

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 13th day of March, 2012, at 4:00 p.m.

Present:

Oliver H. Bennett, Chairman	Willie C. Randall, Vice Chairman
Laurence J. Trala	Richard L. Hubbard
Larry LeMond	

The meeting was called to order by the Chairman.

Closed Session

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

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

Appointments to Boards/Commissions

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

*District Four Waste Collection Site
Old Jails Lease*

(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.

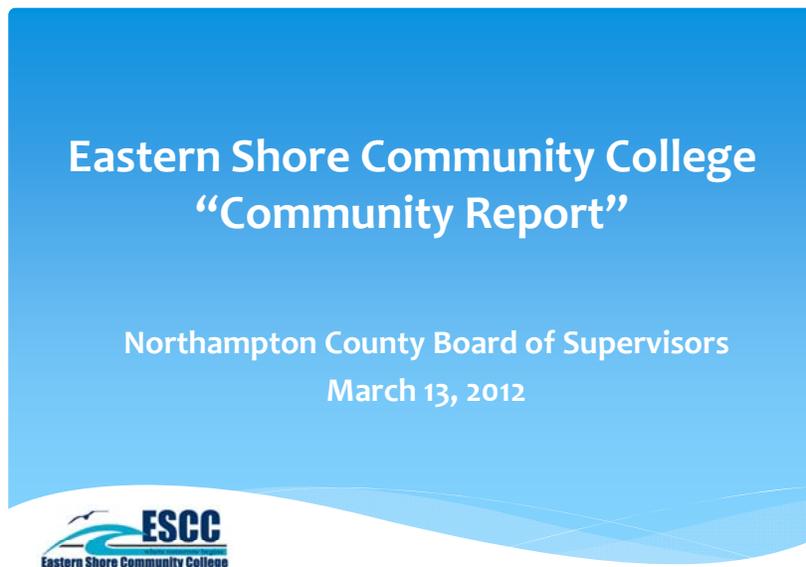
After Closed Session, the Chairman reconvened the meeting and said that the Board had entered the closed session for those purposes as set out in paragraphs 1, 3 5 and 7 of Section 2.1-3711 of the Code of Virginia of 1950, as amended. Upon being polled individually, each Board member confirmed that these 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. Linda Thomas-Glover, President of the Eastern Shore Community College, shared with the Board the following powerpoint presentation:



ESCC MISSION STATEMENT

- * We serve the Eastern Shore of Virginia by meeting **educational and training needs**, creating an environment for **student success**, and preparing our students and ourselves for citizenship in a **global society**.

ESCC: Economic Impact

- * One of Top 50 Employers in Accomack-Northampton PDC
- * Student Benefit: For every **\$1.00** a student invests in an ESCC education, average lifetime earnings will increase **\$5.50**
- * Taxpayer Benefit: For every **\$1.00** of state/local government support, taxpayers see a cumulative return of \$1.10 over the course of student's working careers in the form of higher tax receipts and reduced social costs.

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SNAP SHOT

- * Annual Enrollment : 32% increase in headcount
 - * (10/11: 1461)
- * Slight increase in fulltime enrollment
- * General Distribution in program/major
 - * 45%: Transfer
 - * 34%: Career/Technical
 - * 21%: Unclassified
- * 20 % increase in Fin. Aid awarded
- * 115 GEDs Awarded

ESCC Strategic Initiatives (2010-15)

* **Access**

- * Career Coaches – Faye Wilfong
 - * CCR; VA Wizard; DE; Seniors
- * On-Line Instruction
- * Partnerships: VCCS; RSHC

ESCC Strategic Initiatives (2010-15)

* **Student Success**

- * 2010-11: Awarded 157 Credentials
 - * 73: Transfer
 - * 83: Career/Technical
- * 2011/112: 115 GED
- * Library Resources
- * Center for Student Achievement

ESCC Strategic Initiatives (2010-15)

* **Affordability**

- * Financial Aid Awards - \$2.7M
- * Scholarships –
 - * \$30K – ESCC Fdn.
 - * \$14K – Community Scholarships

ESCC Strategic Initiatives (2010-15)

* **Workforce**

- * ABE/GED
- * SHORE SUCCESS
- * Non-Credit Programs
- * CUSTOMIZED TRAINING

ESCC Strategic Initiatives (2010-15)

* Resources

- * Local
- * Foundation
- * Grants (VCCS, State, National)
 - * ABE; MentorLinks; Funding for Road, etc.

Educational Program Updates

- * VA Board of Nursing Approvals
 - * Practical Nursing Program
 - * Nurse Aide Education Program
- * New Certificates in Information Technology
 - * Web Development
 - * System Development/Administration
- * AA&S with Radiologic Tech. (Partnership w/ RSHC)
 - * First class successful in passing National Boards
- * Expanded Access to On-line Instruction
- * Exploring Banking Program

OUTREACH

- * College Night Out – Fall 2011
- * Super Saturday – February 2012
- * Career Night Out – February 2012
- * Heritage Festival – February 2012
- * Science Fair - April 2012
- * Kids College – August 2012
- * Science and Philosophy Series – weekly
- * Academy for Lifetime Learning – weekly
- * Library – Open to the public

Updates

- * Still pursuing the Access Road
 - * **Ribbon Cutting January 27, 2012**
- * Re-energizing Advisory Committees
 - * **Second Annual Meeting Fall 2011**
- * Re-establishing connections at WFF
 - * **Foundation assisted with internships**
- * Preparing for 40th Anniversary of ESCC
 - * **Great Community Event October, 2011**

Thank You.....

- * Financial Support via local funds
- * Appointment of high caliber board members
- * Support in general as we fulfill our mission to the residents of the Eastern Shore!

* * * * *

(2) Curtis W. Smith, Eastern Shore of Virginia Clime Adaptation Working Group,
shared with the Board the following powerpoint presentation:

The slide features the following content:

- Eastern Shore of Virginia LiDAR Project** (Main Title)
- Northampton County Board of Supervisors
March 13, 2012
- Curt Smith
A-NPDC
- Logos:** The Nature Conservancy, USGS (science for a changing world), VGIN (Virginia Geospatial Information Network), SANBORN, Dewberry, VCR (Virginia Coastal Reserve), LTER (Long Term Ecological Research), and UNIVERSITY OF VIRGINIA.
- Map:** Overview of LiDAR Data Collected for the Virginia Eastern Shore. The map shows a coastal area with a color-coded elevation scale: Blue (Lowest), Green, Yellow, Orange, and Red (Highest).

Why do we need accurate elevation data?

- To update & create flood insurance rate maps
- To revise hazard mitigation plans
- To create emergency service plans
- To develop stormwater management plans
- To document shoreline change and sea level rise
- To more safely site future development out of harm's way

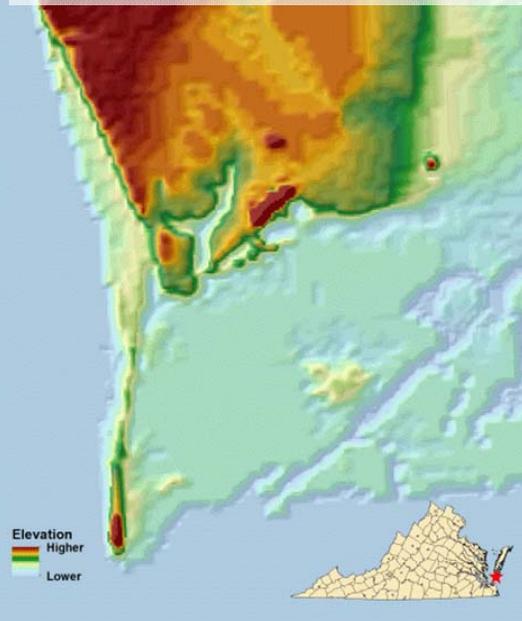


The Problem

- Existing data are too vague
- Existing data do not include buildings and vegetation

