

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 7th day of November, 2011, at 4:00 p.m.

Present:

Willie C. Randall, Chairman

Samuel J. Long, Jr., Vice Chairman

H. Spencer Murray

Oliver H. Bennett

Laurence J. Trala

Richard Tankard

The meeting was called to order by the Chairman.

Closed Session

Motion was made by Mr. Trala, seconded by Mr. Long, 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.

(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.

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 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) Dr. Walter Clemons, Division Superintendent of the Public School System, informed the Board that Kiptopeke Elementary School has been “conditionally” accredited. He also noted that the School Board has provided the State with a letter of intent to apply for an additional \$2 million in QZAB funds and asked that a serious dialogue occur with the Board very quickly. Mr. Murray stated that he does not feel that the County can afford to incur new debt. Mr. Tankard noted that “QZAB funding is inconsistent and does not lend itself to as wise a path as to how we spend our money”. Dr. Clemons suggested a meeting between the two governing bodies after he has had a chance to review the Capital Improvements Plan, which has been adopted by the School Board but not the Board of Supervisors. Mr. Tankard also said that until the Board has adopted the School’s CIP, he would not feel comfortable addressing this matter.

Consent Agenda:

(2) Minutes of the meetings of October 18 and 26, 2011.

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the consent agenda be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

County Officials’ Reports:

(3) The County Administrator presented the following Budget Amendments and Appropriations which stated in part:

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: November 3, 2011
RE: Budget Amendments and Appropriations – FY 2012

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

1. Requests from the School Board as follows:
 - (A) \$9,244.53 for the 2011-2012 School Operating Budget. This is to reflect an award from the Virginia Department of Education for the purchase of capital equipment at Northampton High School under the FY 2011 Equipment Assistance Grant. This grant will be tracked as Other Miscellaneous Revenue within the Food Service Fund and Expenditures will be classified under the Food Service Fund within the category of School Food Services & Other Non-Instructional.
 - (B) \$7,642.81 for the 2011-2012 School Operating Budget. This is to reflect the actual amount of the 2011-2012 Title VI, Part B, Subpart 2 – Rural and Low Income School Program award. This grant is tracked separately as Federal Revenue and Expenditures will be classified under the Federal Grants Fund within the category of Instruction.
 - (C) \$686.08 for the 2011-2012 School Operating Budget. This is to reflect an additional reduction in the amount of the 2011-2012 Carl D. Perkins Career and Technical Education award. This grant is tracked separately as Federal Revenue, and Expenditures will be classified under the Federal Grants Fund within the category of Instruction.
 - (D) \$27,904.29 for the 2011-2012 School Operating Budget. This is to reflect the 2011 Grant Award for Title II, Part A, Improving Teacher Quality. This grant is tracked separately within the Federal Grants Fund and Expenditures are classified within the category of Instruction.
 - (E) \$15,000.00 for the 2011-2012 School Operating Budget. This is to reflect the

elimination of Comprehensive Services Act funding for Behavioral Support Services. CSA Funding has been tracked as Other Miscellaneous Revenue within the School Operating Fund and Expenditures have been classified under the School Operating Fund within the category of Instruction.

(F) \$118,241 for the 2011-2012 School Operating Budget. This is to reflect an increase in budgeted ADM of 29 students, from 1,630 to 1,659, based on our current enrollment trend (ADM as of September 30, 2011 was 1,711). The funding generated from this ADM increase will be used to fund salaries of additional staff needed to meet the requirements of our State K-3 Initiative (Class Size Reduction) funding. Increased revenues, by account, are reflected on the attachment. Increased expenditures will be classified within the category of Instruction.

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

2. The County has received insurance proceeds in the amount of \$1,500.00 as a result of hurricane damages sustained by the Oyster Boat Ramp gangway. These funds need to be returned to the Harbors & Ramps budget (100-7107-50800).

Motion was made by Mr. Long, seconded by Mr. Murray, that the budget amendment and appropriation be approved as presented. All members were present and voted "yes." The motion was unanimously passed.

Amendments and appropriations approved as noted on the attached pages.

(4) Ms. Sandra Benson, Director of Planning, presented that departmental update which included activity reports for the following projects: Board of Zoning Appeals, Staff Activities, Upcoming Meetings and Events, Kings Creek Water Sampling and Analysis, Comprehensive Plan Advisory Committee, and Smart Growth America Technical Assistance Opportunity. With regard to item #4, Mr. Long indicated that he will have a revised charge for the Board to consider later in the meeting.

