

VIRGINIA:

At a regular meeting of the Board of Supervisors of the County of Northampton, Virginia, held in the former circuit courtroom, 16404 Courthouse Road, Eastville, Virginia, on the 12th day of May, 2009, at 4:00 p.m.

Present:

Jeff Walker, Chairman

H. Spencer Murray, Vice Chairman

Laurence J. Trala

Dave Burden

Richard Tankard

Absent:

William A. Hughes, Sr.

The meeting was called to order by the Chairman.

Closed Session

Motion was made by Mr. Tankard 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.

Waste Collection Center Sites

(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.

USDA grant correspondence (STIP)

All members were present with the exception of Mr. Hughes 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.

Mr. Walker 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 & Agency Presentations:

(1) Mr. Robert Isdell, Virginia Department of Transportation, commented on routine maintenance operations including patching, ditching, brush trimming and mowing.

Consent Agenda:

(2) Minutes of the meetings of April 14 and 28, 2009. Motion was made by Mr. Tankard that the minutes of the meetings of April 14 and 28, 2009 be approved. All members were present with the exception of Mr. Hughes and voted “yes.” The motion was unanimously passed.

(3) Motion was made by Mr. Tankard that the following A-95 Reviews be approved:

(a) Project entitled, "Medical Center in Onley, Virginia"; Applicant: Eastern Shore Rural Health System, Inc.

(b) Project entitled, "Police Vehicles and Law Enforcement Equipment"; Applicant: Town of Exmore

(c) Project entitled, "Implementing Alternatives to FQPA-Targeted Insecticides and Methyl Bromide use in Tomatoes"; Applicant: VPI & SU

All members were present with the exception of Mr. Hughes and voted "yes." The motion was unanimously passed.

(4) Motion was made by Mr. Trala that the following Proclamation be adopted. All members were present with the exception of Mr. Hughes and voted "yes." The motion was unanimously passed. Said proclamation as adopted is set forth below:

PROCLAMATION

To Designate the Week of May 17-23, 2009 as Emergency Medical Services Week

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services providers have traditionally served as the safety net of America's health care system; and

WHEREAS, emergency medical services teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and

WHEREAS, approximately two-thirds of all emergency medical services providers are volunteers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage thousands of hours of specialized training and continuing education to enhanced their lifesaving skills; and

WHEREAS, Americans benefit daily from the knowledge and skills of these highly

trained individuals; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

WHEREAS, injury prevention and the appropriate use of the EMS system will help reduce national health care costs; and

NOW, THEREFORE, the Northampton County Board of Supervisors, in recognition of the event does, hereby proclaim the week of May 17-23, 2009 as

EMERGENCY MEDICAL SERVICES WEEK

and encourages the community to observe this week with appropriate programs, ceremonies, and activities.

County Officials' Reports:

(5) Mrs. Glenda Miller, Director of Finance, distributed the following budget amendments and appropriations with associated explanations:

“The attached supplemental appropriations and budget amendments represent the appropriation of funds for an additional contribution for FY 09 (the current fiscal year) for STAR Transit. The request is to cover an anticipated shortfall of \$17,000 due to a decline in advertising revenue. A letter of request from the Accomack-Northampton Transportation District Commission is attached.”

<u>G/L Account</u>	<u>Description</u>	<u>Debit Amount</u>	<u>Credit Amount</u>
100-8108-52700	STAR Transit	7,140.00	
100-0045-49000	Appropriated Fund Balance		7,140.00

Motion was made by Mr. Murray that the budget amendment and appropriation be approved as presented. All members were present with the exception of Mr. Hughes and voted “yes.” The motion was unanimously passed.

(6) Ms. Sandra Benson, Director of Planning, presented her departmental update including activity reports for the following projects: Community Housing Committee; Board of Zoning Appeals, and Staff Activities & Training.

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

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

The Pledge of Allegiance was given.