**~7 foot
vertical
accuracy**

**Example of Existing Elevation Data:
Southern Tip of VA Eastern Shore**

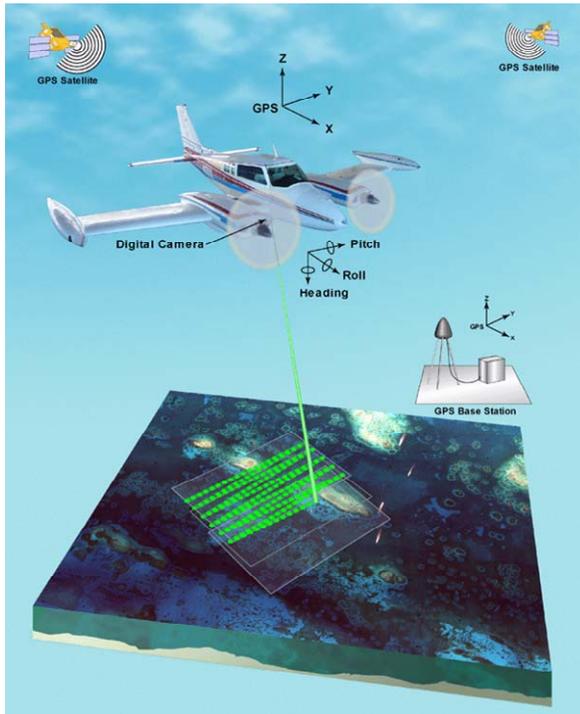


The Solution

- LiDAR: Light Detection and Ranging data
- Established method for collecting very dense and accurate elevation values
- Like radar but uses light pulses instead of radio waves

~6 inch vertical accuracy

Example of LiDAR: Southern Tip of VA Eastern Shore

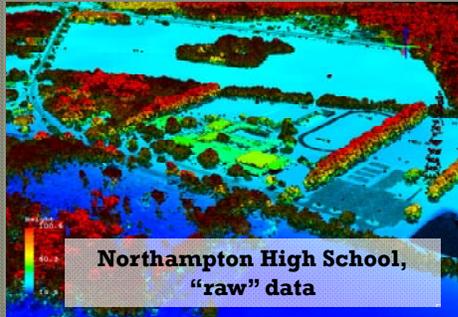


LiDAR

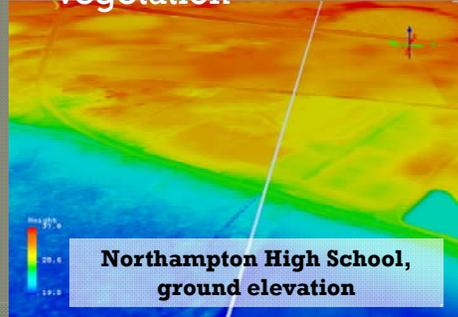
- Typically collected from planes
- Uses more than 70,000 light pulses per second to derive elevations of features on the ground
- Includes elevation of built environment, vegetation and bare earth

LiDAR Data Comes in Two Forms

A “Point Cloud” - the raw LiDAR point measurements that includes buildings and vegetation



A Digital Elevation Model (DEM) that is a grid of ground elevation with no buildings or vegetation



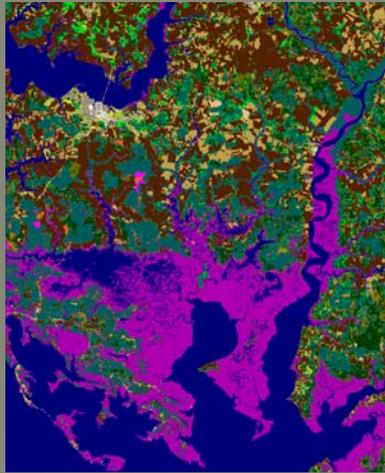
LiDAR for VA’s Eastern Shore

Funded by the Nature Conservancy, VA Coast Reserve Long-Term Ecological Research Project, and U.S. Geological Survey and collected in 2010.

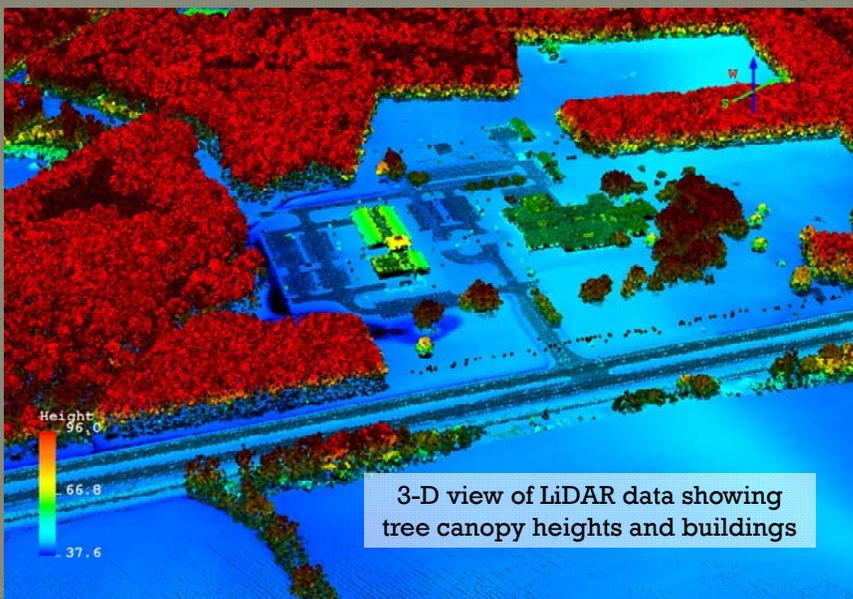


LiDAR Applications

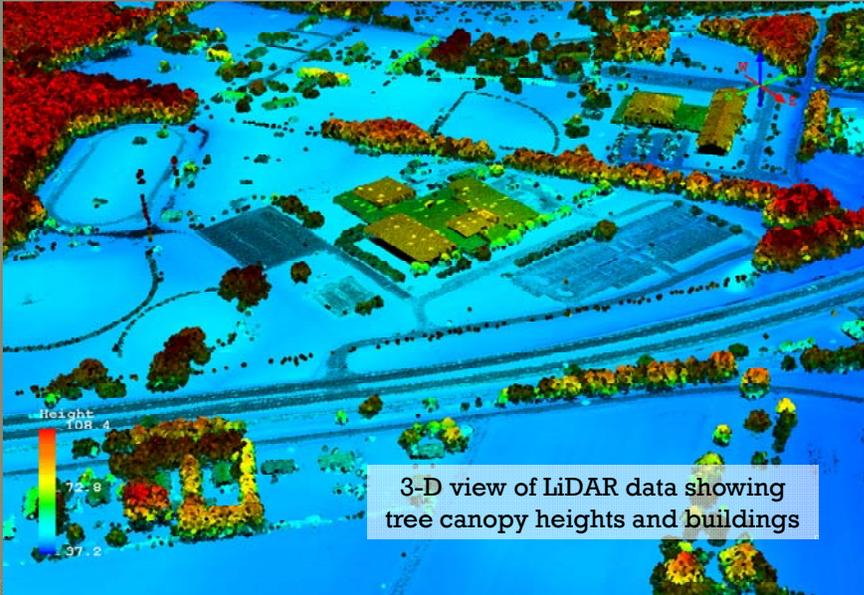
- Visualize flooding and storm surge
- Identify structures at risk
- Map shorelines, marshes, and floodplains accurately
- Classify vegetation
- Stormwater management
- Many others...



