

VIRGINIA:

At a recessed meeting of the Board of Supervisors of the County of Northampton, Virginia, held in the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, on the 28th day of November, 2011, at 4:00 p.m.

Present:

Willie C. Randall, Chairman

Samuel J. Long, Jr., Vice Chairman

H. Spencer Murray

Laurence J. Trala

Oliver H. Bennett

Absent:

Richard Tankard

The meeting was called to order by the Chairman.

Closed Session

Motion was made by Mr. Murray, 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.

Interview with School Board Candidate

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

Mr. Trala arrived at 4:05 p.m.

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 paragraph 1 of Section 2.1-3711 of the Code of Virginia of 1950, as amended. Upon being polled individually, each Board member confirmed that this was the only matter of discussion during the closed session.

County Administrator's Report

The County Administrator, Katherine H. Nunez, presented the following bi-monthly report:

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: November 22, 2011
RE: Bi-Monthly Update

I. PROJECTS:

A. Potential Proposed Zoning Changes:

At your October meeting, I provided to the Board a spreadsheet detailing potential changes to the zoning ordinance. Within that spreadsheet, we indicated items that could be handled short-term as well as long-term. To that end, we have enclosed the appropriate pages from the Zoning Ordinance with our proposed changes (additions and/or deletions) for all of the short-term items. We will review these items with you in detail to ensure that the proposed changes reflect the intent of the Board. We are seeking the Board's authorization to move these items to public hearing before the Planning Commission and the Board of Supervisors. In addition, if the Board wishes to impose a time line to receive the recommendation from the Planning Commission on these proposed items, it will need to be included in any vote of the Board on this matter. If that is the intent of the Board, I would recommend a 60 day deadline from the date of the Planning Commission meeting of January 3, 2012 (the earliest meeting this item could be scheduled for public hearing).

Ms. Sandra Benson, Director of Planning, discussed with the Board the proposed amendments to the zoning ordinance, page-by-page, with the Board making several modifications to the proposed text including changes to sections 154.145(G)(1) and 154.164(I)(2)(1).

Motion was made by Mr. Murray, seconded by Mr. Bennett, that the Board amend and approve the proposed zoning ordinance amendments as presented this evening, and directed that same be forwarded to the Planning Commission for public hearing with a 60-day deadline to receive

the recommendation from the Planning Commission; said 60-day deadline to commence on January 3, 2012. All members were present with the exception of Mr. Tankard and voted "yes." The motion was unanimously passed.

Chairman Randall and Mr. Murray both thanked the County Administrator and Director of Planning for their efforts in making suggestions which will streamline the zoning ordinance.

B. Transient Occupancy Tax:

In the course of meeting with representatives of the ESVA Tourism Commission, it has been brought to my attention that the County's ordinance relative to the distribution of the Transient Occupancy Tax requirements was not adhered to during the establishment of the Fiscal Year 2012 budget. In the preparation of the FY12 budget, I was following the Board policy regarding the Transient Occupancy Tax where I felt there was flexibility to make adjustments in order to provide a funding stream to support the OpSail2012/Tall Ships Initiative and was not aware that the County ordinance contained stricter language. I have enclosed both the County ordinance section and the County Policy for your review.

The Board will need to determine the following:

1. If you find the existing ordinance language acceptable, no further action is required relative to the ordinance but I will have to develop budget recommendations to provide at your December meeting to bring our actions into compliance with the ordinance. This would impact our funding strategy for OpSail 2012/Tall Ships Initiative; the Purchase of Development Rights Fund; and the funding for the operational contribution for the Eastern Shore of Virginia Tourism Commission.
2. If you do not find the existing ordinance language acceptable, I would propose the following approaches to address the language:

Language dealing with the 3% of the 5% Transient Occupancy Tax that must be spent on Tourism (per Code of Virginia §58.1-3819).

- A. Incorporate the elements of the Board Policy into the ordinance; specifically, that 3% of the Transient Occupancy Tax must be dedicated to tourism purposes and of that 3%, the County will dedicate 75% of it for the operational contribution to the Eastern Shore of Virginia Tourism Commission. The balance of that tax at the end of the year will be dedicated to a Tourism Grant program, as established under the Board policy.

OR

- B. Eliminate the language from the ordinance naming the Eastern Shore of Virginia Tourism Commission as the recipient and the Board may choose to set a policy that specifies the organization and the funding amount in compliance with the Code of Virginia §58.1-3819, similar to the Board policy that was previously adopted.

Language dealing with the 1% of the 5% Transient Occupancy Tax for funding the Purchase of Development Rights Program

Within the ordinance, the Board has dedicated 1% of the Transient Occupancy Tax for the Purchase of Development Rights Program. If you wish to retain that language in the ordinance, then I will need to prepare budget recommendations for your consideration at the December meeting since we had redirected ½ of the 1% to fund OpSail 2012/Tall Ships Initiative. If you wish to remove that language from the ordinance, the Board can establish via policy or via budget discussions annually, funding for the Purchase of Development Rights program.