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

- (i) 5/26/09: FY 2010 Budget Public Hearing
- (ii) 6/23/09: School Board Interviews
- (iii) 7/25/09: Stormwater Management

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

I. PROJECTS:

Federal Stimulus Projects: I have enclosed two attachments. The first is a spreadsheet tracking the projects that were submitted to the Virginia Stimulus website. As we match funding opportunities to the programs, I am filling in that information and the status of the funding requests.

The second, entitled "Tracking of Stimulus Funds – Grants Released and Applied for by Northampton County" is a spreadsheet tracking all of the federal stimulus funds that might be of benefit to our county. Since many of the programs receiving stimulus funds provide greater opportunities than we envisioned on our project list, I wanted to track these programs and any opportunities that we avail ourselves. As you will see, some of the federal stimulus funds will be issued based upon program allocation, such as the Health & Human Services funding for programs like Head Start. These will not require any sort of application to be submitted nor require a competitive process but will be released upon the current funding formula in which our service agencies received funds today. Other programs have been announced but details have not been finalized regarding the release of the rules & regulations nor any deadlines. They are included on the spreadsheet for tracking purposes only, at this time.

***GRANTS SUBMITTED AND/OR ARRA FUNDING RELEASED
(APRIL 13 – MAY 8, 2009)***

- 1.) COPS Grant: \$750,000 over three years (1st year funding is \$189,000)
- 2.) JAG Funding: \$ 50,000 (local funding required is \$13,000, remaining is grant funding)
- 3.) COMP BOARD/Public Safety Funding: \$156,844
The 2009 General Assembly approved the allocation of \$23.3 million of federal recovery Byrne Justice Assistance Grant (JAG) Program funding to the Compensation Board to restore reduced general fund dollars that support the operating budgets of Sheriffs' Offices and Regional Jails. Please note that

this is not an additional funding stream available to your office or locality; rather, in the absence of this allocation of the JAG funds the Compensation Board would be required to reduce operating budgets for your offices for FY10.

Regional Jail Update: The additional increase in the Request for Reimbursement of Construction Costs has been fully reviewed and vetted by the staff of Department of Corrections working in concert with our Clerk of Works staff.

The County has been reimbursed 50% of the original construction cost estimate (\$17,036,635 of which the County received \$8,518,317.50) and 50% of the interest and debt issuance costs on the interim debt (\$1,796,390.40 of which the County received \$898,195.20).

The County had increased construction costs due to the increased requirements for water & sewer as well as the increased construction market costs that occurred in 2005/2006. This increase was \$6,826,029 over the original construction cost estimate. After DOC staff review, they are recommending approximately increased construction cost of \$6,340,086 which disallows \$485,943. Therefore, the County's 50% share of the recommended increased construction cost is \$3,170,043.

This item is on the May 20, 2007 Board of Corrections agenda for action. Once the Board of Corrections takes action on this item, it will be forwarded to the Department of Treasury. The County's financial advisors have already been notified of this item and have been in contact with Department of Treasury to see what will be the timeframe for the state to issue this additional reimbursement for jail construction.

Landfill Capping Update: Bids have been issued for the landfill capping project. There is a scheduled pre-bid conference on Wednesday, May 13, 2009 @ 1:00 p.m. The deadline for bid response submittals is Wednesday, May 27, 2009 @ 2:00 p.m.

FY2010 Budget: I am preparing the FY2010 Budget for public hearing to be held on Tuesday, May 26, 2009. This requires the advertisement to be submitted by Wednesday, May 13, 2009 for the required public notice in the local newspaper. (*regular work session commencing at 6:00 p.m. with public hearing commencing at 7:00 p.m.*) As it currently stands, I will be advertising a budget that does not require a tax increase which was accomplished through reductions to all departments, including the School Department at a 5% reduction of the FY09 local contribution rate. If the Board opts to increase this funding through a tax rate increase, it will require another public hearing. Based upon this schedule, there is sufficient time for that to occur prior to the start of the new fiscal year on July 1, 2009.