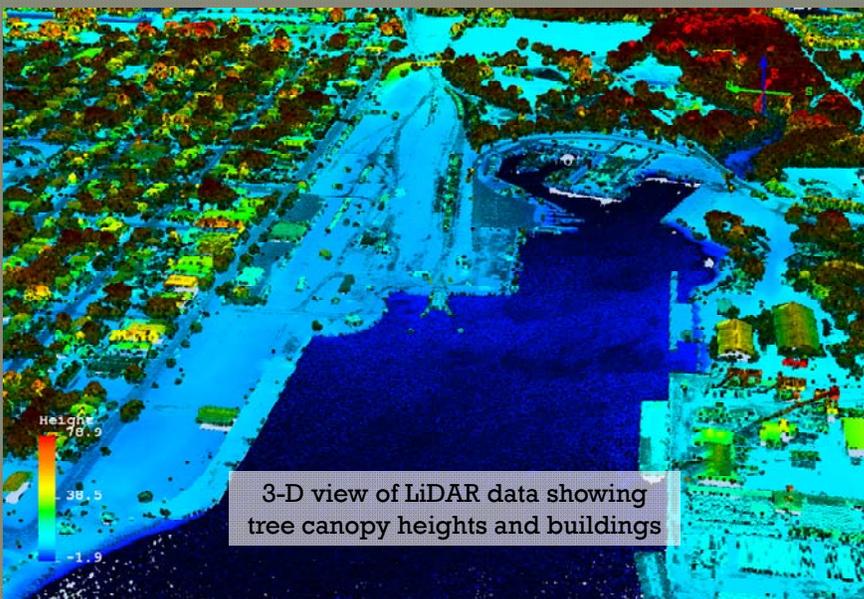
Eastern Shore Community College



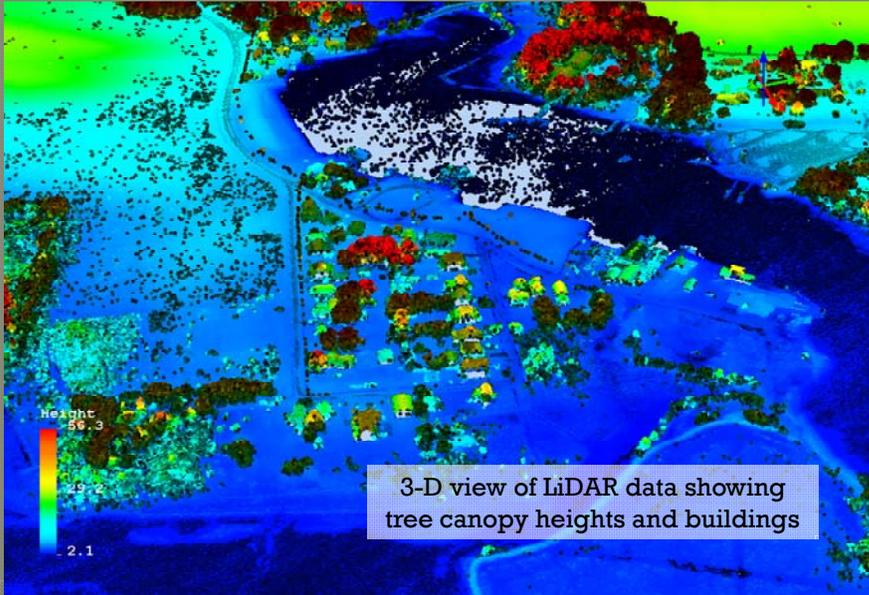
Nandua Middle and High School



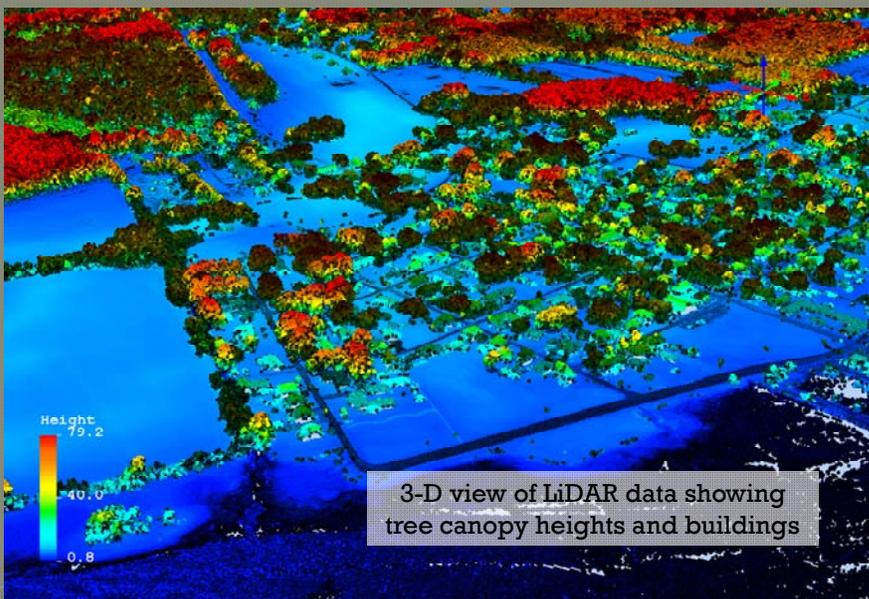
Cape Charles



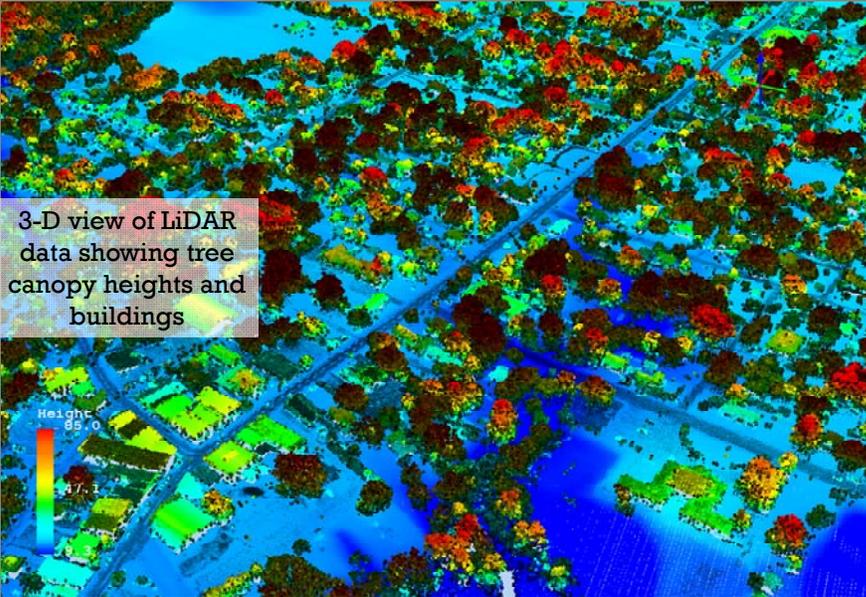
Oyster



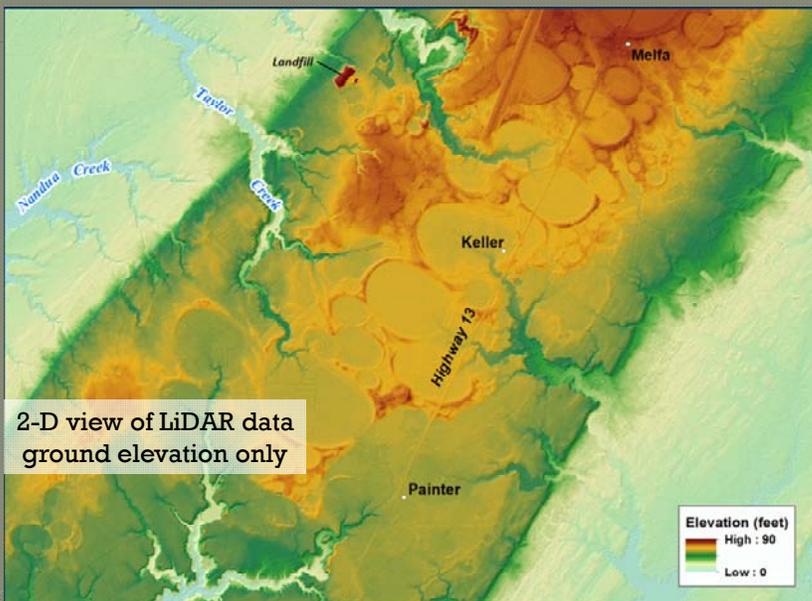
Wachapreague



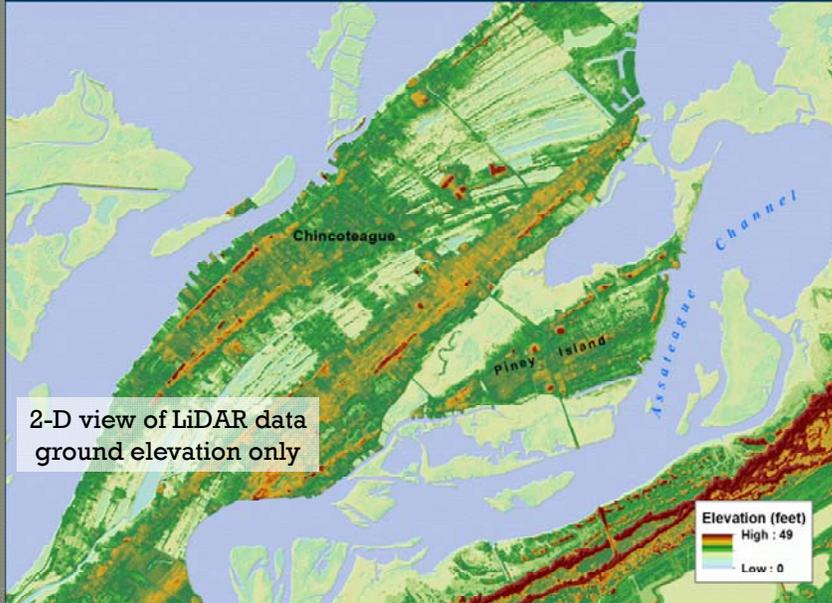
Onancock



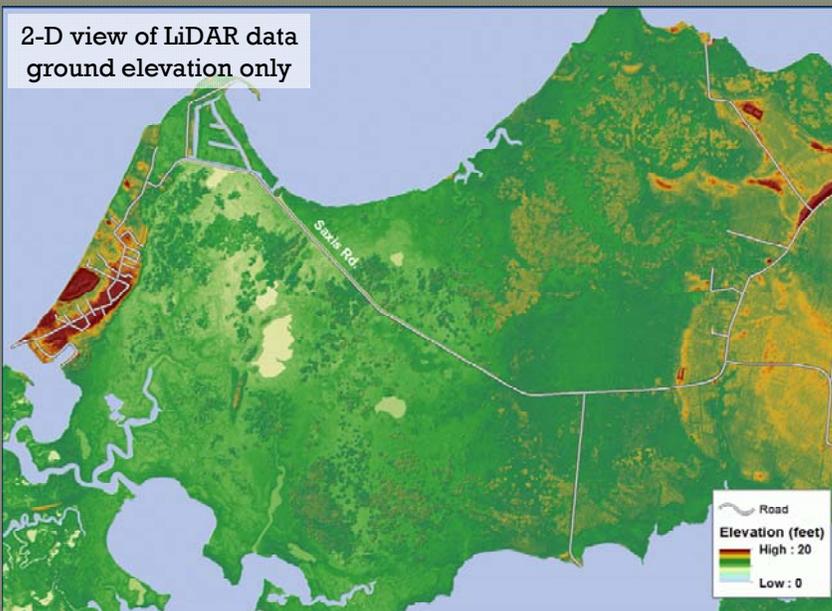
South-Central Accomack County (Melfa, Keller, & Painter)

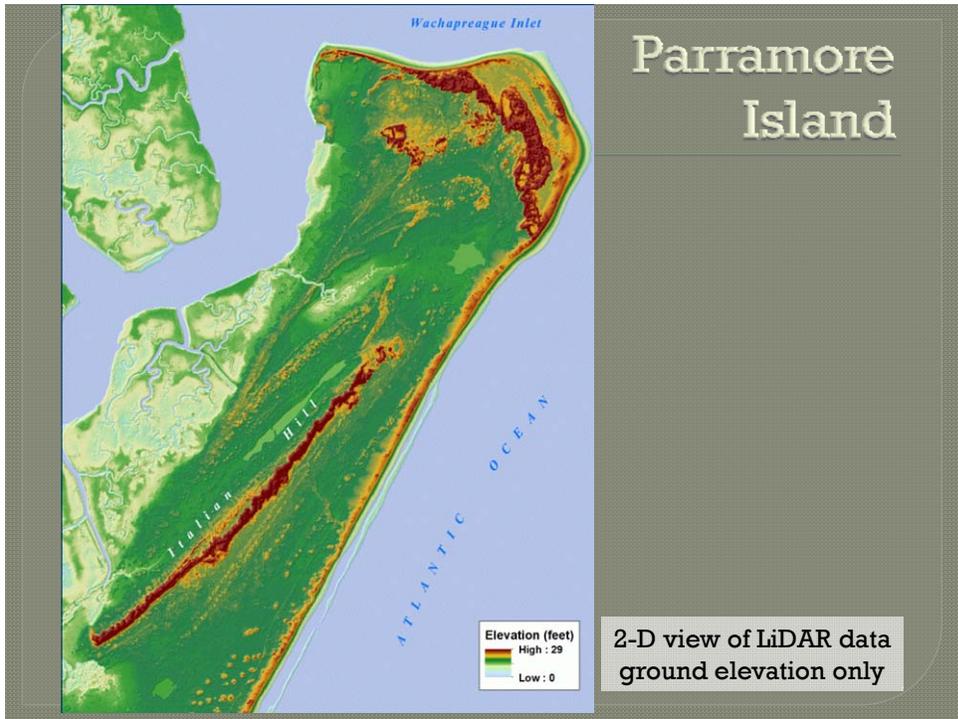


Chincoteague



Saxis





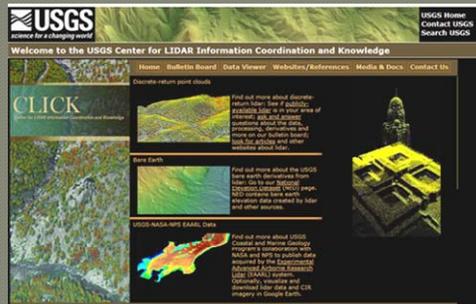
Limitations for Marsh Mapping

Several flight lines collected data during high-tide periods

- Any marsh that was underwater is treated as WATER not land
- Mostly an issue around Mockhorn Island
- Not an issue for mainland

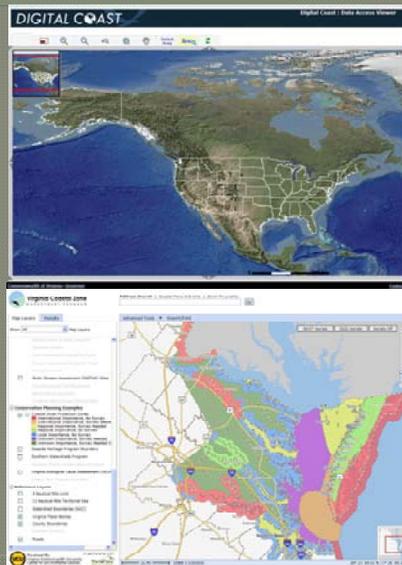
Data Availability

- Free to public
- Publically accessible via hard drive at A-NPDC (contact Curt Smith) or internet @ lidar.cr.usgs.gov
- GIS or other specialized software needed for data analysis



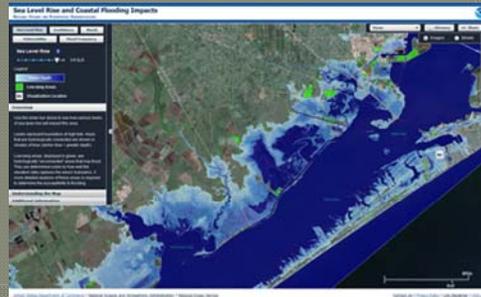
Online Data Viewing

- NOAA CSC Digital Coast Viewer www.csc.noaa.gov/digitalcoast
- Coastal GEMS www.deq.state.va.us/coastal/coastalgems.html
- VIMS Shoreline Inventory Viewer
- Accomack and Northampton Counties (possibly)



LiDAR Products under development

- NOAA coastal vulnerability products
 - Sea-level inundation maps with confidence levels
 - Marsh migration maps
 - Shallow coastal flooding maps
 - Social and economic vulnerability maps
- Updated FEMA Flood Insurance Rate Maps



Further Questions and Contact

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Curt Smith

