

VIRGINIA:

At a recessed 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 22nd day of September, 2014, at 5:00 p.m.

Present:

Larry LeMond, Chairman

Richard L. Hubbard, Vice Chairman

Laurence J. Trala

Granville F. Hogg, Jr.

Oliver H. Bennett

The meeting was called to order by the Chairman.

County Administrator's Report:

(1) Consideration of requests from the Sheriff. In light of Sheriff Doughty's absence, it was the consensus of the Board to postpone action on this item until the next meeting on September 29th.

(2) Reconsideration of prior action – zoning text amendment relative to agri-tourism

Based on comments from legal counsel and staff members, motion was made by Mr. Trala, seconded that Mr. Hubbard, that the Board rescind its action of August 12, 2014 (wherein it forwarded proposed changes to the Northampton County Zoning Ordinance relative to agri-tourism activities to the Planning Commission for public hearing), and that as more work is needed to consider if the proposed regulations are required to protect against substantial impacts on health, safety or general welfare, that the Board forward this issue to the Planning Commission for additional study and review prior to public hearing. All members were present and voted "yes." The motion was unanimously passed.

Tabled Items:

(3) Continuation of EMS staffing at Northampton Fire & Rescue (Nassawadox)

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

In response to comments from the County Administrator, Hollye Carpenter, EMS Director, confirmed that the FY 2015 funding allocation for two new staff members (who have not been hired yet) has been used since July 1st to provide for daytime staffing at Nassawadox. Based on the call volume and need, it was Mrs. Carpenter’s recommendation not to continue the trial period. However, Mrs. Carpenter said that if the Board wished to fund Nassawadox’s request for continuation of the trial program, an additional \$90,000 could be allocated to achieve three-staffed ambulances to cover nights and weekends as well at Cape Charles and Exmore. Funding necessary to provide day-time coverage at Nassawadox for the rest of FY 14 would equate to approximately \$40,000. (The difference of \$50K would cover night shifts and weekends at Exmore and Cape Charles.)

The County Administrator reminded the Board that a bigger issue to be addressed is the fact that Cape Charles and Exmore are not meeting the performance standards on nights and weekends.

Mr. Hogg stated that he would like to table this matter for ninety days (until December 31, 2014) and asked if we could privatize the Heritage Hall transports.

Mr. LeMond stated that he would like to wait until the report is received from the Ad-Hoc Emergency Care Committee (deadline is December 31, 2015) and that he did not see where an additional \$40-\$50,000 was located in the budget to fund this request.

Mr. Bennett stated that he did not want to see one station “lacking” while others have the

resources they need.

Ms. Katherine H. Nunez, County Administrator, stated that while there is a perception that we are favoring Cape Charles and Exmore, it is a question of service delivery, which has been posed to the Ad-Hoc Emergency Care Committee. If an agency is not meeting its baseline performance standard; i.e., Cape Charles, that has to be an area of focus.

Motion was made by Mr. Hogg, seconded by Mr. Bennett, that the trial period of providing day-time staffing coverage at Nassawadox be extended through December 31, 2014. When the Chairman asked for discussion following the motion, Mrs. Carpenter noted that this direction by the Board would be “very challenging” to meet with her existing part-time staff. At this time, the Board recognized Ms. Amy Wilcox, Northampton Fire & Rescue Rescue Captain, who read the following letter:

Northampton Fire and Rescue, Inc.
P.O. Box 833
Nassawadox, VA 23413

September 23, 2014

Re: Daytime Staffing Northampton Fire and Rescue

Northampton County Board Of Supervisors
P.O. Box 611
Staffville, VA 23347

Allie Larry Lamont, Chairman
Rick Hubbard, Vice Chairman
Oliver Bennett
Laurence Taul
Gerrville Hogg, Jr.

Dear Northampton County Board of Supervisors:

First, let me thank you for your time and attention to this significant issue that not only affects Northampton Fire and Rescue, Inc., but more importantly impacts the health and lives of the citizens of the Nassawadox area and also the citizens of Northampton County overall.

