

VIRGINIA:

At a regular meeting of the Board of Supervisors of the County of Northampton, Virginia, held in the auditorium of the former Northampton Middle School, 7247 Young Street, Machipongo, Virginia, on the 14th day of September, 2010, at 4:00 p.m.

Present:

Laurence J. Trala, Chairman

Willie C. Randall, Vice Chairman

H. Spencer Murray

Oliver H. Bennett

Samuel J. Long, Jr.

Richard Tankard

The meeting was called to order by the Chairman.

Closed Session

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

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

*Appointments to Boards/Commissions*

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

*Selma Farm*

(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.

*Eastville Boundary Adjustment: Response to Questions*

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

After Closed Session, the Chairman reconvened the meeting and said that the Board had entered the closed session for that purpose as set out in paragraphs 1 and 7 of Section 2.1-3711 of the Code of Virginia of 1950, as amended. Upon being polled individually, each Board member confirmed that these were the only matters of discussion during the closed session.

Mr. Bennett offered the invocation.

The Chairman read the following statement:

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

Board and Agency Presentations:

(1) Dr. Rick Bowmaster, Division Superintendent, Northampton County Public Schools, provided the Board with a written report detailing school opening, education jobs bill, Southern Association of Colleges & Schools, engineer’s report, fuel master update, and broadband authority. He noted that enrollment at September 10<sup>th</sup> stood at 1,746 which is slightly higher than the 1,675 budgeted.

(2) Mr. Robbie Lewis, Area Forester, presented his annual forestry report and noted the services his office provides including timber management, wildlife management, recreation, historic structures analysis and water quality.

(3) Mrs. Barbara Custis of the Northampton County Agriculture Committee, presented the following report to the Board in response to the resolution adopted in June 2010:

“Gentlemen:

Thank you for the resolution in support of agriculture and your interest in what will help our industry here on the Shore and for passing the Agricultural/Forestry district as a tax write off – this helps both farmers and foresters. This is definitely a plus that encourages agricultural endeavors. At this time, I would appreciate Katie Nunez reading the resolution that we are answering.

In preparing our reply, I called a number of farmers and received many comment and valuable suggestions while listening to their concerns. Farming is a fickle industry at the mercy of weather, markets, labor, and regulations.

These are the questions I asked them:

What can Northampton County do for you as a farmer to help you stay in farming?

Are there any county regulations now on the books that have made it more difficult for you to farm here?

If you were able to enlarge, expand your farming operation, would you?

Have you thought of alternative means of earning on the Shore on your farm land?

Are your children farming with you and will they take over when you retire?

The following are several of their suggestions:

1. Pass windmill ordinance to allow these on farms
2. A farmer who travels to PA says they encourage small signs and directional signs like “local honey,” “local produce,” or “fresh cut flowers”.
3. Road signs along Canadian highways proudly announce and promote businesses coming up at upcoming exits so travelers could divert from their journey to shop. Their signage is a 6’ x 2’ strip with the province on the top “Ottawa”. Under the top sign list 3 craftsmen or attractions at that exit such as “Joe’s Pottery” – “The Spooky Hayride” – “Bill’s Blueberry Farm”.
4. Why not have a radio station that is solely for taking you up the Shore on Route 13 and what local shops/buying opportunities are approaching – allow signage – maybe even have something like:

Tune into channel 1550 on your AM radio station

Northampton County on Virginia’s Eastern Shore is proud to point the Way to Picket Harbors fresh produce and other tourist attractions.

Publicize this service to people who go into the tourism center with a script available there with more historical information.

5. Have a large computerized county map at the tourism center at the Bay Bridge Tunnel with farms/crafts/garden centers/etc. open for tourism with the businesses marked and directions printed out upon request. Make the tourism center interactive:

\* press the restaurant and they would show up on the display

\* same with B&Bs, wineries, farms and fruit stands, and gardens and garden shops

6. Reduce setback on chicken houses and time delays for approval. Some opportunities have already been lost and/or experienced setbacks because of the time lag.

7. We could have had all of our counties' plastic gathered from tomato companies and nurseryman and recycled but delayed our response and lost that opportunity.

8. Have one "go to person" to advocate farming in County and help with opportunities and be more responsive to agricultural requests. Allow signage on 13 to direct traffic to farm stands and businesses off the beaten track.

9. Have mentor program to let younger farmers get info from older more experienced farmers.

10. A new combine will cost a farmer here \$265,000 and a new 200 HP tractor is \$165,000. Our equipment tax for the county is \$1.43 for each \$100.00 work of equipment. Our equipment tax inhibits any upgrading. Surry County, another agriculture county, does not have taxes on farm equipment. Not only have Suffolk, Prince George, and Isle of Wight removed the tax on farm equipment but have removed the tax on DMV registered "Farm Use" tagged vehicles.

11. If you buy a new \$165,000 tractor here in Northampton County, the equipment tax is \$2359.50. A new combine without any heads will see a tax bill of \$3789.50. We ask that the Board of Supervisors eliminate tax on farm equipment as these agricultural counties have done – Suffolk, Surry, Prince George, and Isle of Wight.

According to Bill Shockley, Farm Bureau has been asked by both farmers and landowners to decrease the deer population in Northampton County. The deer are devouring crops, destroying landscapes, and pose a serious safety hazard to drivers. They are also hosts to several tick borne diseases. We would ask the Board of Supervisors to have a yearly deer drive with the landowners' permission.

I have been told that Northampton County's economy is derived from Agriculture, Aquaculture and Tourism. It is like a 3-legged stool – Let's make sure all the legs are even to level the stool so that one industry is not regulated or penalized more than another; that all the leaders of government are genuinely committed to all three equally; that they encourage one of the three to support and help the other two. Supervisors should encourage and applaud farmers who use their imagination and ingenuity to both save their land and add positively to Northampton County's economy and hospitality.

Farmers are stewards of the land who cannot afford to do anything that would devalue their land.