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(757) 7872936 x114



(3) Mr. Peter Stith, PDR Coordinator, provided the Board with a memorandum indicating that the Stuart Oliver PDR Option Agreement would expire March 27, 2012. Motion was made by Mr. Randall, seconded by Mr. LeMond that the Option Agreement be extended for an additional six months as per the terms of the Agreement. All members were present and voted “yes.” The motion was unanimously passed.

Additionally, Mr. Stith noted that the PDR Committee has received one application for the next cycle: Selton Alley. At the recommendation of the Committee, motion was made by Mr. Hubbard, seconded by Mr. Randall, that the County move forward with seeking funding for this application. All members were present and voted “yes.” The motion was unanimously passed.

(4) The following PRIDE award was presented to Mrs. Maureen Dooley:

NORTHAMPTON P.R.I.D.E
Praising Residents in Defining Excellence

WHEREAS, the Northampton County Board of Supervisors has identified community service and public involvement as critically important components in defining excellence and in improving the vision of Northampton County; and

WHEREAS, for over thirty years, Mrs. Maureen Dooley, has been a vital asset to the Eastern Shore community through her involvement with the GED and Adult Education Programs, the SPARK (Shore People Advancing Readiness for Knowledge) Program, as well as the English as a Second Language Program, that helps non-natives cope in this country and increase their opportunities; and

WHEREAS, Mrs. Dooley is also a major grant writer for the Eastern Shore Community College, securing funding for three full-time and forty-four part-time positions.

