

Board of Supervisors Meeting
July 10, 2014
5:00 P.M.

NORTHUMBERLAND COUNTY, VA

The meeting was convened for the regular monthly meeting of the Northumberland County Board of Supervisors that was held at Northumberland Courts Building, on Thursday, July 10, 2014.

Present: Ronald L. Jett – Chairman
 Richard F. Haynie – Vice Chairman
 Joseph Self, Sr. - Supervisor
 Thomas H. Tomlin - Supervisor
 James M. Long - Supervisor

W. Leslie Kilduff, Jr. – County Attorney
Kenneth D. Eades – County Administrator
Luttrell Tadlock – Assistant County Administrator

RE: INVOCATION

Pastor Dan Panter, New Hope Baptist Church led the invocation.

RE: PLEDGE OF ALLEGIANCE

Supervisor Long led in the Pledge of Allegiance.

RE: APPROVAL OF MINUTES FROM APRIL 23, MAY 21, MAY 27, MAY 30, JUNE 4, JUNE 12, JUNE 25 AND JUNE 26, 2014 MEETINGS

Upon motion by Richard F. Haynie duly seconded by A. Joseph Self, Sr. the Board voted to approve the minutes from the April 23, May 21, 27, 30, June 4, 12, 25 and June 26, 2014 Meetings. The vote on the motion is as follows:

Ronald L. Jett – YEA
A. Joseph Self, Sr. – YEA
James M. Long – YEA

Thomas H. Tomlin – YEA
Richard F. Haynie – YEA

RE: APPROVAL OF AGENDA

Upon motion by Richard F. Haynie duly seconded by Thomas H. Tomlin, the Board voted to approve the agenda for today's meeting. Mr. Eades said a closed session will be added before the Public Hearings start to discuss a matter requiring the protection of the privacy of an individual.

The vote on the motion is as follows:

Ronald L. Jett – YEA
James M. Long – YEA
Thomas H. Tomlin – YEA

A. Joseph Self, Sr. - YEA
Richard F. Haynie - YEA

RE: DR. REBECCA GATES, SUPERINTENDENT OF SCHOOLS

Dr. Gates stated they are in the middle of the extended school year with 100 students from Pre-K through 5th grade. This program will go into August.

Chairman Jett asked about the water tank testing that is currently going on and Dr. Gates responded and said they are still doing the testing.

Dr. Gates also announced the back to school rally that will be on August 23 from 12-4.

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION- DAVID BROWN, RESIDENCY ADMINISTRATOR

Mr. Brown reported brush cutting is taking place on secondary roads as well as signage work and shoulder repair. Maintenance is also being completed on Rt. 612. Mr. Brown said a resolution from the Board is needed to move funds from the Horsehead project fund to the Academic Lane planned project. Chairman Jett asked about the amount of funds left over from the Horsehead project. Mr. Brown said about 1.2 million. Supervisor Self questioned having the stop light at the end of Academic Lane. Mr. Brown said a light did not meet the warrants required for a light.

Supervisor Long questioned reducing the speed limit on Light Street and then referenced the 25 mph speed limit on Greenfield Rd and why it is different.

The Board then questioned the VDOT staff on the required warrants that have to be met before putting in a light on Academic Lane. Supervisor Self said their needs to be exceptions to the warrants and he said he disagreed with them. He asked Mr. Brown if he could find out if something else could be done or to find somewhere else that an exception was made. Mr. Brown said that a light at that location could make the situation worse and the warrants are founded on principals and research. Supervisor Tomlin said he could not support transferring the money when it won't solve the problem. Chairman Jett said that someone from VDOT needed to come down here and use some common sense. Supervisor Haynie asked Mr. Brown what he meant when he said it could make the situation worse if a light was installed. Mr. Brown said the amount of rear end accidents could rise. Supervisor Self asked how much are the plans set in stone. Mr. Brown said the plans were drawn and have had the public hearing. Supervisor Self said he wanted to meet with someone with some common sense before too much drafting is done. Mr. Eades was asked to set up a meeting before moving further.