At the September 9, 2014, Board of Supervisors meeting, Director Carpenter offered you a presentation, as did Northampton Fire and Rescue, Inc. in addition to two supplemental letters. Although there were some slight discrepancies in our call statistics, there was still some clear evidence that we did respond to a significant number of calls. I believe proving that the program was a success. Furthermore, I think I am correct in saying that our month Nassawadox responded to more calls than ~~Hamore~~. The fact remains that there is a significant volume of calls within the Nassawadox area itself. This call volume is not attributable to "tourist season" or "summer increase." Approximately one half of our daytime calls are to the medical facilities (Heritage Hall/Holysis Unit/Cancer Center/Cerby). This call volume is not likely to decrease in the upcoming months with the season, colder weather, and potential for snow and westerly walking coming. Director Carpenter agreed there is a need for a third ambulance. She also stated that her staff would say it was nice to have that third staffed ambulance on the street. Director Carpenter believes its placement could be up for discussion. We believe we have shown where it is needed; specifically the back of volume of calls that would be answered around the Machiponga station (should that be where the station remains.)

We understand that there is no direct financial benefit to the county. However, the less than two minute response time difference could also save someone's life in the future. County Administrator Nimmo stated that the funding is from for this staffing to continue. Director Carpenter stated that "the more staff you push out to the stations, not saying that you shouldn't because that is where the calls are," the more we need to look at revenue-expenditure as demand increases. I would stipulate that if the calls were in one district ten years ago, they are certainly there now. We are not asking for any more than what we were willing to sacrifice at a time when the call volume was lower to help the community nights and weekends, and also to try to help the county financially.

NCEMS is welcomed in our building and we will do what is needed to make their work environment healthy. We have tried to do several things over the course of the summer for this. We also strive to do the best we can to make it a friendly and comfortable space to work in. Unfortunately, we did have some problems with one of our air conditioning units. We promptly got it looked at, not only for the daytime staff, but for the volunteers who were staffing at night and at things players. However, we were not given the correct "diagnosis" initially and we had problems again. We did, however, try to offer a temporary resolution, using our other air unit. We believe the problem is now being correctly addressed with a new fan/coil with variable speeds. This unit also heats some of the building but there are base-board heating units that are separate from this system. The internet issue has been addressed. As stated earlier, we are willing to work with personnel to make Nassawadox a friendly and comfortable space to work.

Northampton County Board Of Supervisors
Page 3
September 02, 2011

Thank you again for your attention in this matter. We sincerely appreciate your time. If we can be of further assistance please do not hesitate to ask.

Sincerely,

Amy S. Wilcox, NRE-Paramedic
Rescue Captain

Blonda S. LeCote
President

Mr. Hogg suggested that the County Administrator develop an RFP for private medical carriers, but the Chairman indicated that this could be addressed through the Ad-Hoc Emergency Care Committee.

Mr. Bennett asked if Mr. Hogg would amend his motion to extend the trial program by one month instead of three months. Mr. Hogg agreed. Mrs. Carpenter stated that it would be helpful if the Board could time the extension to run in six-week increments to coincide with her staffing schedule. Mr. Hogg agreed to amend his motion to extend the trial program for another six weeks, commencing September 28th. Mr. Hubbard, Mr. Bennett and Mr. Hogg voted “yes”; Mr. LeMond and Mr. Trala voted “no.” The motion was passed.

(4) Consideration of Policy: career staff volunteering at other units

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

The County Administrator indicated that there were management issues involved with this request and that Northampton County’s system contained slightly different circumstances than those illustrated through the Department of Labor opinions provided by Mr. DeYoung at the last meeting.

Mr. Hogg said that there should be no opposition to permitting the County’s career staff from volunteering and that he was in favor of this request and wanted to see a document prepared that spells out all of the required terms and conditions. Mrs. Carpenter commented that based on her survey of staff, 82% were in support of being able to volunteer. She called it a “popular decision”, but one that will require many policy changes and revisions.

County Attorney Bruce Jones commented that the County is exposed legally should the Board choose to allow this policy as well as the exposure through the management issues

previously mentioned, noting that our “fact pattern” is much more intimate than the benchmark Virginia Beach case noted by Mr. DeYoung earlier. Mr. DeYoung of Community Fire & Rescue was recognized by the Board and disagreed with Mr. Jones’ opinion, claiming that the County and the various emergency response units are different public agencies.