I need direction from the Board which you manner you wish to take on both of these elements in order to either advertise for public hearing amendments to this ordinance or develop budget recommendations to bring us in compliance with the existing ordinance.

The Chairman recognized Ms. Donna Bozza of the Eastern Shore Tourism Commission and Ms. Lynn Lochen who, in response to a question from Mr. Bennett, indicated that \$1.2 million in direct tax revenues is received by the County as a result of tourism. Seven hundred forty-six persons are employed in the tourism industry in the County which is an increase of 2.3% over the previous year.

Several of the Board members expressed their preference for flexibility in the allocation of the remaining two percent of the five percent transient occupancy tax imposed by the Board.

Following much discussion, motion was made by Mr. Murray, seconded by Mr. Trala, that the County Administrator be authorized to move to public hearing a proposed amendment to the Transient Occupancy Tax (TOT) ordinance which would allow for 75% of the three percent of the TOT to be allocated to the Eastern Shore Tourism Commission as the County's operating contribution and the remaining 25% be allocated towards the TOT grant program as previously established through Board policy. All

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

Motion was made by Mr. Murray, seconded by Mr. Long, that the County Administrator be authorized to move to public hearing a proposed amendment to the Transient Occupancy Tax (TOT) ordinance which would allocate two percent of the TOT for other purposes as determined by the Board on an annual basis. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

C. Comprehensive Plan Advisory Committee – Work Charge

Attached is a memorandum addressing the work charge for the Board’s ad-hoc committee, the Comprehensive Plan Advisory Committee (CPAC). I have enclosed the original proposal from Supervisor Long that was provided to the Board at your November 7, 2011 meeting for reference only.

The Board’s input and review is needed.

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: November 21, 2011
RE: Comprehensive Plan Advisory Committee – Revised Guidance

At your meeting on September 26, 2011, the Board voted on the following guidance and direction for the Comprehensive Plan Advisory Committee (CPAC):

The primary goal of the Committee is the creation of an Economic Development Plan as referenced in Section 3.5.5 of the County’s Comprehensive Plan.

The Committee’s secondary goal is to serve in a review function for the whole Plan.

At your meeting on November 7, 2011, the Board received a request to amend the guidance and direction for the CPAC. Feedback from the Committee indicates that they did not wholly agree with the prior guidance and direction from the Board. Members of the Board deferred action on this matter until staff review could occur and a recommendation forwarded for the Board’s consideration.

I have reviewed the Board of Supervisors Manual that outlines the provisions regarding Ad Hoc Committees and it states that “ad hoc committees are established for the purpose of gathering information and assisting the rest of the Board members in decision-making” and the purpose of an ad hoc committee is to “develop greater expertise and more widespread participation than might otherwise be available.” The Board Member manual states that each ad hoc committee

will be given a written charge, which shall include the work to be undertaken, the time in which it is to be accomplished, and the procedures for reporting to the Board.

I would recommend the Board of Supervisors expand the composition of the CPAC to be more expansive and reflective of the county population and to serve as the sounding board for the proposed revisions of the Comprehensive Plan prior to the formal public hearing process. I would propose the Board consider representation from the following community segments: Banking, Housing, Builders' Association, Medical Community, Agriculture, Aquaculture, Community College, Bayview Citizens for Social Justice and the New Roads Community Development, Working Watermen's Association, Nature Conservancy, NAACP, Student Representation, and representatives from each of the towns.

After discussion with Director of Planning & Zoning Sandra Benson, I present the following proposed written charge for the Comprehensive Plan Advisory Committee:

COMPREHENSIVE PLAN ADVISORY COMMITTEE

1. The Comprehensive Plan Advisory Committee (CPAC) is hereby established as an Ad hoc committee of the Board of Supervisors for the purposes of assisting in the review of the County Comprehensive Plan.
2. The CPAC shall report no less than quarterly to the Board of Supervisors through a written report to be submitted as part of the Planning & Zoning Director's Report to the Board of Supervisors. At the completion of their work which shall be defined as the completion of each element contained in this charge, the CPAC will make a formal presentation of their findings at a regular meeting of the Board of Supervisors.
3. The CPAC shall examine existing Industrial, Commercial and Business zoning districts and analyze the setbacks, height and density requirements, use requirements, signage, and parking and lighting requirements in these zoning districts to determine if they conflict with the Comprehensive Plan or if changes should be proposed to the Comprehensive Plan to address any of these elements to ensure that the existing Industrial, Commercial and Business zoning districts are structured in a manner to promote economic development in these locations.
4. The CPAC shall examine the zoning of the incorporated towns relative to Industrial, Commercial, and Business zones to determine if they comport with the County Comprehensive Plan, which encourages new development to occur in and around the towns to encourage their economic vitality and to integrate existing infrastructure, including water and sewer, for use by new development. This examination shall include an assessment of the adequacy of existing infrastructure to support the growth contemplated by the County Comprehensive Plan.
5. The CPAC shall study if expansion of the existing Industrial, Commercial and Business zoning districts is warranted as well as determine whether new areas within the county