In addition, the issue that surfaced at the work session of April 28, 2009 relative to the Regional Jail has been addressed by funding the deficit from undesignated fund balance with the potential that if the federal ICE contract is activated during the next fiscal year then we will not need to utilize fund balance.

As of the date of this report, there are still 3 issues being addressed by the Budget Subcommittee: 1) Land Use Program; 2) Funding for Economic Development; and 3) Funding for Volunteer Incentive Program. As well, I would like to review with the full Board the funding chart for the regional agencies that are jointly funded by Accomack and Northampton Counties. Since Accomack County has imposed reductions in all of their contribution rates, I am looking for guidance from the Board as to how you want to proceed with the funding levels for these regional agencies.

The last item for your attention concerns the Virginia Retirement System. The first component concerns the correspondence in your agenda packet from VRS indicating that our county does not meet the fiscal stress indicators to be considered for the alternate rate program. During the state budget process, language was authorized to allow communities that met certain criteria to be eligible for a different rate from VRS for the upcoming budget year as another tool for balancing budgets in this difficult economy. Therefore, since our county does not meet those criteria, we will continue funding at the level specified by VRS as our contribution rate. The second component re: VRS is that as of the date of this report, VRS has not released the FY2010 contribution rates. While the last actuarial study was conducted in 2008 to be effective for Fiscal Year 2009 & 2010 and a new actuarial study will not be performed until 2010, we feel that the rates should be similar to the rates for FY2009; however, VRS may make some adjustments based upon recent market activity. This is still an item that could impact our budget to a degree (as well as the school's).

II. MEETINGS

III. GRANT OPPORTUNITIES

IV. OTHER

Parks & Recreation Summer Camp: The 2009 Parks & Recreation Summer Camp will be held from Monday, June 22, 2009 through Friday, August 14, 2009 from 8:00 a.m. to 5:00 p.m., Monday – Friday. Cost is \$40 per week per child. Camp is held at the former Northampton Middle School. Registration packets are available through the Parks Department or by calling 757-678-0468 or e-mail at parks@co.northampton.va.us

Parks & Recreation Youth Basketball Camp: The Parks & Recreation Department in conjunction with the Cape Charles Parks & Recreation Department is hosting a youth basketball camp for children ages 5-12, from Monday, July 13, 2009 through Friday, July 17, 2009. The Ages 5-8 children's camp will be held

from 8:00 am to 11:30 a.m.; the Ages 9-12 children's camp will be held from 1:30 p.m. – 5:00 p.m. Cost is \$25 per child to participate in the youth basketball camp. There is a discount if the child is also enrolled in the Summer Camp program.

Citizen Information Period:

Mr. Bill Denny noted the increased gang presence in the County and said that helpful videos from the City of Norfolk were available for the Board's use.

Ms. Barbara Kellam read the following comments:

“May 12, 2009

Good evening to the Board of Supervisors and residents of Northampton County:

My name is Barbara Kellam from 8355 Junifer Lane, Weirwood, VA. I have been asked to speak on behalf of the Concerned Citizens of the Weirwood Community, regarding their poor living conditions. It has been brought to my attention that there are 7 vacant houses in the Weirwood community without indoor plumbing, 19 occupied homes with indoor plumbing; however they need extensive repairs and improvements, 14 houses that have rusty water which has an odor, weak floors and there is also a concern for lead poisoning.

For the residents of Weirwood, things are not getting any better. With your assistance, we want to rebuild and improve our neighborhood. The Concerned Citizens of the Weirwood Community would very much like to be considered for the community block grant funding.

I am requesting that these concerns be submitted to the minutes and also be added to the public records.