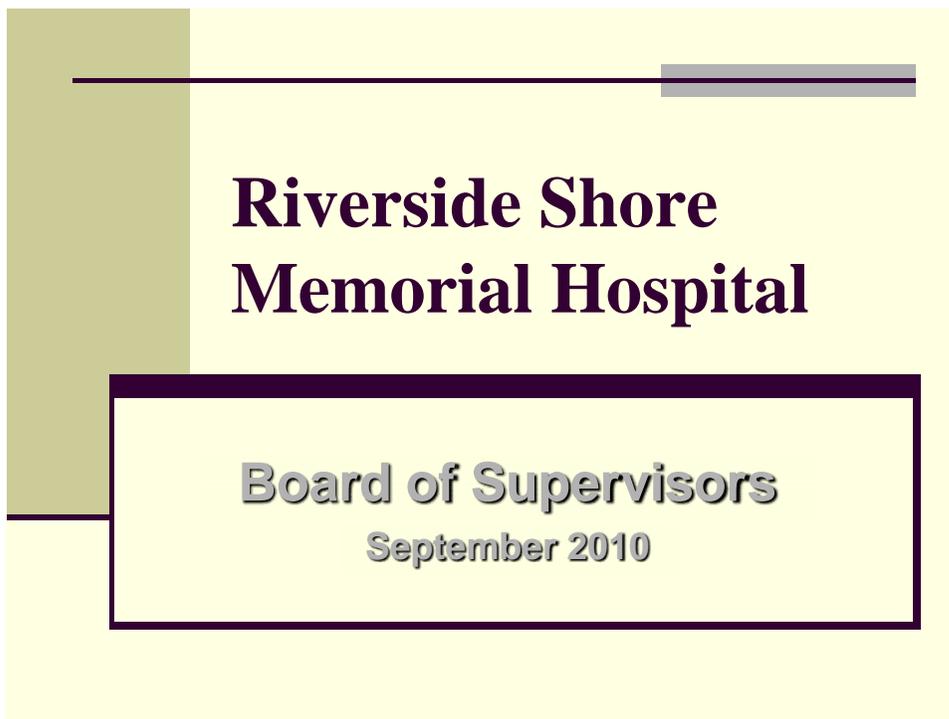
In the 1950's, farming was profitable, crops were diversified, fields were planted from hedgerow to hedgerow with no fallow land. We grew potatoes, strawberries, peppers, sweet potatoes, onions and sugar beets. We had a higher population of residents in Northampton County. There was an abundance of fish, crabs, clams, oysters, and very few regulations. Teenagers worked on the farms and water and each industry respected and helped the other. The residents respected both watermen and farmers.

Finally, I would like to say how privileged and honored I feel to be a spokesman for the farming community.

Thank you.”

\* \* \* \* \*

(4) Mr. Randall shared with the Board the following powerpoint presentation:



Riverside Shore Memorial Hospital

## Mission

To promote, maintain, and restore health with exceptional patient-focused care in a compassionate environment.

www.rshmemorial.org

## Not-For-Profit Organization

- Governed by bylaws
- Revenue from donation and patient care
- Does not receive funding from counties
- Northampton has given tax exempt status since 1970s

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## Board Experience

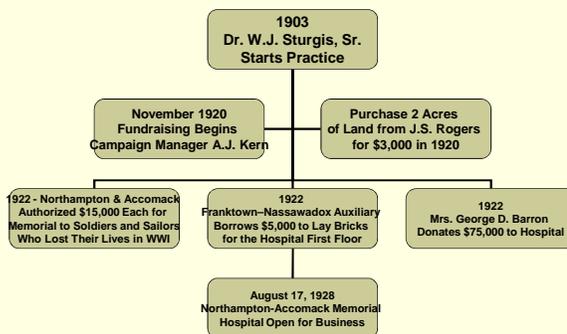
- Appointed 2004
- Served as Chairman of Finance Committee
- Officer of the Organization – Treasurer
- Chairman of the Strategic Planning Committee

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### Riverside Shore Memorial Hospital

## Chronology



Source: Peninsula Enterprise,  
Accomack, VA, November 28, 1993

## Planning Process

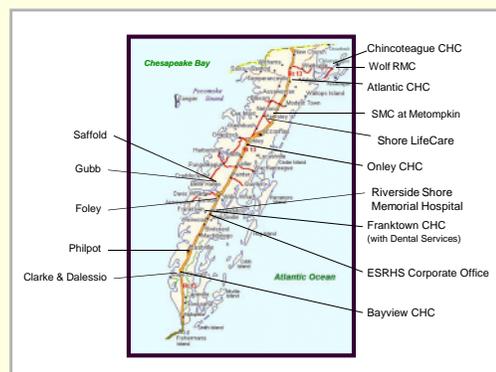
- Strategic Planning Committee
- Aging facility outdated for modern medical equipment
- Hired an engineer company to evaluate structural integrity of facility

## Areas That Need Repairs or Replacement

1. Water System
2. Sewage Treatment
3. Roofing
4. Windows
5. Plumbing
6. Mechanical
7. Electrical

Source: Shore Memorial Hospital Assessment Study, PRAC, January 2007

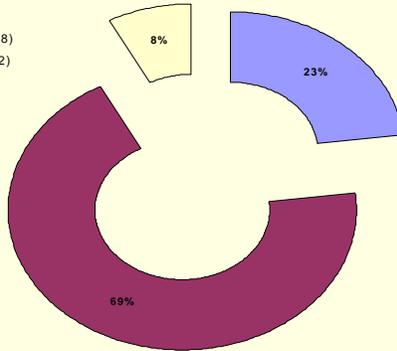
## Hospital, Physician, and ESRH Practices



Source: Eastern Shore Rural Health Systems, Inc. & Riverside Shore Memorial Hospital

## 26 Active Staff Physicians Reside in...

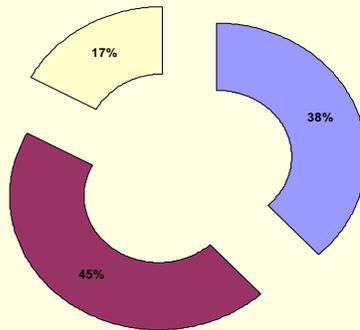
- Accomack (6)
- Northampton (18)
- Off the Shore (2)



Source: Riverside Shore Memorial Hospital, May 2010

## 29 Courtesy, Consulting, & \*Affiliate Staff Physicians Reside in...

- Accomack County (11)
- Northampton County (13)
- Off the Shore (5)