NOW, THEREFORE, BE IT RESOLVED by the Northampton County Board of Supervisors that it does commend and convey its heartfelt congratulations to Mrs. Maureen Dooley for her many contributions to the citizens of this area and for her dedication to making a difference in this rural community.

BE IT FURTHER RESOLVED, that Mrs. Maureen Dooley be afforded this small token of our appreciation and that this resolution be recorded in the minutes of the Northampton County Board of Supervisors so that future generations will recognize her outstanding abilities, leadership, love, and devotion she gave to her family, citizens and the Northampton County community.

Consent Agenda:

(5) Minutes of the meeting of February 1, 10, 14 and 27, 2012

(6) Consider approval of an A-95 Review entitled, "Evaluation of Economically Disadvantaged Community Water Supplies on the Eastern Shore of Virginia"; applicant – Eastern Shore of Virginia Housing Alliance.

With a small correction to the February 10, 2012 minutes, motion was made by Mr. Randall, seconded by Mr. Hubbard that the Consent Agenda be approved as modified. All members were present and voted "yes." The motion was unanimously passed.

County Officials' Reports:

(6) Mrs. Leslie Lewis, Director of Finance, presented the following Budget Amendment and Appropriation Requests:

TO: Board of Supervisors
FROM: Leslie Lewis, Director of Finance
DATE: March 6, 2012
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:

\$3,000 – appropriation for the 2011-2012 Project Graduation Award from the Virginia Department of Education. Project Graduation is an after-school program designed to support sophomore, junior and senior students struggling with passing SOL assessments.

\$5,669.81 – appropriation for the 2011-2012 School Operating Budget. This is to reflect an additional allocation of Education Jobs Funding from the US Department of

Education.

\$9,126.67 – appropriation for the 2011-2012 School Operating Budget. This is to reflect the final Title I, Part C Migrant Education award from the US Department of Education.

\$14,645.67 – appropriation for the 2011-2012 School Operating Budget. This is for funding awarded to NCPS by the US Department of Education under the 2011-2012 Literacy Education and Reading Network-2-Succeed (LEARN-2-Succeed) Consortium Incentive Grant. This funding will be used to fund costs of the Migrant Education Program and is available for spending through September 30, 2013.

\$9,434.64 – appropriation for the 2011-2012 School Operating Budget. This is for funding awarded to NCPS by the VA Dept. of Education under the 2011-2012 Mentor Teacher Program for Hard to Staff schools. This funding will be used to fund costs of professional development and mentoring ten (10) new teachers hired for the 2011-2012 school year.

\$8,799 – appropriation for the 2011-2012 School Operating Budget. This is to reflect additional funds received under the 2011-2012 Title I, Part A grant award.

\$601.98 – appropriation for the 2011-2012 School Operating Budget. This is to reflect funding received under the 2011-2012 Carl D. Perkins Career and Technical Education award.

\$4,158 – appropriation for the 2011-2012 School Operating Budget. This is to reflect additional funding received under the 2011-2012 Title VI, Part B, Section 611 Special Education Flow-Through Award.

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

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

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

appropriations.

1. Community Development Block Grant – Culls Project
\$70,000.00 – an increase in the Culls Community Development Block Grant Project due to changes in the availability of Indoor Plumbing Rehabilitation Funds.

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

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

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

1. Request from the Northampton County School Board for a fund balance transfer in the amount of \$1,691 from the balance of school funds that remain at the end of Fiscal Year 2010 into the School Operating Fund Balance Reserved for Sick Leave Payouts. This transfer will finalize distribution of the FY 2010 surplus.
2. Request from the Northampton County School Board for a re-distribution of surplus funds in the School Operating Fund (FY 2011) in the category of Fund Balance Reserved for Capital Improvements to the Fund Balance Reserved for Sick Leave Payouts in the amount of 127,633.09, representing the portion of the surplus attributable to personnel line item balances. The entire surplus is \$293,169.61.

Motion was made by Mr. Randall, seconded by Mr. Hubbard, that the budget amendment and appropriation as presented above in paragraph #1 be approved. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Randall, seconded by Mr. Hubbard, that the budget amendment and appropriation as presented above in paragraph #2 be approved. All members were present and voted “yes.” The motion was unanimously passed. The County Administrator informed the Board that, while staff was in favor of the request, it was not in keeping with the FY 2012 Appropriations resolution – specifically paragraph #6 which states, “Any unspent appropriations in the School Operating Fund for FY 11 will be recorded as reserved fund balance within that fund for the purpose of funding projects in the adopted School’s Capital Improvement Plan.” It is noted for the record that the Board’s action was done purposely intending to stray from the intent of the FY 12 Appropriations Resolution.

(8) Ms. Sandra Benson, Director of Planning, presented that departmental update which included activity reports for the following projects: Board of Zoning Appeals, Staff Activities, Kings Creek Water Sampling and Analysis, Comprehensive Plan Advisory Committee, Comprehensive Plan Review, and Northampton County Planning Commission. Of specific note on the last item was the Planning Commission’s Annual Report for 2011 and its request for a joint meeting with the Board. The Board decided to meet in joint session with the Planning Commission on Wednesday, April 11th, commencing at 7:00 p.m.

The Board recessed at 6:15 p.m. for a dinner break.

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

The invocation was offered by Mr. LeMond.

The Pledge of Allegiance was given.

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

- (i) 3/26/12: Work session – FY 2013 – Revenues
- (ii) 4/6/11: State of the County Breakfast – Aqua Restaurant

- (iii) 4/23/12: Work session - FY 2013 – Expenditures
- (iv) 5/29/12: Work session (on Tuesday, because Monday is Memorial Day)

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

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: March 8, 2012
RE: Bi-Monthly Update

I. PROJECTS:

A. ESVA Public Services Authority Update:

The February 21, 2012 meeting was cancelled due to quorum issues. The next meeting is scheduled for Tuesday, March 20, 2012 @ 7:00 p.m. As a result of the Board’s support and endorsement to apply to DHCD for CDBG funding for the Northern Node project, we have been working with staff from ANPDC on an application and are meeting with representatives from USDA and DHCD on Wednesday, March 14 in Richmond.

B. Ambulance Billing Policy:

Attached is the proposed policy for Board consideration and adoption for ambulance billing.

**BOARD OF SUPERVISORS
Ambulance Cost Recovery Policy**

Reviewed: March 2012
Adopted:
Revised:

I. INTENT AND DEFINITIONS.

The ambulance cost recovery program is intended to pursue reimbursement for EMS ambulance services by recovering funds that may already be designated for the purpose through health care providers or third party agencies providing health care assistance. Fees shall be charged for emergency medical services provided by the department; said fees will be reviewed and adopted annually by the Board of Supervisors.

The following definitions shall apply to emergency medical service charges:

- (1) ***Basic Life Support (BLS)***: is transportation by ground ambulance vehicle and the provision of medically necessary supplies and services, including BLS ambulance services as defined by the state. The ambulance must be staffed by an individual who

