-site;**

**5. The micro-business shall utilize no specialized machinery or equipment beyond that generally found in a household or on a farm.**

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

Mrs. Thornton indicated that staff was recommending denial of this petition and had provided the Board with new recommendations which are believed to simplify the home occupation process and bring changes to the use charts for “by-right” uses vs. those that require a zoning clearance. These new recommendations are substantial enough as to require another public hearing. Motion was made by Mr. Randall, seconded by Mr. LeMond, that the Board

deny the subject application. All members were present and voted “yes.” The motion was unanimously passed. Motion was made by Mr. Randall, seconded by Mr. LeMond, that the Board proceed to public hearing with the proposal as outlined in staff’s memorandum dated September 7, 2012. All members were present and voted “yes.” The motion was unanimously passed.

Action Item

Motion was made by Mr. Randall, seconded by Mr. Trala, that the Board approve the request from the Trooper Troy D. Ashe Pistol Tournament committee to hold a one-day event on property located at 6276 Sturgis House Road, Jamesville, Virginia, which property is contained within the Jamesville Agricultural & Forestal District. All members were present and voted “yes.” The motion was unanimously passed.

Matters Presented by the Board Including Committee Reports & Appointments

Motion was made by Mr. Trala, seconded by Mr. Randall, that the Board request a speed study from VDOT on a portion of Cemetery Road (State Route 602); specifically, that portion between Ashby Road and Darby’s Wharf Lane. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Randall, seconded by Mr. Trala, that Ms. Sandra Chandler be appointed to the Northampton County Parks & Recreation Advisory Board, representing District Three, for a term of office ending December 31, 2015. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Hubbard, seconded by Mr. Randall, that the Board proceed to public hearing on the proposed sale of real estate at Oyster Harbor, more specifically identified as a thirty (30) foot public right-of-way (landing) between Tax Map 85A-3-5 and Tax Map 85A-

3-6 located on the north side of Sunnyside Road (State Route 639) in the Village of Oyster; the Board is considering sale of the property to Sugar Run, LLC. All members were present and voted “yes.” The motion was unanimously passed.

Recess:

Motion was made by Mr. Trala, seconded by Mr. Randall, that the meeting be recessed until 5:00 p.m., Monday, September 24, 2012, at 16404 Courthouse Road, Eastville, Virginia, to conduct the regular monthly work session. All members were present and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

\_\_\_\_\_ CHAIRMAN

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