Source: Riverside Shore Memorial Hospital, May 2010

\*Affiliate are ESRH physicians

## 50 Largest Employers in Northampton County

1. Lfc Agricultural Services Inc
2. **Shore Memorial Hospital**
3. Atg Holding Company Inc
4. Northampton County Schools
5. Bayshore Concrete Products Company
6. County of Northampton
7. Chesapeake Bay Bridge Tunnel
8. Heritage Hall
9. Food Lion
10. New Raveena Inc
11. Ballard Brothers Fish Company
12. McDonald's
13. Bay Creek Resort & Club
14. Eastern Shore Rural Health System
15. C & E Farms
16. Ballard Fish and Oyster Company Inc.
17. Tankard Nurseries
18. Broadwater Academy
19. YMCA
20. Bay Creek Marina & Resort
21. Hardee's
22. David's Nursery
23. Rural Family Development
24. Rayfield's Pharmacy
25. Town of Cape Charles
26. Eastern Shore Physicians
27. Best Western Sunset Beach Resort
28. Postal Service
29. Wayne T. Heath Farms
30. Yaros Farms Inc
31. Cape Center & Sting Rays
32. Meatland & Foodcity
33. Kestrel Enterprises Inc
34. Therapeutic Interventions
35. Custis Farms Inc
36. Gingernut LLC
37. Rose's
38. Shore Stop Store
39. Tidewater Skanska Inc.
40. Rite Aid
41. Rommel's Ace Home Center
42. Virginia Department of Conservation
43. Seaside Restaurant
44. Town of Exmore
45. Aging Community Action
46. Bio Medical Applications
47. Investment Land Acquisition Inc
48. Servicemaster Management Inc
49. Heritage Breeders LLC
50. Leatherbury Equipment Co Corp

Source: VEC, Quarterly Census of Employment and Wages, 3rd Quarter 2008

## 50 Largest Employers in Accomack County

1. Perdue Products
2. Tyson Farms
3. Accomack County School Board
4. Kings Choice
5. County of Accomack
6. Nat'l Aeronautics & Space Admin.
7. The Cube Corporation
8. Eastern Shore Community Services
9. Northrop Grumman Technical Services
10. Eastern Shore Ambulance
11. Baysys Technologies, LLC
12. **Shore Memorial Hospital**
13. Intrepid USA Inc
14. EG & G, Inc.
15. Rural Family Development
16. Food Lion
17. Lockheed Martin
18. McDonald's
19. Arcadia Nursing Center
20. Postal Service
21. The Hermitage
22. AlliedSignal Technical Service
23. Eastern Shore Community College
24. Meatland & Foodcity
25. Eastern Shore Rural Health System
26. Hospice Care of the Eastern Shore, Inc.
27. Perdue Fats And Proteins, LLC
28. Royal Farms 79
29. TRW Inc.
30. Captain Cove Golf Yacht Inc
31. U.S. Department of Commerce
32. Aging Community Action
33. Manning Masonry Inc
34. Town of Chincoteague
35. Ballston Shell & Potomac Mills
36. Chincoteague Bay Trails End Association
37. U.S. Department of Defense
38. VDOT
39. YMCA
40. A & N Electric Co-op
41. Eastern Shore Acquisition Corporation
42. Shore Bank
43. Caring Touch Health Services
44. Peninsula Regional Medical
45. Perdue Transportation
46. Virginia State Department of Health
47. Refuge Motor Inn
48. Singus Enterprises Inc
49. Eastern Shore Yacht & Country
50. W. C. English Inc.

Source: VEC, Quarterly Chronical of Employment and Wages, 3<sup>rd</sup> Quarter 2008

## Demographics

### Northampton County

- 2008 Population - 13,415
- Housing Units - 7,522
- Median Household Income - \$34,424

### Accomack County

- 2008 Population - 38,180
- Housing Units - 21,343
- Median Household Income - \$37,564

Source: Riverside Shore Memorial Hospital, May 2010

## 20-Mile Radius from the Hospital

### Examination of location of related facilities

Map Legend	Type	Northampton	Accomack
	Fire & Rescue	30 parcels 17 fire stations	43 parcels 13 fire stations
	Vocals Facilities	30 parcels	32 parcels
	Pharmacy	10 parcels 6 actual pharmacy	7 parcels 4 actual pharmacy
	Physician Personal Residences	57 parcels	41 parcels

Source: Northampton County

## Comparison of Areas Considered

Considerations	Accomack	Northampton
Population Center	✓	
Employers/Payer Mix	✓	
Infrastructure/Water/Sewage	✓	
Ambulance Runs	✓	
Future Growth/ Economic Development	✓	
Physician Location		✓

\* \* \* \* \*

Mr. William B. Downey, Executive Vice President & Chief Operating Officer of Riverside Health System, said that “we are not abandoning Northampton County. He noted several important items for the Board to remember:

- 1) Riverside is committed to bringing more physicians to the Shore;
- 2) Riverside expects to leave a significant presence in the County to include diagnostic services;
- 3) Riverside will have an urgent center in Nassawadox, open approximately 12 hours per day;
- 4) Riverside will continue to offer services in the home health care arena;
- 5) Patient management and rehabilitative services will continue at the same location.

Mr. Tankard asked Mr. Downey if he had answers to the questions posed in the Board’s letter to him from last month. Mr. Downey replied that significant information was provided to the Riverside Board and that their decision was achieved through a thorough, deliberative process. When pressed by Mr. Tankard for specific answers to the referenced questions, Mr.

Downey replied that he had no answers.

Mr. Murray asked Mr. Downey to explain the corporate relationship between Riverside and Shore Health System and asked if Riverside owns all of Shore's assets. Mr. Downey responded that there was a merger of the two organizations and that Shore Health Systems is a subsidiary of Riverside Health Systems. When questioned about the existing bonded debt issued through the local industrial development authority, Mr. Joe Zager of Riverside indicated that the debt was assumed by Riverside and restructured, leaving \$7 million still outstanding.

Mr. Murray asked "how will the red ink go away" and Mr. Downey replied that Riverside will be providing more outpatient services and a smaller, more efficient new facility.

Mr. Murray asked what purpose was served by disrupting the existing medical complex and noted that he did not see the numbers working. Mr. Murray also asked the Riverside representatives to commit to be more transparent with the local community.

Mr. Tankard asked several questions whose topics included health care reform legislation, construction costs (new vs. remodeling), and goodwill in the community.

Consent Agenda:

- (5) Minutes of the meetings of August 2, 4, 10, 23, 2010.

Motion was made by Mr. Randall, seconded by Mr. Bennett, that the minutes of the meetings of August 2, 4, 10 and 23, 2010 be approved as presented. All members were present and voted "yes." The motion was unanimously passed.

County Officials' Reports:

- (6) Ms. Glenda Miller, Director of Finance, distributed the following Budget Amendment and Appropriation which stated in part,

"Included are requests to carry over grant funds from FY 10 for the Coastal Management Grant in the amount of \$19,888 and to appropriate expenses related to the Community Planning

Academy which will be offset by application fees.