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the Board agree to permit full-time and/or part-time county-employed EMT staff to volunteer at any of the County’s volunteer rescue squads, and that the County Administrator be directed to develop the appropriate policy language for the Board to consider as to the particulars of the policy and its effective date of implementation. All members were present and voted “yes”. The motion was unanimously passed.

Continuation of Zoning Discussions:

Mr. Peter Stith, Long-Range Planner, and Mrs. Melissa Kellam, Zoning Administrator, led the Board as follows:

(5) Memo from Charles McSwain containing answers to follow-up questions from the last work session:

Memorandum

To: Board of Supervisors
From: Charles McSwain *CMC*
Re: Work Session September 22, 2014 Materials
Date: September 9, 2014

Attached please find additional information for your work session scheduled for September 22nd.

That session will deal with continued review of Districts and then move to Performance Standards and Mapping of the Districts.

Material provided herewith supplement the existing material found in Binder 2.

Follow up Questions from August 26th:

- Cemetery use should not be provided as a by right use in the charts. – see memo attached
- What are the existing shoreline lot widths for Hamlet and Village? – to be provided separately at the meeting on September 22 by Pete Stith

Performance Standards:

- Attached please find one change recommended by staff to simplify and clarify the draft zoning code. As reference it is marked as page 37.

Mapping

- Attached please find a memo from staff which offers key information about each request.
- All maps are in Binder 2, Tab 15 except for requests 20-24. Those maps are attached herewith.

With regard to the first bulleted item, it was the consensus of the Board to remove all instances of the “cemetery” use as recommended by legal counsel.

(6) Districts

The Board resumed its discussions relative to zoning districts with the “Residential (R)” district.

The Board agreed to remove the “Fishing, commercial” and “Aquaculture operation” uses from the list of those allowed by-right. Unless specifically noted, the Board also agreed with all of the blue text which represented the Planning Commission’s recommendations except in those instances where the staff recommendations (in red text) differed from the Planning Commission’s recommendations. In those cases, the Board chose the staff’s recommendations unless otherwise noted. The Board agreed that the “SFD detached – single-wide manufactured home” use, proposed to be allowed by right, be moved to the Special Use Permit category. Concerns were heard relative to the density impact of accessory dwellings and this will be reviewed with the appropriate Performance Standard.

R-1 District

It was the consensus of the Board to eliminate the “Fishing, commercial” and “Aquaculture operation” uses from those allowed by right. The Board also agreed that the “SFD detached – single-wide manufactured home” use and the “Wildlife and marine life preservation area” use be moved to the Special Use Permit category. The Board made no further changes to those as recommended by the Planning Commission and/or staff. With regard to the dimensional and density regulations for the R-1 District, it was the consensus of the Board to leave the shoreline width setback at 250 feet as recommended by the Planning Commission, although later in the meeting, the Board revised this decision and selected 150 ft. as the shoreline width.

The Board then recessed its meeting for a short break. Afterwards, the Chairman reconvened the meeting.

R-3 District

The Board agreed that the “SFD detached – single-wide manufactured home” use be moved to the Special Use Permit category. The Board made no further changes to those as recommended by the Planning Commission and/or staff. With regard to the dimensional and density regulations for the R-3 District, it was the consensus of the Board to adjust the shoreline width setback to be 175 ft.

R-5 District

The Board agreed that the “SFD detached – single-wide manufactured home” use be moved to the Special Use Permit category. The Board also deleted the “mining or excavating of soil or other natural resources” use from the uses allowed by Special Use Permit category. The Board made no further changes to those as recommended by the Planning Commission and/or staff. With regard to the dimensional and density regulations for the R-3 District, it was the consensus of the Board to keep the shoreline width setback at 250 ft. as recommended by the Planning Commission.