Mr. Murray indicated that the full 20-year listing of delinquent real estate taxes is available on the County's website and urged everyone to review the list. Mr. Tankard distributed copies of the "Top 40" lists of delinquent real estate taxes for 2010, 2009, and 2008.

The Board recessed at 5:50 p.m. for a dinner break.

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

The invocation was offered by Rev. Harry Crandall.

The Pledge of Allegiance was given.

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

- (i) 11/28/11: Work session – Topic to be announced
- (ii) 12/26/11: Work session – cancelled ?
- (iii) 1/23/12: 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: November 3, 2011
RE: Bi-Monthly Update

I. PROJECTS:

A. ESVA Public Services Authority Update:

The ESVA PSA met on October 17, 2011 and discussed the upcoming public hearing of the State Water Control Board regarding the funding request for the Northern Node project. ESVA PSA's application to DEQ for funding for the Northern Node has been shortlisted. The State Water Control Board must hold a public hearing on the draft funding list before finalizing any funding.

B. Potential Proposed Zoning Changes:

Staff is working on fleshing out the proposed zoning changes and will have this finalized for the November worksession. At that point, the Board will need to verify the proposed list of changes and vote to move the document to public hearing before the Planning Commission and the Board.

C. New Building Permit Fee Schedule:

Pursuant to a request from Supervisor Long, I am providing the following information relative to the collection of building permit fees.

After discussion with then Interim Building Official Gary Fisher, I instituted a new policy, effective July 1, 2011, that building permit fees need to be paid at the time of application. At the same time, I recommended an ordinance change for the Board's consideration that proposed a refund policy for building permit fees which the Board adopted in June 2011. The refund ordinance states: "the Northampton County Building Department will refund

75% of permit fees when approved by the Building Official and when requested in writing by the permit holder in the vent of revocation, abandonment or discontinuance of project.”

These two items were implemented based upon a review of the practices of other localities as well as a review of our plans review process. Previously, the Building Office would accept a building application with associated plans and review all plans for compliance with the Building Code. Upon completion of review, the applicant would be notified that the permit was ready to be issued upon receipt of the permit fees; however, some of the permits were never picked up because the applicant decided not to construct the project. Therefore, the county staff had already completed its work and devoted its time and resources to the review of the application but no payment is received to cover the cost of staff time which is the intent of building permit fees.

As of today, there are still 8 permits that have been fully reviewed and are ready to be issued by the Building Department but have not been picked up nor any fees collected on the permit, pursuant to the system in place prior to July 1, 2011.

As of July 1, 2011, all building permit fees are required to be paid at the time of submission of the application. If a project does not materialize, the refund policy enacted by the Board provides the necessary tools to the Building Official to address the issue. In addition, one of the benefits realized is that the County is able to mail a copy of the completed permit as soon as the Building Official completes his review, thus eliminating the need for another trip to County offices by the applicant.

In querying other counties, the majority of the counties have enacted similar policies requiring the pre-payment of the building permit fees as well as a generous refund policy if a project does not materialize (Allegheny County, Warren County, Fairfax County, Campbell County, James City County, Virginia Beach).

Mr. Long urged flexibility for the contractors; i.e., requiring a certain percentage of the fee to be paid up-front with the remainder to be paid at the completion of staff review. Mr. Tankard suggested that the County Administrator research the practices of other localities in this regard and bring back a recommendation next month. Mr. Long agreed.

D. Department of Finance:

I have engaged Springsted, Inc. to assist in the recruitment and screening of applicants for the position of Director of Finance. The position is currently being advertised with a deadline of November 30, 2011 for submission of

resumes. At this time, I am serving as interim Finance Director and working with the Finance staff to complete the FY2011 audit.

II. GRANT OPPORTUNITIES

A. Building Collaborative Communities Grant: In August, the County, in conjunction with Accomack County, applied for the Building Collaborative Communities grant from the Department of Housing and Community Development. Our application was not selected.

III. OTHER

Sean Milner, Director of the CSU Probation Services, has accepted employment in Henrico, VA. Erica Lawson has been named as Acting Director until the state selects a permanent Director

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Citizen Information Period:

Mr. G. F. Hogg, Jr., questioned whether the County has received any response to its letter to the Virginia Department of Transportation (copies to Senator Northam and Delegate Lewis) with regard to the Food Lion intersection near Cape Charles. The County Administrator indicated in the negative.

Public Hearings:

Chairman Randall called to order the following public hearing:

(6) Zoning Text Amendment 2011-11: Michael and Nan Arpino have filed to amend sign regulations in the Northampton County Code, Chapter 154 Zoning Code, *Section 154.190 et seq.*, in order to allow existing sign structures in the Existing Business (EB) District to be used as off-premise advertising signs.