The School Board has requested appropriation of \$464,598 of the \$604,694 in unspent appropriations from the close of FY 09. Detail on the individual projects funded is included. The remaining balance of \$140,096 will be requested for appropriation at a later date. Included for your information is a spreadsheet outlining the projects slated for that appropriation and also detailing the expected use of the remaining QZAB proceeds balance.

Planning grants from the Department of Housing and Community Development are requested for appropriation in the total amount of \$60,000 (\$40,000 for northern node and \$20,000 for the southern node.)

There is also a request from the 911 Commission to amend the FY 10 budget to reflect actual revenues received and adjust the budget based on year-end estimates of the Director. These estimates were used during the budget process, but not formally amended by the Commission until August.”

<b>Account Number</b>	<b>Account Description</b>	<b>Increase</b>	<b>Decrease</b>
100-0035-45465	NOAA carry-forward grant	19,888.00	
100-8101-50650	Prof. Svcs. – Mgmt. Consulting	19,888.00	
100-8101-55350	Office Supplies	375.00	
100-8101-50930	Printing & Binding	375.00	
100-0019-42400	Recovered Costs	750.00	
100-0035-45300	US DOJ – COPS Grant	295.00	
100-3102-58400	Machinery & Equipment	295.00	
910-9600-57280	Transfer – School Cap. Proj. Fund	464,598.00	
910-0045-49000	Appropriated Fund Balance	464,598.00	
395-0044-48100	Transfer from Sch. Operating Fund	464,598.00	
395-9700-59901	Pitched Roof Repairs-Kiptopeke	25,652.00	
395-9700-59902	Pitched Roof Repairs-Occohannock	26,862.00	
395-9700-59903	Pitched Roof Repairs – TECH Ctr	228.00	
395-9700-59904	Flat Roof Replacement – Occohn.	147,455.00	
395-9700-59905	HVAC Chiller Replacement- Occ.	180,401.00	
395-9700-59906	HVAC System SW Upgrade-Kipt.	43,000.00	
395-9700-59907	Painting-Kiptopeke (Labor & Mats)	20,000.00	
395-9700-59908	Walk-in Freezer Condenser-Kipt.	2,000.00	
395-9700-59909	Walk-in Freezer Condenser-NHS	2,000.00	
395-9700-59911	HVAC Repair-Mini-Split-Cen. Ofc.	14,000.00	
395-9700-59910	Tree Removal & Cleanup	3,000.00	
501-0026-44295	VDHCD – Wastewater Proj (North)	40,000.00	
501-0026-44295	VDHCD – Wastewater Proj (South)	20,000.00	
501-900-57600	Engineering & Design (South)	20,000.00	
501-9700-57600	Engineering & Design (North)	20,000.00	

731-3105-50050	Salaries & Wages, PT	17,700.00
731-0045-49000	Appropriated Fund Balance	2,298.00
731-0016-41975	911 Wireless Surcharge	3,306.00
731-0018-42385	Contrib. – Comm. Tax – Acc	8,596.00
731-0018-42390	Contrib. – Comm. Tax – North	3,500.00

\* \* \* \* \*

Motion was made by Mr. Tankard, seconded by Mr. Murray, that the budget amendments and appropriations referenced in Mrs. Miller’s first paragraph be approved as set out above. All members were present and voted “yes.” The motion was unanimously passed.

With regard to the School Board’s request contained in the second paragraph of the memorandum, Mr. Tankard noted that he would like to see the QZAB funds pay for the projects for which they were intended rather than use this appropriation to fund these projects. It was noted that the School Board will be meeting tomorrow night for further discussion on this matter and it was the consensus of the Board to table action on the second paragraph items.

Motion was made by Mr. Murray, seconded by Mr. Long, that the budget amendments and appropriations referenced in Mrs. Miller’s third paragraph be approved as set out above. All members were present and voted “yes,” with the exception of Mr. Tankard who voted “no.” The motion was passed.

Motion was made by Mr. Murray, seconded by Mr. Long, that the budget amendments and appropriations referenced in Mrs. Miller’s fourth paragraph be approved as set out above. All members were present and voted “yes.” The motion was unanimously passed.

There was one additional item contained in the back-up documentation although not specifically referenced in Mrs. Miller’s cover memo. It concerned COPS grant roll-over funds from last month in the amount of \$15,945.16 instead of \$15,649.84. Motion was made by Mr. Murray, seconded by Mr. Long, that the item be rolled over as corrected. All members were

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

Lastly, Mrs. Miller updated the Board on the County’s cash flow noting that the Board may have to draw down on its line of credit during October.

(7) Ms. Sandra Benson, Director of Planning, presented the Planning & Zoning departmental update including activity reports for the following projects: Board of Zoning Appeals, Staff Activities, Town Edge Planning and Northampton County Planning Commission.

With regard to comments contained within Ms. Benson’s report relative to additional joint meetings between the Planning Commission and Board, Mr. Murray asked Ms. Benson to prepare a prioritized list of discussion items prior to scheduling any meetings.

Although not on the agenda, Ms. Benson presented the Board with comments received by the Planning Commission with regard to Zoning Text Amendment 10-08 (which was withdrawn by the applicant [Board].)

The Board recessed at 6:50 p.m. for a dinner break.

At 7:15 p.m., the Chairman reconvened the meeting.

The Pledge of Allegiance was given.

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

- (i) 9/27/10: Work session – Topic: Status - EMS Department
- (ii) 10/25/10: Work session – Topic to be announced
- (iii) 11/22/10: 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 10, 2010  
**RE:** Bi-Monthly Update

## **I. PROJECTS:**

### **A. Regional wastewater/water projects- Subcommittee Report:**

The Project Management Team (PMT) continues to focus on completion of surveys in the project areas and to finalize the project area for the northern node. The next meeting of the PMT is Wednesday, September 15, 2010 @ 7:00 p.m.

The Public Service Authority (PSA) has held its first meeting under the new structure and the elected officers are Robert Meyers as Chairman and Bob Panek as Vice-Chairman. I will continue to serve in the role of Secretary/Treasurer/Executive Director until the PSA has amended its bylaws to separate these functions. They have established a regular meeting schedule of the 3rd Tuesday of each month at 7:00 p.m. The next meeting will be on September 21, 2010.

### **B. Construction Projects – Status Reports:**

1.) County Administration Renovations: Following the special Board meeting to review and revise the scope of the project, the advertisement for rebid of the County Admin Renovation was issued on August 8, 2010 with a bid response deadline of August 26, 2010.