RE: RESOLUTION – CONGRATULATING BOYS BASEBALL STATE CHAMPS

Upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin the Board voted to approve the following resolution:

A RESOLUTION

BASEBALL GROUP 1A STATE CHAMPIONSHIP

WHEREAS, On June 14, 2014 the Northumberland High School Boys Baseball Team defeated Russell County's Honaker High School Team with a score of nine to three to claim the 2014 Group 1A State Baseball Championship at Radford, Virginia; and,

WHEREAS, The championship victory capped a magical season which saw the Indians win twenty-three games with only two losses; and,

WHEREAS, Players included Seniors, Brandon Walker, Brennon Saunders, Mathew Harris, Collin Donovan, Blake Walker and Clinton Carter; Juniors Carter Deihl, Nathan Kiss, and Jack Jett, who was the winning pitcher of the Championship game; Sophomores Zak Kent, Trevor Cantrell and Josh Hinson; and,

WHEREAS, The Baseball team was coached by Johnny Mothershead, and assisted by Brian Hahn and Adam Gordon; and,

WHEREAS, The victory gave Northumberland County High School its first Varsity Boys Baseball Team State Title in the history of Northumberland High School; and,

WHEREAS, The accomplishments of these well deserving young athletes will forever be remembered by their school and community,

NOW, THEREFORE, IT BE RESOLVED, the Northumberland County Board of Supervisors does hereby both individually and collectively commend the Northumberland Boys Baseball Team upon winning the 2014 Group 1A State Baseball Championship and honor them with this Resolution and congratulate the team, players, coaching staff and all the county citizens that supported the team throughout the season. The Board further wishes each of players much success and the best of luck through all their future endeavors.

BE IT FURTHER RESOLVED, That this resolution is hereby adopted on this day July 10, 2014.

The vote on the motion is as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie – YEA
Thomas H. Tomlin – YEA	

Coach Johnny Mothershead, team players, Josh Hinson and Brennon Saunders were present and received the resolution.

RE: RESOLUTION – CONGRATULATING TRACK AND FIELD TEAM STATE CHAMPS

Upon motion by Thomas H. Tomlin duly seconded by James M. Long the Board voted to approve the following resolution:

A RESOLUTION

TRACK AND FIELD GROUP 1A STATE CHAMPIONSHIP

WHEREAS, The Northumberland High School Boys Track Team ended the 2014 season with much success; and,

WHEREAS, The Track Team are State Champions in the 4 X 400 Meter Relay 1A, with Team Members Elvin Cottrell, DeQuin Johnson Ameer Veney and Kiondre Owens running a time of 3:28.64; and,

WHEREAS, Ameer Veney placed first in the Boys 110 Meter High Hurdles setting a school record with a time of 15.42 seconds; and,

WHEREAS, Kiondre Owens placed first in the 400 Meter Dash 1A winning the State Championship with a time of 50.62 seconds; and,

WHEREAS, The 2014 Northumberland High School Track and Field Team should be recognized and congratulated for their accomplishments, dedication, and hard work that lead to the realization of this prestigious honor and also brought a great deal of pride to their friends, families, and community;

NOW, THEREFORE, IT BE RESOLVED, the Northumberland County Board of Supervisors does hereby both individually and collectively commend the Northumberland High School Track and Field Team with this Resolution and congratulate the team, players, coaching staff and all the county citizens that supported the team throughout the season. The Board further wishes each member much success and the best of luck through all their future endeavors.

BE IT FURTHER RESOLVED, That this resolution is hereby adopted on this day July 10, 2014.

The vote on the motion is as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie – YEA
Thomas H. Tomlin – YEA	

Coach Barnes was present and received the Resolution.

RE: BUILDING PERMIT REPORT

Month of June	2014	2013
Total construction cost for the month	\$ 3,057,197.00	\$ 2,443,760.00
Total Bldg. Permit Cost for Month	\$ 5,151.48	\$ 4,130.96
Total Zoning Permit Cost for the Month	\$ 2,710.00	\$ 1,440.00
Total Levy Fee for the Month	\$ 103.02	\$ 82.62
Total Construction cost year to date	\$ 14,582,938.25	\$ 15,300,484.27

RE: RESOLUTION – HONORING SADIE GEE FOR ELECTORIAL BOARD

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the Board voted to approve the following resolution:

**A RESOLUTION HONORING
SADIE P. GEE**

WHEREAS; Mrs. Sadie P. Gee dedicated seven years of public service on the Northumberland County Electoral Board, and