Thank you,

/s/ The Concerned Citizens of the Weirwood Community”

The Chairman read the following comments:

“May 6, 2009

Robert C. Richardson

6365 Riverside Farm Lane
Cape Charles, Virginia 23310

Katie Nunez, Administrator, Northampton County

Subject: Corrections for the 'Setbacks' portions of the 2009 Zoning Ordinance

Ms. Nunez and Members of the Board:

I am Robert C. Richardson from Seaview. The previous Zoning Ordinance contained many damaging errors that can be rectified by this Board. One of the errors is the imposition of setbacks upon building parcels platted prior to 12/28/2000. The majority of these parcels had no setbacks and should be exempt in the proposed ordinance. The previous ordinance also did not contain any standards for the imposition of setbacks. This error removed the right of property owners to appeal the imposition of setbacks. The position of the Board of Zoning Appeals is – 'Because no standards exist, the imposition of setbacks is a legislative decision and not appealable to the board'. As a result of that decision I request that the following standards be established to produce a defensible basis for the imposition of setbacks.

1. Parcels of land deeded or platted prior to December 28, 2000, shall be exempt from setbacks unless setbacks are specified in their deeds or indicated on their plats.
2. Parcels of land deeded or platted after December 28, 2000, shall be subject to the setbacks that are specified in their deeds or indicated on their plats.
3. Setbacks shall be imposed upon residential parcels of land in an equitable manner and larger setbacks may not be imposed upon residential parcels of land based upon their zoning designation.

No setbacks may be imposed upon parcels of land that are adjacent to other parcels of land or water unless the adjacent parcels contain one or more of the standards listed below. The standards are for front, side, rear yards, and shoreline setbacks.

STANDARDS

- A. Buildable land
- B. 50 foot roads (State Standards)
- C. Resource protection areas

Sincerely,

/s/ Robert C. Richardson"

A representative from the US Coast Guard was present to receive the Board's

proclamation declaring Safe Boating Week to be May 16-23, 2009. Motion was made by Mr. Trala that the following proclamation be adopted. All members were present with the exception of Mr. Hughes and voted “yes.” The motion was unanimously passed. Said proclamation as adopted is set forth below:

**PROCLAMATION
PROCLAIMING
MAY 16 THROUGH MAY 23, 2009
as
NATIONAL SAFE BOATING WEEK**

Americans are increasingly heading to the water for recreation and relaxation as the opportunities for on-the-water activities grow each year. With this growth comes additional responsibility. It is vital that both novice and experienced boaters alike practice safe boating habits---especially wearing a life jacket. Approximately 88 percent of those who die in boating-related drownings were not wearing life jackets.

WHEREAS, hundreds of lives could be saved each year by wearing life jackets and the law requires that wearable life jackets be carried for each person on board a boat; and

WHEREAS, responsible boaters will learn the local boating regulations, follow the “rules of the road”, not drink alcohol and boat, wear their life jacket, and respect fellow boaters; and

WHEREAS, U.S. Coast Guard Auxiliary Flotilla 12-02 Painter, provides safe boating instruction for all ages in order to prevent boating accidents and to teach rescue and survival techniques in case one does occur; and

NOW THEREFORE, BE IT RESOLVED I, Jeff Walker, proclaim May 16 through 23, 2009, as Safe Boating Week within the County of Northampton and encourage all boaters to wear their life jackets, boat responsibly, and enroll in a safe boating class.

Public Hearings:

Chairman Walker called to order the following public hearing:

(9) SUP 09-02 NHCO: Ulysses and Virginia Smith, applicants, have applied to stable horses on property located at 8001 Machipongo Road. The property is located approximately 1,350 feet from US 13 on the north side of SR 627 (Machipongo Road).

The property, containing 10 acres, is zoned RVR Rural Village Residential and is described as being parcel 31 of Tax Map 40, double circle A.

He asked if there were any present desiring to speak.

Ms. Benson indicated that the Planning Commission was recommending approval for up to six horses with the condition that any paddocks or barns be located off the Nimmo soils with pastures allowed anywhere.