- is qualified in accordance with state and local laws as an emergency medical technician – basic (EMS-Basic). These laws may vary from state to state or within a state. For example, only in some jurisdictions is an EMT-Basic permitted to operate limited equipment onboard the vehicle, assist more qualified personnel in performing assessments and interventions, and establish, and establish a peripheral intravenous (IV) line.
- (2) **Basic Life Support (BLS) – Emergency:** When medically necessary, the provision of BLS services, as specified above, in the context of an emergency response. An emergency response is one that, at the time the ambulance provider or supplier is called, it responds immediately. An immediate response is one in which the ambulance provider/supplier begins as quickly as possible to take the steps necessary to respond to the call.
 - (3) **Advanced Life Support, level 1 (ALS-1):** is the transportation by ground ambulance vehicle and the provision of medically necessary supplies and services including the provision of an ALS assessment or at least one ALS intervention. An advanced life support (ALS) assessment is an assessment performed by an ALS crew as part of an emergency response that was necessary because the patient’s reported condition at the time of dispatch was such that only an ALS crew was qualified to perform the assessment. An ALS assessment does not necessarily result in a determination that the patient requires an ALS level of service. An advanced life support (ALS) intervention is a procedure that is in accordance with state and local laws, required to be done by an emergency medical technician-enhanced (EMT-Enhanced), EMT-Intermediate or EMT-Paramedic.
 - (4) **Advanced Life Support, level 1 (ALS-1) – Emergency:** When medically necessary, the provision of ALS-1 services, as specified above, in the context of an emergency response. An emergency response is one that, at the time the ambulance provider or supplier is called, it responds immediately. An immediate response is one in which the ambulance provider/supplier begins as quickly as possible to take the steps necessary to respond to the call.
 - (5) **Advanced Life Support, level 2 (ALS-2):** is the transportation by ground ambulance vehicle and the provision of medically necessary supplies and services including:
 - (1) at least three (3) separate administrations of one or more medications by intravenous push/bolus or by continuous infusion (excluding crystalloid fluids); or
 - (2) ground ambulance transport, medically necessary supplies and services, and the provision of at least one of the ALS-2 procedures listed below:
 - a. Manual defibrillation/cardioversion;
 - b. Endotracheal intubation;
 - c. Central venous line;
 - d. Cardiac pacing;
 - e. Chest decompression;
 - f. Surgical airway;
 - g. Intraosseous line.
 - (6) **Ground transport mile (GTM):** Transportation fees shall be assessed per statute mile from the location of the incident scene to a hospital or other facility where a patient is transported.

- (7) **Treat and Release:** is the provision of medically necessary supplies and services; however transport is either refused by the patient or deemed not necessary by EMS providers. Patients desiring transport shall not be refused.

II. Fees

- (1) The schedule of rates for emergency ambulance services by the Northampton County EMS Department shall be based on a schedule which will be developed and reviewed yearly to maintain compliance within the allowances established by the Center for Medicare and Medicaid Services. Said fees will be adopted by the Board of Supervisors annually.
- (2) The Northampton County EMS Director/Chief is hereby authorized and directed to establish rules and regulations for the administration and collection of the charges imposed by this section.
- (3) Fees for emergency medical services shall be charged per patient transport or treatment for services rendered and/or transportation provided, as initially set and reviewed annually:

<u>TYPE OF SERVICE</u>	<u>FEE</u>
Treat & Release	\$ 75.00
BLS	\$ 365.00
ALS1	\$ 430.00
ALS2	\$ 610.00
Mileage (per loaded mile)	\$ 11.00

III. Billing

- (1) A bill will be generated for ambulance services conducted by all county owned and/or county permitted ambulances utilized by Northampton County Department of EMS. Fees collected will be used by the Northampton County Department of EMS to provide emergency medical services staffing and expenses related to the provision of EMS.
- (2) Patients will fall into one of the following categories for billing purposes:
- a. *Insured, county resident “in good standing”.* For the purposes of ambulance billing, “in good standing” means all county taxes are paid in full. Only the appropriate insurance carrier will be billed.
 - b. *Insured, county resident “delinquent”.* For the purposes of ambulance billing, “delinquent” means all county taxes are NOT paid in full. The appropriate insurance carrier will be billed and then a bill for any unpaid fees (i.e. deductibles and co-pays) will be sent to the patient transported or responsible party.
 - c. *Insured, nonresident.* The appropriate insurance carrier will be billed and then a bill for any unpaid fees (i.e. deductibles and co-pays) will be sent to the patient transported or responsible party.
 - d. *Uninsured county residents.* A bill will be sent to the patient transported. If the individual or responsible party has the ability to pay, then payment is expected in full. If the patient can demonstrate financial hardship in accordance with the Compassionate Billing Policy, they may qualify for waiver of fees.

- e. *Uninsured nonresidents*: A bill will be sent to the patient transported. If the individual or responsible party has the ability to pay, then payment is expected in full. If the patient can demonstrate financial hardship in accordance with the Compassionate Billing Policy, they may qualify for waiver of fees.
- f. *Internal services*: (1) If an employee of the County is injured while working for the county and requires ambulance services, these services will be classified as worker's compensation expenses until deemed otherwise by the County's Worker's Compensation Insurance Carrier. If the worker's compensation claim is denied, these expenses will be re-billed to the employee directly or through their private insurance as outlined in Items a-e, above. (2) If an Inmate of the Eastern Shore Regional Jail requires medical transportation, the regional jail is responsible for the bill. The commonwealth will be billed for the transports of state inmates in the judicial system.
- g. *Contractual write-offs*: The bills that Medicaid, Medicare, and insurance companies pay on behalf of an insured individual are sometimes adjusted to pay only a portion of the billed amount. This adjustment referred to here as "contractual write-off" is usually due to the laws governing the payment amount or through agreements between the insurance companies and billing entity. The contractual write-offs are not considered unpaid balances, and will not be billed to patients.

IV. Compassionate Billing Policy

- (1) No one will be denied necessary medical service due to either their inability to pay or a lack of insurance.
- (2) All consumers of ambulance services will be asked, in writing, to provide information regarding available insurance coverage. All consumers of ambulance services may receive written notification of the value of services received and notice of billing forwarded to their insurer(s).
- (3) Compassionate billing is intended to eliminate or minimize out-of-pocket expenses for ambulance services received by county residents. The county regards taxes paid by our residents as inclusive of co-pays and/or deductibles for ambulance services for all persons living in a taxpaying household. Elderly or disabled residents qualifying for real estate tax relief pursuant to county ordinance shall be deemed qualified for relief from any deductible or co-pay for ambulance services received.
- (4) Any resident lacking health insurance may submit a waiver request form stating a financial hardship. No personal banking information or tax form copies will be required as proof; the good faith statement by the resident regarding household income level will suffice. Persons showing household income below fifty thousand dollars (\$50,000.00) shall qualify for waiver of fees based on hardship.
- (5) Northampton County's billing company will not pursue payment recovery through a debt collection agency without express authorization of the county administrator or his/her designee.
- (6) If any insured party requires EMS services within a calendar year that exceeds their policy limits and no additional insurance coverage is available, the fees for service beyond coverage limits will be waived.

(7) If the insurance company deems the transport is not medically necessary the billing company will verify the information that was submitted to the insurance company and resubmit the claim for reconsideration. If the insurance carrier still deems the transport not medically necessary the county administrator or his/her designee will review the individual case for possible waiver or the fees.

V. **Billing and Collections**

Billing and collection services will be provided by a billing contractor. No county EMS personnel will accept or receive payment on behalf of a patient. Payments may be made at the Northampton County Treasurer's Office. Any inquiries regarding billing or collection procedure will be referred to the billing contractor, or to designated personnel of the Northampton County Department of EMS.

* * * * *

Mr. LeMond questioned the \$50,000 contained in Section IV (4), indicating that this was perhaps too high. The County Administrator indicated that she would research the history of this figure and report back to the Board at the work session. Motion was made by Mr. Randall, seconded by Mr. Hubbard, that the above policy be adopted with any adjustment as may be needed based on Mr. LeMond's question. All members were present and voted "yes." The motion was unanimously passed.

Citizen Information Period:

Mr. Bill Parr presented the quarterly report of the County's Comprehensive Plan Advisory Committee:

CPAC Quarterly Report to the Board of Supervisors

Presented to the board by Bill Parr, Chairman

March 13, 2012

The committee has been given a very big job to do. We have a great committee which is dedicated to getting the job done, and we are up to the task.

The Committee received your November 21st revised guidance document from Katie Nunez just as the holiday season was beginning, and we got off to a relatively slow start as a result of the timing. However, we came together in January and have been working diligently since. The committee has been meeting weekly for quite some time to organize its efforts and begin the lengthy process of performing the necessary due diligence studies and research to become well

informed on the issues we have been asked to consider.

We are assisted with regular guidance from Sandra Benson, and your Long Range Planner Peter Stith has done a great job of providing us with support and acting as our recording secretary.

The Committee has received and reviewed a substantial amount of information and is beginning to assemble documents to be prioritized and adopted in the course of our work, while also adopting a number of position statements along the way to guide our decision making process

We have much to learn, and are meeting every week to maintain our momentum and maximize the opportunity to engage with experts and advisors to gain the information necessary to do our job.

To this end, the committee has already invited guest speakers for round table discussions, including:

Spencer Murray, for assistance in understanding the county's financial and economic issues. He provided us with an excellent overview and shared his considerable experience and wisdom. We have adopted a number of his thoughts among our working papers.