However, on August 11, 2010, the US Department of Energy issued a clarifying ruling regarding the provisions of the Davis-Bacon Act in relation to larger projects that contain a component of the project funded through Federal Stimulus Act, such as our project. Their ruling stated that if the Energy Efficiency Block Grant project is contained within the overall larger project, then it must be treated in one of two ways: 1) the whole project is subject to the provisions of Davis-Bacon, or 2) if the projects can be cleanly separated in terms of procurement, award of contract and implementation of work, then only the Energy Efficiency Block Grant project would be subject to Davis-Bacon, as well as all of the other provisions of the Stimulus Act.

After discussion with our architects, we determined that it is possible to segregate the geothermal installation project from the rest of the renovation project and move that work scope to the beginning of the project calendar in order that only this component of the work would be subject to all of the Stimulus Act provisions. This has required us to alter the bid documents and remove the geothermal components from the overall bid specifications and we have already issued this as its own bid with bid results due on Thursday, September 9, 2010 with a scheduled recommendation for award on the September 14, 2010 Board meeting.

The geothermal installation work will occur during the end of September thru the month of October under its own contract. We have delayed the

receipt of bids for the actual renovation of the buildings until September 24, 2010 which will allow us to present a recommendation for award at the October 12, 2010 Board meeting and to finalize a contract by the end of October for this component of the project to proceed as soon as the geothermal work is finished.

- 2.) Court Services/Probation Services Construction: On September 8, 2010, staff met with PMA, Inc. to review the final draft of the revised bid plans and specifications. With a few minor alterations to the bid plans, we have determined that the rebid is ready to proceed. The plans will be resubmitted to the Planning & Zoning office for review and compliance with our ordinance and is scheduled to be advertised on Friday, October 1, 2010.
- 3.) Cheapside Waste Collection Center Construction: This project is progressing rapidly with an anticipated completion in mid-October.
- 4.) EMS Building/Potential Relocation: We have requested DJG, Inc. to provide a report regarding the feasibility of converting the front area of the former middle school (excluding the offices which are occupied by Extension Services) into the EMS Department, including the provisions of segregating this portion of the school building for heating, cooling and electrical purposes as well as the creation of a new public bathroom near the front of the building to better service the auditorium. In addition, we are exploring the feasibility of expanding the EMS department at its current location. It is my intent to bring both options to the Board for consideration at your September work session.
- 5.) Indiantown Park Soccer Field & Parking Lot Improvements: The contract with Wagner Construction was fully executed on September 8, 2010 with work expected to commence on September 9, 2010. The contract has a 60 day completion calendar.

**C. 911 Commission – Grant Award:** The 911 Commission is the recipient of a \$1,369,334 grant award from the Virginia Department of Emergency Management for the Northampton/Accomack Interoperability Project. Since Northampton County is the fiscal agent for the 911 Commission, we are acknowledged as the grantees and the ***Board needs to formally accept award of this grant.***

*Motion was made by Mr. Long, seconded by Mr. Murray, that the Board accept the grant award as referenced. All members were present and voted “yes.” The motion was unanimously passed.*

The pre-application request included a total project need of \$1,551,940, addressing public safety communication needs in both counties. Jeff

Flournoy, Executive Director of the 911 Commission, will be working with the Sheriffs of both counties as well as our EMS Director and Accomack County's Director of Public Safety to refine the final grant application which will define the full project based upon the grant award.

D. Ambulance Bid: We have issued the bid for purchase of an ambulance to be funded under two grants (VA Dept. of OEMS and USDA). Deadline for bid responses is September 24, 2010 @ 2:00 p.m. in order to provide a recommendation for award at the October 12, 2010 Board meeting.

E. VDOT Study for US 13 south of the Cape Charles Light: Included in your packet is the study received from VDOT as requested by the Board for the area south of the Cape Charles light on US 13 as well as the specific results for a speed study for this location. Board direction is requested.

*It was the consensus of the Board that additional information relative to remaining funding in the Secondary Road Improvement Plan Budget be requested from VDOT prior to the Board's October meeting.*

F. Burn Ban – Lifting: On August 20, 2010, the burn ban was lifted for the county due to the increased precipitation received over the prior 4 weeks.

G. Jail Reimbursement: As per Board vote at the August 23, 2010 work session, resolutions were sent to Governor McDonnell, Senator Northam and Delegate Lewis requesting the state to reimburse the county for the remaining share of the eligible construction costs.

*Mr. Murray indicated that he would like to have some time on a future work session agenda for further discussions of the ramifications of the jail debt.*

H. Eastern Shore of Virginia Broadband Authority – Fiscal Agent: Following the initial field work conducted by our auditors (who are auditing both the county and the ESVBA) who have indicated that the ESVBA should look to one of the two counties to serve as fiscal agent and per a vote from the ESVBA to request Northampton County to serve as fiscal agent, ***I am requesting the Board of Supervisors to vote to allow Northampton County to serve as fiscal agent for the Eastern Shore of Virginia Broadband Authority, up to and including, accounts payable, accounts receivable, payroll, depositing of funds, and generation of financial statements.***

*Motion was made by Mr. Murray, seconded by Mr. Randall, that Northampton County serve as fiscal agent for the Eastern Shore of Virginia Broadband Authority as referenced above, with the understanding that the Authority will assume these functions when it has*

*the capacity to do so. All members were present and voted “yes.” The motion was unanimously passed.*

- I. Zoning Text Amendment 10-08 (Waterfront Village Districts): At the August 10, 2010 Board meeting, the Board voted to forward certain zoning text amendments to the Planning Commission concerning allowable uses in the Waterfront Village District. A public hearing was scheduled for September 7, 2010 on these proposed zoning text changes by the Planning Commission. In advance of this hearing, questions were raised whether the Board’s submission of this item was in compliance with our ordinance that specifies a quarterly calendar submission for zoning text amendments and zoning map amendments.

Legal counsel has verified that this quarterly calendar submission requirement is only applicable to petitions from private property owners and does not apply to the Board of Supervisors or the Planning Commission. Nevertheless, after conversation with the members of the Board and based upon input received, I did withdraw this matter from public hearing. ***Therefore, I need the Board to retroactively vote to affirm this decision to withdraw ZTA 10-08 from public hearing.***

*Motion was made by Mr. Murray, seconded by Mr. Randall that the Board reaffirm the decision to withdraw ZTA 10-08 from public hearing. All members were present and voted “yes.” The motion was unanimously passed. At Mr. Randall’s suggestion, it was the consensus of the Board that this matter be further considered at a future (October) work session.*

In addition, the Board will need to determine if you wish to advance this item as originally presented to the Planning Commission for a public hearing in October or do you wish to revise the request in any manner and what timeframe for conducting said revisions.