WHEREAS; Mrs. Sadie P. Gee served as Vice-Chairman of the Northumberland County Electoral Board for three years, and

WHEREAS; the same Mrs. Gee also served as the Chairman of the Northumberland Electoral Board for four years, and

WHEREAS; the same Mrs. Gee was presented with some very complicated and controversial issues that came before the Electoral Board over the past seven years and she always keep the citizens interest of Northumberland County first and foremost in making those decisions,

NOW, THEREFORE, BE IT RESOLVED, THAT THE Board of Supervisors hereby expresses its deepest appreciation and gratitude for her faithful service to the County and its citizens, and wishes Mrs. Gee much happiness in the future.

BE IT FURTHER RESOLVED, that this resolution is hereby adopted on this day, July 10, 2014.

The vote on the motion is as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie – YEA
Thomas H. Tomlin – YEA	

RE: DEPARTMENT OF SOCIAL SERVICES REQUEST FOR SALARY INCREASE APPROVAL

Mr. Eades stated he had received a request from Jackie Clayton, Director of Social Services, to go back and review the budget amount they had asked for and request approval of a 2% raise for their employees.

Upon motion by James M. Long, duly seconded by Thomas H. Tomlin, to increase the social services budget by 2% for salary increases equaling \$2,680.00.

The vote on the motion is as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie – YEA
Thomas H. Tomlin – YEA	

Supervisor Self asked for Ms. Clayton to come before the Board the next month to discuss the new position requested that was not approved during the budget process but appropriated.

RE: SHERIFF OFFICE APPROPRIATION

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to appropriate \$1,380.90 to line item 3102-3012 for reimbursement from Deputy Turners' car for damage that was done in November 2013. The appropriation needs to be added to the FY 2014 budget. The vote on the motion is as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie – YEA
Thomas H. Tomlin – YEA	

RE: RESOLUTION - JUVENILE CRIME

Upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin, the Board voted to adopt the following resolution:

Resolution

Virginia Juvenile Community Crime Control Act

Be it resolved that the Northumberland County Board of Supervisors will participate in the Virginia Juvenile Community Crime Control Act and accept funds appropriate for the purpose set forth in this Act for FY 2015.

Be it further resolved that Northumberland County will combine with the governing bodies of Essex, Lancaster, Westmoreland and Richmond Counties in adopted programs.

Be it further resolved that the County Administrator is hereby authorized to execute a local plan on behalf of the County of Northumberland.

The vote on the motion is as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie – YEA
Thomas H. Tomlin – YEA	

RE: ALL-STATE TOWER COMPANY APPROVAL TO CONSTRUCT TOWER AT SHERIFF OFFICE

After receiving recommendations from others that have used All-State Tower, the Board voted to approve the following:

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board accepted the bid from All-State Tower to construct the tower at the Sheriff's Office in the amount of \$59,911 (low bid). This construction will only be the tower and it does not include the radio equipment.

The vote on the motion is as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie – YEA
Thomas H. Tomlin – YEA	

RE: PLANNING COMMISSION RE-APPOINTMENT, CHRIS CRALLE

Upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin, the Board voted to re-appoint Mr. Chris Cralle as the District I Planning Commission Member. Mr. Cralle's appointment will expire on August 10, 2018.

The vote on the motion is as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie – YEA
Thomas H. Tomlin – YEA	

RE: BOARD COMMENT PERIOD

The Board asked Mr. Eades to give them an update on the Radio System in the county. Mr. Eades said they are starting on Monday and noted that the paper work has been phenomenal. Supervisor Tomlin asked if he had had any luck on the Miskimon location. Mr. Eades said not yet and they may have to look at doing something together with Richmond and Lancaster County to erect a tower. The Board then discussed the Reedville area cell reception clarity.

RE: APPROVAL OF CHECK REGISTER

Upon motion by James M. Long., duly seconded by A. Joseph Self, Sr. the Board voted to approve the check register.