6. THE CPAC shall develop an Economic Development Plan as referenced in Section 3.5.5 of the County's Comprehensive Plan.
7. The CPAC shall review the work of the Planning Commission as it is issued relative to the Comprehensive Plan but prior to the Planning Commission's formal public hearing process for review and consideration of the Comprehensive Plan and provide recommendations for the Planning Commission's consideration as well provide same to the Board of Supervisors as detailed in Item #2 above.

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Motion was made by Mr. Long, seconded by Mr. Murray, that the Board provide revised guidance to the Comprehensive Plan Advisory Committee as referenced above and as recommended by the County Administrator. All members were present with the exception of Mr. Tankard and voted "yes." The motion was unanimously passed.

II. OTHER

1. Notification from Department of Justice that our petition to move Voter Registrar's central office to our new building and to relocate the District 4 polling place from the Eastville Bingo Hall to the Machipongo Middle School building has been accepted.

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4. Joint Meeting with School Board

The County Administrator indicated that she had received correspondence from Superintendent Walter Clemons, indicating that the School Board was not seeking QZAB funding at this time and did not need to meet with the Board this evening. The Superintendent noted in his e-mail that he would contact the County Administrator at a future date during the school year to schedule a joint meeting for discussions of the CIP and future funding for the public schools.

Mr. Murray asked that the Board allow his prepared comments to be included in the record. The Board concurred and said comments are set out below:

QZAB Discussion
Board of Supervisors Work Session
November 28, 2011

- ▶ The School Board approved CIP is very clear. On page 39, it asks for a funding request of \$22.2 million between now and 2018.
- ▶ On page 29, the CIP shows an estimated cost of \$4.9 million to add 29,000 sq. ft. to the high school to fully accommodate grades 6-12 there.
- ▶ Let me be very clear: This \$2.0 million request for QZAB funding is a little snowball that will gain size and strength if this Board of Supervisors approves it tonight. It could mean financial disaster, even bankruptcy for Northampton County sometime in the future. Taxes must be raised to cover the added debt service.
- ▶ A point worth repeating: The School Board, as public servants, appointed by this Board of Supervisors, has the obligation to seek every dollar of funding they believe needed to assure the best public education of Northampton County students.
- ▶ However, this Board of Supervisors, as elected officials representing all citizens, has a dual responsibility:
 - First, to give the School Board every dollar it can, and,
 - Secondly, to assure the financial stability of the County.
- ▶ We should not end up with a newer facility if it means we cannot pay teachers because of debt service costs.
- ▶ After numerous joint meetings, I believe the Board of Supervisors has agreed that the various repairs and changes proposed in the School Board's CIP are needed. The Board of Supervisors has not accepted the dollar amounts and the time-table. Our citizens also have needs but as my mother used to say, "they are making do" for now until things get better and money is available.
- ▶ The Board of Supervisors has also stated it understands the School Board's need for an annual capital budget figure it can count on. The figure of \$600K has been discussed, to include the current debt service to pay for the two elementary schools, which is \$630,000, and will go away in FY 2013.
- ▶ In FY 12, the last payment of the 1999 QZAB issuance is \$175,000. Also, the Literary Loan (\$1.4 million) carried as a short term financial; FY 13 adds \$60K debt service for the high school back wall.
- ▶ In closing, I wish to state my view that failure to approve this \$2.0 million does not

indicate a lack of respect for the School Board or an unwillingness to support our new superintendent. It merely acknowledges our current financial picture which will get worse if likely cuts at the federal and state level occur.

- ▶ The County finances will get better if we don't take actions that make them worse.

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Closed Session

Motion was made by Mr. Murray, 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:

(B) 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 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 with the exception of Mr. Tankard and voted "yes." The motion was unanimously passed.

After Closed Session, the Chairman reconvened the meeting and said that the Board had entered the closed session for those purposes as set out in paragraphs 1, 3 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.

Motion was made by Mr. Long, seconded by Mr. Bennett, that the County Administrator be authorized to negotiate for the lease and/or purchase of the Verizon property on Stumptown Drive under the terms and conditions as stipulated. All members were present with the exception

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

Adjourn:

Motion was made by Mr. Murray, seconded by Mr. Long, that the meeting be adjourned. All members were present with the exception of Mr. Tankard and voted “yes.” The motion was unanimously passed.

The meeting was adjourned.

_____ CHAIRMAN

_____ COUNTY ADMINISTRATOR