- J. Economic Advisory Ad-Hoc Committee Status Report:  
The Economic Advisory Ad-Hoc Committee has conducted three meetings since July 2010. This is intended to keep the Board apprised of its work; however, the committee will develop and submit a full report with its recommendations when its work is completed. Issues of focus have been: (1) consideration of a focused economic development staffing initiative, both at the local level and at a regional level, and the need to establish a public-private partnership with funding from both sectors to support such an initiative; (2) identifying the market segments that need a targeted marketing initiative, based upon the Comprehensive Plan. Such segments are enhanced agricultural opportunities (farmer’s market), film industry recruitment to promote Eastern Shore as film locale, promotion of wine industry; and (3) incentive package needs to be uniform for county and towns – one voice.

**II. MEETINGS**

**III. GRANT OPPORTUNITIES**

**IV. OTHER**

ESVA Broadband Authority – Lighting Ceremony: On October 12, 2010, the ESVBA will host a lighting ceremony to officially commemorate the completion of the construction of the backbone of our high-speed broadband network and the lighting of said network for the transmission of data. The ceremony will convene at the Exmore Communications Hut at 11:00 a.m. to be followed by a reception at the ES Community College.

18th Annual Eastern Shore Birding & Wildlife Festival: From October 7 thru October 10, 2010, the Eastern Shore Birding & Wildlife Festival will be holding events and activities throughout the counties.

Northampton County Day: On Saturday, October 2, 2010, a new event called “Northampton County Day” is being planned and will focus on fitness-related activities, healthy foods and safe lifestyles. It will be held at Northampton High School and will include a 5K road race, a 1-mile walk, kids’ games, a tennis clinic and more. Vendors of locally grown food also are invited to display their products. There will be health screenings and exhibits on display. Children’s games and activities also will be available.

The event is being planned by the Northampton County Education Foundation, whose mission is to build strong community and business partnerships for the benefit of children and schools.

Eastern Shore Community Day: Delegate Lewis is hosting the 1st Annual Community Day on Saturday, September 18th from 11 am – 2 pm at the Eastern Shore Community College.

\* \* \* \* \*

Citizen Information Period:

Mr. G. F. Hogg, Jr. made the following comments:

In Item 3 of the agenda, you have requested input from the Agricultural Committee. I am not a member but I have agricultural, aquacultural, professional interests and witnessed enough mismanagement that I am qualified to comment.

**(3) Ms. Barbara Custis, Northampton Agriculture Committee – status report as a result of Mr. Long’s Resolution to Request a Study on Ways to Support & Encourage the Agricultural Industry (resolution adopted June 2010)**

I am certain there are secondary methods of encouraging the agricultural industry.

The Primary way to support agriculture, aquaculture, and the community is **Water Management**.

There is a strong need to focus on **WATER MANAGEMENT**, whether it is irrigation ponds, creating reservoirs, pumping it out of the ground or disposing of it as a waste product of agriculture or development.

Currently there are two studies being conducted, a **GROUND WATER** study by Malcolm Pirnie and a **SEWERAGE** study by Hurt and Proffitt. Both studies discuss how we need to utilize the **UPPER GROUNDWATER** (Columbia) aquifer more and the **LOWER** (Yorktown) less for uses other than drinking water and how we are polluting the Yorktown aquifer over time. Pirnie Report 4.2.8 "... Rapid runoff reduces the amount of water available for groundwater recharge..."

As a governing body what have we done to support the endeavors of agriculture, aquaculture, and the community in general? What designs have been approved to increase groundwater recharge?

The issue is **MANAGEMENT OF AVAILABLE WATER**.

There is a need to retain more stormwater runoff on land for water reuse and to recharge the **UPPER AQUIFER**. Currently stormwater is treated as a waste product of developers. In addition, there is fecal coliform, household fertilizers, pesticides, and herbicides from residential and commercial land use.

Remember the words from the CBES Meet the Candidates meeting, "**It's Dry now but it will rain again**". Remember the words of the County Extension Agent at the Farm Bureau Building, "**We're going to want this water in July and August**". Look outside, it's dry again, but someone, maybe not physically present in this room, is going to see that we average out the abundant rainfall with the dry conditions. And we need to take the opportunity to better manage our water asset.

It's time to answer your question, "**Ways to support and encourage the agriculture industry**".

It is important that we use every opportunity to think and act responsibly to better manage our water resources. Northampton County cannot rely on State and Federal agencies to do the job.

It is most fortuitous that today is proclaimed as "**Protect your Groundwater Day**". I would like for us to begin tonight with the proclamation and some act that will show and give meaning to the Proclamation.

\* \* \* \* \*

Ms. Martina Coker referenced the Riverside presentation earlier in the evening, noting that old data had been used and that there had been no mention of population projections. She also noted that an urgent care center with only 12-hour per day service was not sufficient.

Mr. Andrew Barbour said that Mr. Long's idea for "private special events" (see agenda item 14), was seriously flawed and that the Board should reject any idea of this function as by-right. Mr. Barbour noted that he would support the concept by special use permit. He referenced an event held by his neighbor in 2008 where the guests had to utilize an easement across his property. He noted that intoxicated wedding guests trespassed on his property and he was fearful of his children's safety when they were riding their bikes on his property.

#### Public Hearing:

(9) Minor Special Use Permit 2010-08: John & Trudy Hickman have applied to allow an accessory living unit on property containing 1.16 acres located at 23438 Seaside Road in the Seaview area. The property is zoned H-Hamlet and is described as being Tax Map 92, double circle 2, parcel A.

Ms. Benson noted that the Planning Commission was recommending approval of this petition.

The applicant, John Hickman, asked for the Board's favorable consideration.

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

Motion was made by Mr. Long, seconded by Mr. Murray, that Minor Special Use Permit 2010-08 be approved as presented in keeping with Planning Commission recommendation and staff report. All members were present and voted "yes." The motion was unanimously passed.

#### Action Items

(10) Consider a request from the Eastern Shore Area Agency on Aging/Community Action Agency to schedule for a public hearing its petition for local tax exempt status.

Motion was made by Mr. Bennett, seconded by Mr. Randall, that the Board schedule a

public hearing in October 2010 to hear the request for local tax exempt status from the Eastern Shore Area Agency on Aging/Community Action Agency. All members were present and voted “yes.” The motion was unanimously passed.

(11) Consider adoption of proclamation declaring September 14, 2010 as “Protect Your Groundwater Day”.