R-M District

It was the consensus of the Board to eliminate the “Fishing, commercial”, “Agriculture crop production operation”, “Civic groups, clubs and organizations”, “Emergency services”, “Horticulture operation”, “Wildlife and marine preservation area” and “Aquaculture operation” uses from those allowed by right. The Board also agreed that the “SFD detached – single-wide manufactured home” use be moved to the Special Use Permit category. The Board deleted the “Nature tourism” use from the uses allowed by Special Use Permit category. The Board made

no further changes to those as recommended by the Planning Commission and/or staff. With regard to the dimensional and density regulations for the R-3 District, it was the consensus of the Board to change the shoreline width setback to 90 ft.

Due to technical difficulties, the Board was not able to review mobile home parks, the Village, Village Waterfront Business, and Working Waterfront districts (which had been postponed from last month's work session) and the specific requested mapping changes. These topics will be postponed until the October work session.

At this time, the Board reviewed the proposed Performance Standards as set out below:

- a. Biomass §154.1-315
- b. Husbandry §154.1-307
- c. Residential facilities/Family day home §154.1-314
- d. Policy decision relative to access management

(a) With regard to both small and large scale biomass conversion operations, it was the consensus of the Board to add language in both sections of the text that such operations not be allowed in Flood Plain Districts VE, AE and .2, and that there be a 250 ft. setback from such operations from shorelines, perennial streams and nontidal wetlands.

(b) With regard to traditional husbandry, it was the consensus of the Board that there be a 150 ft. setback from shorelines, perennial streams and nontidal wetlands. With regard to intensive farming, it was the consensus of the Board that language be added to prohibit such activities in Flood Plain Districts VE, AE and .2, and, additionally, that adjoining property owners must be notified when intensive husbandry applications are received.

(c) The Board made no changes to the proposed Performance Standards for Residential facilities/Family day homes.

(d) With regard to the Performance Standards for Access Management Improvements

which are the subject of site plans, it was the consensus of the Board that the following paragraph, which is proposed for deletion, be retained:

§ 154.1-601 ACCESS MANAGEMENT.

(E) All lots developed for residential use which are fronting on U.S. Route 13 (Lankford Highway)(excluding U.S. Business Route 13), State Routes 613, 183 (Occohannock Neck Road), 184 (Stone Road), Route 618 and 619 (Bayside Road) and Route 600 (Seaside Road), shall not have exclusive direct access onto those roads, but shall have access to interior roads that provides access onto those roads.

Mr. Hogg said that the County should be able to suggest review items to VDOT when a project is being reviewed, noting that a road may meet VDOT minimum standards but may not meet our needs. The County Administrator indicated that if the Board wishes to establish other standards than those in place by VDOT, they needed to be detailed in the Performance Standards.

Action Item:

(9) Future Meeting Schedule

With the November regular meeting date falling on Veterans Day, the Board confirmed that the regular monthly meeting be held on Wednesday, November 12, 2014.

Motion was made by Mr. Trala, seconded by Mr. Hubbard, that the Board approve the following additional holiday leave for 2014-2015. All members were present and voted “yes.”

The motion was unanimously passed.

GOVERNOR’S APPROVED HOLIDAY LEAVE

NORTHAMPTON BOARD ACTION

Close at noon, Wednesday, November 26 [additional hours]	Approved
Closed Thursday & Friday, November 27 & 28, 2014 (Thanksgiving Day)	Pre-approved
Closed Wednesday, December 24, 2014 [additional hours]	Close at noon
Closed Thursday, December 25, 2014 (Christmas Day)	Pre-approved
Closed Friday, December 26, 2014 [additional hours]	Open for normal business
Closed Wednesday, December 31, 2014 [additional hours]	Close at noon
Closed Thursday, January 1, 2015 (New Year’s Day)	Pre-approved
Closed Friday, January 2, 2015 [additional hours]	Open for normal business

Mr. Hubbard said that he would like to discuss with legal counsel the possibility of allowing the Planning Commission to review the proposed zoning ordinance once the Board has completed its review.

Recess

Motion was made by Mr. Trala, seconded by Mr. Bennett, that the meeting be recessed until 5:00 p.m., Monday, September 29, 2014 in the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia. All members were present and voted “yes.” The motion was unanimously passed.

The meeting was recessed.

_____ CHAIRMAN

_____ COUNTY ADMINISTRATOR