Bob Panek, director of the Public Service Authority, who brought the committee up to date on the PSA and its link to economic development initiatives.

Melissa Kellam, Zoning Administrator, who assisted the committee in understanding the relevant sections of the zoning ordinance.

Mary Rae Carter, the Deputy Secretary of Rural Economic Development of the Governors Secretary of Commerce and Trade office. Deputy Secretary Carter's visit just last week was extremely productive. She has agreed to assist your committee's efforts to engage with numerous state agencies to obtain information, including The Va. Economic Development Partnership, The Va. Dept Housing and Community Development, The Virginia Port Authority, The Va. Resource Authority, VDEP Regionalism Program, VDOT and the DEQ on matters that must be considered in our Economic Development plan.

The committee is now working towards obtaining use of a passenger van and proper clearance to visit Richmond for meeting with many of these agencies and their staff. We also have a scheduled meeting with Delegate Lynn Lewis on March 22nd to get his guidance and advice on economic development issues as they will apply to our mission from the General Assembly perspective.

This concludes the quarterly report that you asked us to provide. We look forward to continued progress. Thank you.

* * * * *

Ms. Lilli Collins of Birdsnest questioned why she had received only a partial refund from

her denied building permit application. She was instructed to meet with the County Administrator with regard to this matter.

Mr. G. F. Hogg, Jr., informed the Board that many of their ordinances failed to include an appeals process where a citizen can appeal a decision of a staff member. He believes this is a First Amendment right – a citizen having the right to go before the governing body when he is aggrieved. He suggested that the Board modify their ordinances in order to allow this re-dress and will provide additional details later.

Public Hearing:

Chairman Bennett called to order the following public hearing:

(10) Receive the views within the Northampton County School District regarding the appointment of one District Four Member of the Northampton County School Board. The Board also anticipates having an At-Large Vacancy. Applications have been received from Mickey Merritt (District Four), Randall D. Parks (District Four), and Calvin Brickhouse (At-Large).

He asked if there were any present desiring to speak.

Mr. G. F. Hogg, Jr. asked a clarifying question with regard to the vacancies being solicited.

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

The Board indicated that it would interview the prospective candidates on Tuesday, March 20th.

Tabled Item:

(9) **Zoning Text Amendment 2012-03:** Savage Neck VA, LLC has applied to amend the Northampton County Code, Chapter 154 Zoning Code, by adding to **§154.145 Height and Bulk Regulations**, in **Section (G)** a new item to be known as **(2) additional building height may be permitted where the building is set back from a side or rear property line two additional feet horizontally for each one foot of additional height over 35 feet, up to a maximum of 60 feet.**

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

Ms. Benson provided the following staff analysis for the Board’s consideration:

To: Northampton County Board of Supervisors
From: Sandra G. Benson, AICP
Director of Planning & Zoning
Subject: Zoning Text Amendment 2012-03 – Public Hearing Follow-up
Date: March 8, 2012

Following are staff comments pursuant to the County Administrator’s memo dated February 15, 2012, requesting analysis of a revised proposal submitted at the February 14, 2012, public hearing by the applicant for the matter referenced above. At that time the applicant modified the maximum height requested to forty-five (45) feet as opposed to sixty (60) feet as indicated in the original application, and the additional setback requirement would be observed from each property line as opposed to the original wording which would require additional setback “from a side or rear property line.” Staff notes that the applicant’s revised proposal tracks language in §154.145 (H) adopted in February 2010 except for the districts/uses where the provision would be applicable.

Analysis

It is the opinion of staff that the wording of the revised proposal is clearer and more straightforward than the wording of the original proposal. When the height limitation was reviewed in 2010 for commercial districts, it was determined that the wording as found in the 2000 zoning ordinance would be difficult to apply and enforce, and we concluded that as written it likely did not actually reflect the intent of the provision, since a structure would only need to observe additional setback on one side in order to achieve a substantially taller height than a structure on an adjacent parcel.

For reference purposes, the maximum height in Exmore’s Highway Commercial District, where the Hampton Inn is located, is 45 feet. That structure was built to the maximum, although it is noted that the parapets are somewhat taller, in accordance with town regulations.

As proposed on February 14, 2012, the provision would require an additional twenty (20) feet of setback on all sides in order to achieve the maximum height of forty-five (45) feet. In the Agriculture/Rural Business District this would mean that a home must be set back a minimum of 80 feet from the road (120 feet from U. S. 13), a minimum of 45 feet from the rear property line, a minimum of 135 feet from a shoreline (for lots created since 12/28/00), and a minimum of 35 feet from each side property line. Using the Hamlet District as an example, a home would be set back a minimum of 80 feet from the road (120 feet from U. S. 13), a minimum of 45 feet from the rear property line, a minimum of 130 feet from a shoreline (for lots created since 12/28/00),

and a minimum of 35 feet from each side property line. In the Hamlet District, the minimum lot size is one-half acre, as is also the case in Waterfront Hamlet, Village-2, Village-Neighborhood Business, Waterfront Village-2, Waterfront Village-Neighborhood Business, Existing Cottage Community, and Town Edge-Neighborhood Business. (The minimum lot size in Conservation, Agriculture/Rural Business, Village-1, Waterfront Village-1, Town Edge-1, and Town Edge-2 is one acre). Using the Hamlet District as an example, application of the additional setback on a lot configured based on the minimum lot width of 100 feet would allow a home with a 2,784 square foot footprint, well within the maximum lot coverage requirement of 25%, or 5445 square feet. A half-acre waterfront lot would in most cases not accommodate the additional setback requirement, nor would a half-acre lot fronting on U. S. 13, but it may be assumed that many other parcels a half-acre in size could accommodate the additional setback and therefore a 45-foot-tall home. Parcels of an acre would be expected to accommodate a home of this size as well, although soils conditions that affect where septic systems and reserve systems must be located may be limiting factors. The point is that the additional setback does not appear to be a severely limiting factor but would serve to separate structures and somewhat reduce for neighbors the visual impact and blockage of views resulting from the presence of a significantly taller structure.

Section 154.126 of the zoning code provides that if elevation is required to meet floodplain management requirements in §154.126, building height may be increased to accommodate the elevation requirements. The higher flood elevations are found on the seaside, where a base flood elevation of 12-13 feet is not uncommon; the flood elevations on the bayside are generally lower. Using 45 feet as a potential maximum height, this would mean that in an area with a flood elevation of 12 feet, the home could be constructed to 57 feet.

The considerations with respect to allowing taller structures fall into two (2) general categories: (1) safety concerns, including construction requirements, and (2) visual impact and compatibility with the existing development patterns. With respect to construction requirements, according to John Outten, Building Official, all homes in the county must be constructed to withstand winds of 110 miles per hour, and generally speaking any residence over three (3) stories in height above grade will not fall under the residential code but the commercial code and must be engineered. Technical literature reviewed by staff concerning wind loading indicates that wind speed increases with height above the ground, and some literature considers structures over 10 meters (32 feet, 9.7") as "high." Our area is not as prone to hurricanes as other areas, but this is a consideration with respect to construction. Some of the literature also suggests that closely-spaced tall buildings create large increases in turbulence which may affect the stability of the structures [*ESJE Special Issue: Loading on Structures (2007)*, ***Wind Loading on Tall Buildings***, P. Mendis, T. Ngo, N. Haritos, A. Hira, B. Samali, J. Cheung; pgs. 42, 48, online reference].

Comments were received with respect to the ability of local fire companies to respond to fires in tall structures. According to David Eder, president of the Fire & Rescue Commission, there are only two companies on the Shore with aerial capabilities: Cape Charles has a platform truck, and Onancock has a ladder truck. Mr. Eder expressed the opinion that companies can handle 45-foot residential structures, although he stated that 35 feet is easier. He indicated that he would include this issue on the March 27, 2012, agenda of the commission in order to get input from the fire companies (in-person conversation, March 1, 2012). The more important consideration

with respect to fire fighting is the ability of responders to gain access to the upper story/stories of a home in the case of entrapment of inhabitants.

With respect to visual impacts, tall structures are not the norm for local development in the unincorporated areas of the county. It must be noted, however, that 40 feet was the height limit for residential structures for the period December 28, 2000 to October 21, 2009, so there are a number of newer structures, in addition to larger historic homes, that are 40 feet in height, or slightly taller. Prior to December 28, 2000, the maximum height for dwellings in the former Agriculture/Residential and R-20 Residential Districts, the districts where the preponderance of residential development occurred, since those districts comprised the majority of land in the county, was 35 feet (Northampton County Zoning Ordinance, January 19, 1983, as amended).