Motion was made by Mr. Long, seconded by Mr. Bennett, that the Board adopt the following proclamation. All members were present and voted “yes.” The motion was unanimously passed. Said proclamation as adopted is set forth below:

**PROCLAMATION**

**PROCLAIMING**

**SEPTEMBER 14, 2010**

**as**

**PROTECT YOUR GROUNDWATER DAY**

**WHEREAS**, the Eastern Shore of Virginia relies completely on its Environmental Protection Agency-designated Sole Source Aquifers for residential, industrial, and commercial uses. It is vital that all persons on the Eastern Shore of Virginia work to conserve and protect this limited resource.

**WHEREAS**, the National Groundwater Association (NGWA) is sponsoring Protect Your Groundwater Day on September 14, 2010 to raise awareness on groundwater conservation and protection nationwide; and

**WHEREAS**, the NGWA urges the public to “ACT”, or acknowledge, consider, and take actions towards protecting and conserving groundwater resources:

**NOW THEREFORE, BE IT PROCLAIMED** that the Northampton County Board of Supervisors, hereby proclaim September 14, 2010, as Protect Your Groundwater Day within the County of Northampton and urge all residential, industrial, and commercial users of groundwater to take actions toward protecting and conserving our limited groundwater resources.

\* \* \* \* \*

(12) Consider adoption of a resolution to purchase Lots 6-10 of Selma Farm.

Motion was made by Mr. Randall, seconded by Mr. Murray, that the Board adopt the following resolution, authorizing the purchase of Lots 6-10 at Selma Farm. All members were present and voted "yes." The motion was unanimously passed. Said resolution as adopted is set forth below:

**RESOLUTION OF THE  
NORTHAMPTON COUNTY BOARD OF SUPERVISORS**

**WHEREAS**, at its meeting of August 2, 2010, the Northampton County Board of Supervisors authorized the County Administrator and County Attorney, with the assistance of Supervisor Tankard, to attend a bank auction scheduled for August 3, 2010 and to bid on lots 4, 5, 6, and 7 of the Selma Farm in Eastville according to the guidance received from the Board; and

**WHEREAS**, at its meeting of August 4, 2010, the Northampton County Board of Supervisors ratified the actions of the County Administrator and Supervisor Tankard in acquiring Lots 6, 7, 8, 9, and 10 of the Selma Farm Subdivision at a cost of \$106,700.00.

**NOW, THEREFORE**, Be It Resolved that the Board of Supervisors of Northampton County does hereby resolve to purchase Lots 6, 7, 8, 9, and 10 of the Selma Farm Subdivision, identified as being Tax Map 58, double circle 2, Parcels 6, 7, 8, 9, and 10, for future school needs, for the sum of \$106,700.00; that the Board appropriate the funding for same; and that the County Administrator, County Attorney and Chairman of the Board of Supervisors be authorized to execute such documentation as may be required.

\* \* \* \* \*

(13) Consider adoption of a resolution requesting full funding of State Literary Loan Fund.

Motion was made by Mr. Murray, seconded by Mr. Bennett, that the Board adopt the following resolution. All members were present and voted "yes." The motion was unanimously passed. Said resolution as adopted is set forth below:

**RESOLUTION**

**WHEREAS**, Northampton County, in conjunction with the Northampton County School Board, applied for and was approved for the borrowing of up to \$7.5 million from the Literary Fund known as the Literary Fund Loan for the purpose of financing the cost of certain school

projects related to the Northampton High School structural repair; and

WHEREAS, the County has undertaken said project and has established short-term financing through the issuance of a revenue note by the Joint Industrial Development Authority of Northampton County and Towns in anticipation of receiving proceeds from the Literary Fund Loan; and

WHEREAS, the Commonwealth of Virginia has deferred the funding into the Literary Fund as a result of the infusion of stimulus funds under the American Recovery & Reinvestment Act which terminates on September 30, 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors petitions the Honorable Senator Ralph Northam and the Honorable Delegate Lynwood Lewis to file and support the necessary legislation to fully fund the Virginia Literary Fund and to reactivate and take action on the First Priority Waiting List (attached) on which Northampton County resides as priority #8 on said list.

\* \* \* \* \*

(14) Consider forwarding to the Planning Commission a zoning ordinance text amendment in re: “private special events” in Agricultural Districts (initially seen by the Board August 23, 2010).

Motion was made by Mr. Long, seconded by Mr. Randall, that the Board forward this proposed zoning text amendment to the Planning Commission for its study and recommendation.

Mr. Murray stated that he had received numerous letters and e-mail objecting to the by-right aspect of this proposal and requested that these be included in the minutes of this meeting.

Said correspondence is set out below:

TO: Northampton Board of Supervisors

Sep 13, 2010

I am a property owner near Jamesville in a designated Ag District and wish to make a statement regarding an interview Supervisor Long had with the Eastern Shore News reported on Wednesday Sep 8<sup>th</sup> about the use of this district.

Supervisor Long’s desire to enhance the capability for additional earnings by the farming community through agri-tourism is admirable but the method he proposed to use, as reported, is short sighted, ill conceived, poorly presented and lacks any depth of understanding of the current zoning. His example of the Busch wedding has no bearing on his proposal. That event was presented in the paper as a private wedding on Mr. Hoffler’s estate. It was not a wedding-place-for-hire venue.

The proposal described in the paper by Supervisor Long is short sighted because it does not

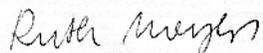
recognize the current status between active farms and residences in the agricultural district. The two exist side by side in a well-defined relationship. Supervisor Long's proposal is a major change to that relationship.

His proposal is ill conceived by creating the appearance of being presented to circumvent the normal full justification required of an individual to demonstrate that it is in the best interest of the community and consistent with the comprehensive plan. Is it possible that this shortcut is the return of a political favor?

The proposal is poorly presented because Mr. Long Junior has not made any effort to discuss this idea openly with the affected community through a public forum such as a town meeting. That would allow interested parties to have a two way exchange on issues where better ideas may be presented and discussed. What about toilet facilities, parking requirements, VDOT approvals for road access points, liquor licenses, public safety, and access for emergency vehicles. If a permanent facility is constructed, that land is lost to farming. Supervisor's meetings and Public Hearings do not provide that forum for a two way discussion of these issues.

Supervisor Long's proposal lacks any depth of understanding of the current zoning. The activity he supports is already allowed within the current zoning with a Minor Special Use permit that is a very simple, inexpensive procedure. It can be completed with little effort and a visit to the zoning office. By-Right use is reserved for activities that have little chance of being contentious between neighbors. If the possibility of conflict exists, or there is the need to include certain guidelines to maintain community harmony or safety, the permit process is the tool to use. With a By-Right use, that capability is forfeited.