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

Ms. Benson indicated that the Planning Commission was recommending approval of the petition with modifications as outlined below.

§ 154.191 (B) The following signs shall be permitted in Village Neighborhood Business, Waterfront Village-Neighborhood Business, Waterfront Village-Waterfront Commercial, Town Edge-Neighborhood Business, Town Edge-Commercial General, Existing Business, and Existing Industrial Districts and where such uses are allowed by special use permit in other

zoning districts, subject to the general regulations found in § 154.190, unless otherwise modified by provisions of § 154.165 Highway Corridor District.

~~(C) The following signs shall be permitted in the Existing Business District.~~

- (1) *Business signs, free standing.* One such sign on the premises of the business, with an area not to exceed 32 square feet. Maximum height is fifteen (15) feet; minimum setback from a public right-of-way is ten (10) feet. For a business located on a corner lot, two (2) such signs are permitted, one (1) on each road frontage.
- (2) *Business sign, wall.* One such sign on the premises of the business with an area not to exceed one (1) square foot of sign area for each linear foot of the building's or unit's front façade or 32 square feet, whichever is smaller.
- (3) *Sale or rental signs.* Such signs shall be governed by standards found in § 154.190.
- (4) *Contractor's signs.* One temporary contractor's sign, not exceeding four (4) square feet, provided that such sign shall be removed upon completion of work. Height limitation is three (3) feet above the ground.
- (5) *Public, political, and posting signs.* Such signs shall be governed by standards found in § 154.190.
- (6) *Temporary event signs.* Such signs shall be governed by standards found in § 154.190.
- (7) *Directional signs.* Such signs shall be governed by standards found in § 154.190.
- (8) *Identification signs.* One sign on-site, not exceeding 20 square feet in area, for the purpose of showing the name and uses of a country club, cemetery, convent, monastery, seminary, children's home, orphanage, fraternal organization, hospital, church or other similar establishment when such use is permitted.
- (9) *Theater signs.* Signs advertising the acts or features to be given in any theater, movie or otherwise may be displayed on permanent frames erected on the theater buildings; provided that the bottom of such frames are erected flat against a wall and the area of all such frames does not exceed 48 square feet. Marquees shall not be less than ten (10) feet above the sidewalk.
- (10) *Entrance signs.* Signs identifying an industry at its entrance provided such sign is no greater in area than 64 square feet and does not exceed fifteen (15) feet in height. Such signs shall be erected in a landscaped setting.
- (11) *Commercial multiple tenant signs.*
 - (a) Building-mounted signs on buildings housing only one (1) tenant or multiple

tenants that access the building via a common outside entrance(s) shall not exceed one and one-half square feet of sign area for each of the first 100 linear feet of building frontage plus one square foot of sign area for each linear foot over 100 linear feet of building frontage. No one sign, however, shall have a sign area in excess of 200 square feet.

- (b) Any commercial center shall be permitted one (1) freestanding commercial center identification sign. No freestanding sign shall be permitted for individual enterprises or uses located within or on the same lot with a shopping center; however, identification signs for each individual store within the shopping center may be located on the commercial center identification sign. Any such sign shall not exceed 18 square feet. The maximum area for a regional commercial center identification sign shall be 64 square feet with a maximum height of ten (10) feet. The maximum sign area for a neighborhood commercial center identification sign shall be 32 square feet with a maximum height of eight (8) feet.

(12) Use of existing signs as off-premise advertising signs. Additional signage permitted in the Existing Business District.

- (a) An existing sign structure located on ~~vacant~~ **improved, unoccupied** property having no other current business signs in use may be converted to a billboard or off-premise advertising sign. Such sign shall require a zoning clearance pursuant to §154.040 herein, a building permit if required by the Building Code, and review and approval by the Virginia Department of Transportation. Such sign may not be enlarged or structurally altered in any way or relocated.
- (b) If the premises on which the converted sign is located become occupied, the converted sign face(s) shall be removed within ninety (90) days of the property being occupied. Any new occupants shall be prohibited from constructing a new free-standing sign while the temporary sign is in use and may utilize the existing structure when the temporary sign face(s) are removed.

* * * *

The applicants, Michael and Nan Arpino, indicated that there would be no structural changes to the existing sign. In response to a question from Mr. Murray, Mrs. Arpino stated that the VDOT regulations for a turn-lane was a significant barrier to new business.

Mr. G. F. Hogg, Jr., agreed with the assessment that VDOT regulations were significant obstacles to new business or expanding business in the County. He said that it was “important to

find some way to enhance the business opportunities in Northampton County.”