On March 7, 2012, I received comments apparently submitted following the close of the public hearing on which I was also asked to provide some analysis. The thrust of the material is that the Existing Subdivision Districts, since they are regulated by the zoning ordinance adopted December 28, 2000, as amended, allow homes up to 40 feet in height and may allow a height of 60 feet with additional setbacks. At this time there are in excess of 2,900 lots zoned to one of the Existing Subdivision Districts; of those, 1,977 appear to be vacant and available for development. Staff does not agree with the implied assertion that because something was once lawful, the regulation in question was a good one. Based on the considerations described above, staff does not believe that allowing a 60-foot tall residence is either safe from a fire-fighting perspective or at all consistent with the existing pattern and character of development in Northampton County, a pattern that has existed for many years. The Existing Subdivision District was created in order to accommodate parcels in subdivisions developed, and in some cases substantially built, under different regulations with different uses, and in which many parcels would have been rendered nonconforming with adoption of new regulations.

Conclusions

In consideration of the factors of visual impact, not just in the more compact waterfront communities but in other hamlet and village settings; compatibility with surrounding development; and potential turbulence issues, it does not appear that taller structures are appropriate in more densely-developed zoning districts on smaller parcels, or in areas such as Village-1, Waterfront Village-1, and TE-1 where rezoning to smaller parcels is contemplated. Ideally conclusive input from the local firefighters would be available for consideration prior to a determination being made on this matter; however, it appears based on information we have to date that they can reasonably handle fires in structures 45 feet in height with existing equipment. Accordingly, staff would recommend consideration of the modified proposal of a 45-foot maximum height achieved by observing additional setbacks from all property lines, which would not require additional public hearing prior to action, only if application of the provision is limited to the Agriculture/Rural Business (A/RB) District where parcels are typically larger than in other districts and impacts on neighboring properties would be reduced.

Staff would note that not all parcels zoned A/RB are large enough to reduce greatly the affects of locating a substantially taller structure close by and that there will be great variation in the situations of parcels on which an owner may wish to construct a taller home. Although a number of public hearing comments were received suggesting that an owner desiring a home taller than

that allowed under current regulations should seek a variance that is not the appropriate avenue for remedy as it would be nearly impossible to demonstrate a hardship. In order to allow consideration of particular situations and circumstances where a taller home might be built, future consideration might be given to developing a special exception or special use permit process for such cases.

* * * * *

Motion was made by Mr. Randall, seconded by Mr. Trala, that the Board accept the *recommendation of the planning staff* as fully explained in the memorandum to the Board dated March 8, 2012 and incorporated herein. All members were present and voted “yes.” The motion was unanimously passed.

Action Items:

(12) Consider letters of support for reservation of Low Income Housing Tax Credits for William Hughes Apartments and Exmore Village.

Motion was made by Mr. Randall, seconded by Mr. Hubbard, that the Board approve the letters of support as requested. All members were present and voted “yes.” The motion was unanimously passed.

(13) Matters Presented by the Board Including Committee Reports & Appointments

Motion was made by Mr. Trala, seconded by Mr. Randall, that Dr. Richard Drury and Mr. Lloyd Kellam, Sr., be reappointed to the Eastern Shore Community College Board. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Trala, seconded by Mr. Randall, that Mr. Larry LeMond be appointed to the Eastern Shore of Virginia Tourism Commission, replacing Mr. Dave Burden. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Randall, seconded by Mr. Trala, that Mr. Larry LeMond be appointed to the Northampton County Fire & Rescue Commission. All members were present

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

Motion was made by Mr. Randall, seconded by Mr. Trala, that the County Administrator and the County Attorney be authorized to settle the reassessment suit in regards to 245 Mason Avenue, for a refund not to exceed \$10,000.00. All members were present and voted “yes.” The motion was unanimously passed.

Motion was made by Mr. Hubbard, seconded by Mr. Trala, that the Board adopt the following resolution, approving the Lease Agreement between the County and the Town of Eastville, for the two old jail buildings. All members were present and voted “yes.” The motion was unanimously passed. Said resolution as adopted is set out below:

**RESOLUTION OF GOVERNING BODY OF
NORTHAMPTON COUNTY**

The Board of Supervisors, governing Northampton County, consisting of five (5) members, in a duly called meeting held on the 13th day of March, 2012, at which a quorum was present, RESOLVED as follows:

BE IT HEREBY RESOLVED that, the Board of Supervisors of Northampton County, Virginia, hereby approves the Lease Agreement dated March 13, 2012 by and between the Board and the Incorporated Town of Eastville, Virginia, for the lease of the 1899 and 1914 jail buildings, which are depicted, respectively, as “1-S-B” and “2-S-B” on a certain plat entitled “Property of the Northampton County Court House, Eastville, Virginia” of record in the Clerk’s Office of the Circuit Court of Northampton County in Plat Book 6 at Page 23; and

BE IT FURTHER RESOLVED that Oliver H. Bennett, Chairman of the Board of Supervisors of Northampton County be authorized to execute, on behalf of the County, the above Lease Agreement and that Katherine H. Nunez, County Administrator, be authorized to execute such other documents as may be required to effect the terms of the Lease Agreement.

This Resolution, along with a copy of the above-named documents, is hereby entered into the permanent minutes of the meetings of the Board of Supervisors.

* * * * *

Motion was made by Mr. Hubbard, seconded by Mr. Randall, that the Board adopt A Resolution Directing Acquisition of Property for Public Use by Condemnation in regards to Tax

Map 58, double circle A, Parcels 13 and 14. All members were present and voted “yes.” The motion was unanimously passed. Said resolution as adopted is set forth below:

A RESOLUTION DIRECTING ACQUISITION OF PROPERTY FOR PUBLIC USE
BY CONDEMNATION

Whereas, there exists a public need and necessity for waste collection centers at locations within the County, to collect solid waste and prepare it for transport outside the County; and

Whereas, there exists a public need and necessity for a waste collection center for receipt, and preparation for transport out of the County, of solid waste to be constructed and located in the Eastville area of Northampton County; and

Whereas, the County, to fulfill this public need, must acquire a suitable tract of land of at least two acres in size; and

Whereas, the County has identified two suitable, contiguous parcels, designated on the tax map of the County as parcels: 00058-0A-00-013 and 00058-0A-00-014, with a total combined size of approximately 4.35 acres; and

Whereas, the County has determined what it believes to be just compensation for parcels 00058-0A-00-013 and 00058-0A-00-014, said amount being the value assigned to the property by a duly qualified and licensed appraiser; and

Whereas, the County, through correspondence, has made a *bona fide* but ineffectual effort to purchase the parcel; and

Whereas, persons believing themselves the owners of parcels 00058-0A-00-013 and 00058-0A-00-014 have indicated a willingness to sell the parcels to Northampton County; and

Whereas, those persons believing themselves to be the owners of the said parcels are unable to convey valid title and the identity of all owners is unknown; and

Whereas, a public necessity or an essential public convenience requires that the County enter upon the aforesaid parcels for the purpose of constructing its works or improvements thereon, as provided in Va. Code §25.1-223, prior to the time when just compensation can be determined and the amount so determined be paid into court therefore; and

Whereas, an emergency necessitates that the County enter upon the aforesaid parcel for the purpose of constructing its works or improvements thereon, prior to the time when just compensation can be determined and the amount so determined be paid into Court, as the waste collection center is necessary to sort and prepare solid waste for transport elsewhere.

NOW, THEREFORE, BE IT RESOLVED that the County Attorney is directed to institute proceedings pursuant to Title 25.1 of the Code of Virginia, as amended, to condemn the

fee simple estate of the owner in these parcels, and to seek entry upon the lands thereof for the purpose of constructing works or improvements thereon, as prior to the time when just compensation can be determined and the amount so determined be paid into court.

* * * * *

It is noted for the record that a public hearing has to be conducted for the condemnation of property and the foregoing resolution will be re-adopted at that time.

Recess:

Motion was made by Mr. Trala, seconded by Mr. Hubbard, that the meeting be recessed until 5:30 p.m., Tuesday, March 20, 2012 in the Downstairs Conference Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, for the school board interviews. All members were present and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

_____ CHAIRMAN

_____ COUNTY ADMINISTRATOR