Mr. Paul Watson, speaking on behalf of the applicants, indicated that they would like the opportunity to erect structures (paddocks and/or barns) on the Nimmo soils with the assistance of an engineering firm to determine if such placement would be safe for both the property and the livestock.

Ms. Kathy LaSauce, owner of the parcel in question, noted that she was in support of the project as well as the neighbors. She said that even after multiple days of rain, the property, being in Zone C, was not flooded.

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

Motion was made by Mr. Murray that the Board approve Special Use Permit 09-02 as petitioned by Ulysses and Virginia Smith, for up to six horses, with the condition that the barn be located on the higher soils. All members were present with the exception of Mr. Hughes and voted "yes." The motion was unanimously passed.

Tabled Items:

(10) Request of World Healing Institute for Virginia tax exempt status for its personal property.

Motion was made by Mr. Trala that this item be taken off the table. All members were present with the exception of Mr. Hughes and voted "yes." The motion was unanimously passed.

Motion was made by Mr. Burden that the Board approve the request from the World Healing Institute for Virginia tax exempt status for its personal property. All members were present with the exception of Mr. Hughes and voted “yes.” The motion was unanimously passed.

Action Items:

(11) Consider award of contract for construction quality assurance and construction phase services for closure, Northampton County Landfill, to Draper Aden Associates for a total project cost not to exceed \$177,800.00

Motion was made by Mr. Trala that the construction management services contract for landfill closure be awarded to Draper Aden Associates as outlined above. All members were present with the exception of Mr. Hughes and voted “yes.” The motion was unanimously passed.

(12) Consider award of contract for FY 09 Audit Services to Didawick & Knopp

Motion was made by Mr. Murray that the contract for FY 09 audit services be awarded to Didawick & Knopp. All members were present with the exception of Mr. Hughes as voted “yes.” The motion was unanimously passed.

(13) Matters Presented by the Board

Motion was made by Mr. Burden that the County appeal the decision of the U. S. Department of Agriculture relative to repayment of grant funds expended on the Sustainable Technologies Industrial Park project, and that the County Administrator and County Attorney be authorized to represent the County in this matter. All members were present with the exception of Mr. Hughes and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Tankard that Mrs. Lenore Poyer be reappointed to the Eastern Shore Library Board. All members were present with the exception of Mr. Hughes and voted

“yes.” The motion was unanimously passed.

Motion was made by Mr. Tankard that the Johnsongrass Control Committee be reconstituted with appointments as follows: Mr. Danny long, Mr. Bill Shockley, Mr. Rick Felker, Mr. Bill Jardine, Mr. Gil Ward, and Mr. Dixon Leatherbury. All members were present with the exception of Mr. Hughes and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Burden that the following resolution be adopted. All members were present with the exception of Mr. Hughes and voted “yes.” The resolution as adopted is set forth below:

RESOLUTION

BE IT RESOLVED by the Northampton County Board of Supervisors, this 12th day of May, 2009, that the recessed meeting (work session) of the Board, scheduled for Tuesday, May 26, 2009 at **5:00** p.m., in the former circuit courtroom, 16404 Courthouse Road, Eastville, Virginia, be changed to Tuesday, May 26, 2009 at **6:00** p.m. in the former circuit courtroom, 16404 Courthouse Road, Eastville, Virginia; and

BE IT RESOLVED that, following this meeting, the date, time and place of the recessed (work session) meeting of the Northampton County Board of Supervisors shall revert to the second Tuesday of each month in the former circuit courtroom, 16404 Courthouse Road, Eastville, Virginia, at 5:00 p.m.

Recess:

Motion was made by Mr. Burden that the meeting be recessed until 10:30 a.m., Thursday, May 14, 2009 in order to conduct a work session on the proposed Zoning Ordinance amendments. All members were present with the exception of Mr. Hughes and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

_____CHAIRMAN

_____ COUNTY ADMINISTRATOR