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

Motion was made by Mr. Murray, seconded by Mr. Trala, that Zoning Text Amendment 2011-11 be approved as amended and shown above. All members were present and voted “yes.” The motion was unanimously passed.

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

(7) Receive the views within the Northampton County School District regarding the appointment of one **District Four** member to the Northampton County School Board. Applications have been received from: Calvin Brickhouse, Roy J. Mink, Jr., Mickey M. Merritt.

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

The County Administrator noted that per Board policy, no selection could be made until at least seven days after the public hearing. She also noted that Mr. Brickhouse is a resident of District Three and therefore not eligible to be considered for the District Four position. Additionally, Mr. Merritt has withdrawn his application earlier today.

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

The Board indicated that it would interview Mr. Mink during its November 28th work session, commencing at 4:00 p.m.

Action Items:

(8) Consider a request from C. A. Turner III, for expansion of his barn – property is within an AFD.

Motion was made by Mr. Murray, seconded by Mr. Long, that the request for a barn expansion by Mr. C. A. Turner, III, be approved. All members were present and voted “yes.” The motion was unanimously passed.

(9) Consider a request from Branscome, Inc., for waiver of buffer requirement from industrially zoned property located in Nassawadox.

Following brief comments from Mr. Julian Lipscomb, Environmental Manager of Branscome, Inc. (who distributed aerial maps of the subject property), motion as made by Mr. Trala, seconded by Mr. Bennett, that the request for buffer waiver be approved as presented. All members were present and voted “yes.” The motion was unanimously passed.

(10) Consider a request from the Town of Parksley for donation of a surplus vehicle from the sheriff’s office.

Mr. Tankard stated that the County’s current practice of disposing of surplus equipment through sealed bids was working well and it would be irregular to make a donation to a locality outside the County. It was the consensus of the Board to deny the request from the Town of Parksley but to indicate that the Town was welcome to submit a sealed bid at the next surplus event.

(11) Consider accepting all bids received as a result of the September 13, 2011 delinquent auction event.

Motion was made by Mr. Murray, seconded by Mr. Tankard, that all of the bids received as a result of the September 13th delinquent tax auction event be accepted. All members were present and voted “yes,” with the exception of Mr. Bennett who abstained because of his participation in that event. The motion was passed.

Matters Presented by the Board Including Committee Reports & Appointments

Mr. Long distributed a revised set of directions for the Comprehensive Plan Advisory Committee and the Board reviewed same. Following comments from the Board, it was the consensus of the Board to have the County Administrator further refine the guidance document and bring same back for the Board’s review and action at the November work session.

Mr. Long indicated that he had received a call from a resident of Willow Oak Road

following the re-stripping of that road by VDOT, with double lines (no passing) rather than the single lines as was previously in place. The resident, Beth Stevens, was recognized and allowed to address the Board. She asked that the Board file for a traffic study of this area in the hopes of allowing passing of vehicles. Motion was made by Mr. Long, seconded by Mr. Murray, that the County Administrator be authorized to write to VDOT and request an explanation of the new traffic pattern and a traffic study if so warranted. All members were present and voted "yes." The motion was unanimously passed.

In response to a question from Mr. Bennett, the County Administrator indicated that the remainder of the Birdsnest Waste Collection Site will be paved in the near future. Mr. Bennett also noted that due to a recent hand injury, he urged Riverside Shore Memorial Hospital to retain an emergency room service in Northampton County.

Motion was made by Mr. Long, seconded by Mr. Bennett, that the following resolution be adopted in order to change the time of the November work session. All members were present and voted "yes." The motion was unanimously passed. The resolution as adopted is set out below:

RESOLUTION

BE IT RESOLVED by the Northampton County Board of Supervisors, this 7th day of November, 2011, that the regular work session meeting of the Board, scheduled for Monday, November 28, 2011 at 5:00 p.m., in the Board Chambers of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, be changed to Monday, November 28, 2011 at 4:00 p.m. in the Board Chambers, 16404 Courthouse Road, Eastville, Virginia; and

BE IT RESOLVED that, following this meeting, the date, time and place of the regular work session meeting of the Northampton County Board of Supervisors shall revert to the fourth Monday of each month in the Board Chambers, 16404 Courthouse Road, Eastville, Virginia, at 5:00 p.m.

Recess:

Motion was made by Mr. Murray, seconded by Mr. Long, that the meeting be recessed

until 4:00 p.m., Monday, November 28, 2011, in the Board Chambers, 16404 Courthouse Road, Eastville, Virginia, in order to conduct the regular work session. All members were present and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

_____CHAIRMAN

_____ COUNTY ADMINISTRATOR

DRAFT