Having the potential for a weekend wedding with large numbers of cars on a narrow road where two cars cannot pass without one driving on the shoulder, large numbers of celebrating people mixed with alcohol and loud music or live bands late into the evening, 150 feet from my front door, is a scary prospect. I can guarantee it will not create harmony in the neighborhood. This proposal as currently presented is neither business nor farm friendly, it is business that lacks keenness of mind. Please continue to require a minor special use permit for this activity.



Ruth Meyers

\* \* \* \* \*

September 12, 2010

Dear Mr. Murray,

As a Supervisor of the Northampton County, Virginia, please ensure this is read during agenda item 14 at the upcoming meeting/hearing, September 14, 2010.

After reading the Eastern Shore News and perusing the land use regulations of the county, I can see that the proposal by the honorable Sam Long will have very serious and deleterious effect on

the residential property owners in the areas designated as agriculture. In Northampton county many homes are adjacent or in the midst of the open farm land. A good number of these properties are there because of the rural nature and command tax assessments enjoyed by the County.

The concept of leasing open land for destination weddings is a novel thought for the Shore land holders but careful thought and consideration should be given to all the populous neighbors, not just the leasor of the land.

With a proposed designation of R verses M-S, as noted in Appendix a, line item 8, the open land owner could have events scheduled without the consent of close proximity property owners. This Carte Blanche policy (proposed act) could put massive numbers of vehicles and people essentially near the front, side or back yard of a homeowner, creating noise and congestion .The present designation of M-S gives the adjacent property owners a voice and say.

Mr. Long's intentions may be honorable, however a new designation R could be used inappropriately and abused by some for personal gain and not for the best interest of home owners in Ag. designated areas.

I strongly request that the Board of Supervisors NOT support this proposal.

Sincerely,

George W. Bryan  
Exmore, Virginia

\* \* \* \* \*

Dear Spencer,

This is in regard to #14 on Wednesday's Supervisor's agenda relative to land use regulations. Please know that Jim and I are very concerned about any change from R to M-R on land close to or next to residential areas. While we support a reasonable approach to economic development, we see serious implications in those changes that would eliminate the owners of property adjacent to farm-land losing their ability to weigh-in on uses that would impinge on privacy, road congestion, noise, and the peaceful nature of our residential/agricultural areas.

Thank you for your consideration.

Dawn and Jim Goldstine  
7446 Prettyman Circle  
Exmore, Virginia 23350

(757) 442-4956

\* \* \* \* \*

September 13, 2010

Northampton County Board of Supervisors

Gentlemen, the purpose of this letter is to inform you that I am not in favor of Mr. Longs proposal to allow commercial weddings “by right” in agricultural areas. I am in favor of continuing the process of the minor special use permit.

Unfortunately, we have citizens in our county whom are not considerate of their neighbors and would not abuse the “by right” that they would be allowed. I live across and am separated from a field of considerable acreage by a narrow road. “By right”, what is to prevent my neighbor who owns the field from putting a 100 to 300 car parking lot across from my home? What is he built a stage for concerts or other events and the sound was directed towards my home? I am not making any claim that my neighbor would do this but he could if he needed to. I also have a vacant ½ acre lot next to my home, is the owner of this lot able “by right” to hold weddings or other events on this lot? Parking for his events would require guest to park on a street that is approximately 8 foot wide, making it difficult for those residents to get in and out of our homes.

I would like to commend Mr. Long’s efforts and concern for Northampton County, however, I am very opposed to his proposal to allow commercial weddings in agricultural areas, “by right”.

Respectfully,

Glenn Muhle, Jr.  
7494 Prettyman Circle  
Exmore, Virginia

\* \* \* \* \*

Mr. Murray asked Mr. Long where the idea for the zoning text amendment had originated. Mr. Long responded that it was his idea as well as his experience in talking with other property owners. Mr. Long did note that conditions as contained in his original proposal were already contained in the zoning ordinance and that he believed that there would be a very narrow field of appropriate properties in the County to hold such events.

Mr. Murray noted that the proposal was not fair to adjacent property owners and

completely circumvents the public process.

Mr. Tankard distributed the Use Charts from the Zoning Ordinance and noted that obtaining a minor special use permit was not onerous. Mr. Tankard then said that Mr. Bill Parr, the neighbor that was referenced in Mr. Barbour's earlier comments, was an ideal candidate to apply for the required special use permit but since he owed County taxes, that was not allowed. Mr. Tankard did note that there were some good ideas contained in Ms. Benson's report on this matter and he would like to see the Planning Commission review the commercial uses in the zoning ordinance that may help to enhance the special events concept.

The Chairman called for action on Mr. Long's motion, still on the floor. Mr. Long voted "yes"; Mr. Tankard, Mr. Murray, Mr. Randall, Mr. Bennett and Mr. Trala voted "no." The motion was defeated.

Mr. Tankard suggested that this matter be placed on the action agenda next month, specifically Ms. Bensons' comments on possible revisions to the zoning ordinance. The Board concurred.

(15) Consider award of bid for geo-thermal well installation – Administration Renovation Project.

Motion was made by Mr. Randall, seconded by Mr. Bennett, that the geo-thermal well installation bid be awarded to Toano Well & Pump for a base bid of \$189,486 (if additional wells are needed, the bid is \$1,850 each). 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. Long, seconded by Mr. Tankard, that Ms. Ann Snyder be appointed to the Agricultural-Forestal District Advisory Committee, replacing Mr. Edward Warren who has resigned. All members were present and voted "yes." The motion was

unanimously passed.

Motion was made by Mr. Long, seconded by Mr. Randall, that the County Administrator be authorized to offer \$15,000.00 for the purchase of Lots 4 and 5 of the Selma Farm Subdivision near Eastville. All members were present and voted “yes.” The motion was unanimously passed.

Mr. Tankard suggested that the Board have additional discussion at the September work session relative to the Hospital; specifically, strategies to be undertaken when Riverside applies for its Certificate of Need. The Board concurred.

Recess:

Motion was made by Mr. Long, seconded by Mr. Randall, that the Board recess until 5:00 p.m., Monday, September 27, 2010 in conference room #2 of the former Northampton Middle School, 7247 Young Street, Machipongo, Virginia, for the purpose of conducting the regular work session. All members were present and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

\_\_\_\_\_ CHAIRMAN

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