The vote on the motion is as follows:

Ronald L. Jett – YEA	Thomas H. Tomlin – YEA
A. Joseph Self, Sr. – YEA	Richard F. Haynie – YEA
James M. Long – YEA	

RE: CLOSED MEETING

Upon motion by A. Joseph Self, Sr. duly seconded by, Richard F. Haynie, and the Board voted unanimously to convene into closed meeting to discuss a matter requiring the protection of the privacy of an individual. The vote on the motion was as follows:

A. Joseph Self, Sr. – YEA	Ronald L. Jett – YEA
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Richard F. Haynie – YEA
Thomas H. Tomlin – YEA

James M. Long – YEA

RE: OPEN MEETING

The Board convened back into open session upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted unanimously that in the closed meeting just concluded, nothing was discussed except the matters lawfully permitted to be so discussed under the provisions of the Virginia Freedom of Information Act cited in the motion. The vote on the motion was as follows:

A. Joseph Self, Sr. – YEA
Richard F. Haynie – YEA
Thomas H. Tomlin – YEA

Ronald L. Jett – YEA
James M. Long – YEA

RE: MOTION AND CERTIFICATION OF CLOSED MEETING

A motion was made by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr., the Board voted unanimously to certify the closed meeting:

WHEREAS, The Northumberland County Board of Supervisors, herein Board, has convened a closed meeting on this date pursuant to the affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act: and

WHEREAS, 2.1-344.1 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW THEREFORE, BE IT RESOLVED that the Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board specifically discussion involving the protection of privacy of an individual.

The vote on the motion was passed by a roll call vote as follows:

Ronald L. Jett – YEA
James M. Long – YEA
Thomas H. Tomlin – YEA

A. Joseph Self, Sr. - YEA
Richard F. Haynie - YEA

PUBLIC HEARINGS

RE: AMENDMENT TO THE ZONING ORDINANCE TO CONSIDER SETBACK DISTANCES FROM OTHER RESIDENTIAL STRUCTURES WHEN APPLICATION IS MADE FOR A VACATION HOME RENTAL. ALSO DEFINITIONS AND REQUIREMENTS PREVIOUSLY ADVERTISED WILL BE CONSIDERED

Assistant County Administrator Luttrell Tadlock described the proposed amendment. He gave a report on the Planning Commission's work on the zoning ordinance and said he had received several letters and correspondences.

Public Hearing Open

Phoebe Mix expressed her opinion to the Board and said she had gone back over 3 years of minutes and thinks the minutes do not accurately reflect what people have said concerning the issue. She then said she did not understand the 250' requirement and why it was being considered.

Mr. Rob Cunningham stated he was new to the debate and he was just learning of the issue. He suggested creating a solution that won't cause a problem and let the home owners association decide the route they want to take. He said the Board is looking at getting sued and added a revenue enhancement study is needed.

Ms. Linda Cunningham stated they bought a house here in 2009 after being a guest in a vacation rental and she is just floored on how much real-estate has changed because there are just no buyers. She questions why the Board would want to prohibit income for businesses. She said the renters will be screened and it is not like they are partying people that come here. She added the county does not need to get involved in this.

Mr. Maurice Johnson questioned how many complaints have been received on the vacation rentals. Zoning Administrator Marston said he received one actually today but not too many before now. Mr. Johnson then continued to say that the Homeowners Associations want the county to backfill the issue and do their work to enforce covenants.

Ms. Judy Yutch said she is from Lancaster County but always wanted to live in Northumberland County but is now rethinking that. She asked if a study had been done on allowing tourist homes and if the no complaints were considered. She continued to say that she was disappointed on how Ms. Bennett was treated at a previous meeting.

Ms. Kimberley Abe supports the rental of vacation homes and said tax breaks should be given as well as outstanding treatment.

Ms. Catherine Bennett stated that renting homes does not change residential use and it's no more business than when you sell your home. Not allowing the rentals is taking away rights. She then said the behavior of the Board is insulting and attacking her was uncalled for and she is ashamed of the Board's behavior.

Mr. Pat Boone questioned the 250 foot rule that is being considered. He said he has been dealing with this for three years. The conditions that have already been put on vacation homes and the homeowners conditions are taking care of these rentals.

Ms. Veronica Michel said she does not have the luxury of a homeowners association and the 250 feet is not enough for her, it should be more. She said with her historical house, it is sentimental to her and why should her piece of mind be taken away.

Mr. Doug Greene from Lodge Road said his home is worth a lot of money and he has seen what can happen to a home and the property when no one is looking. We have been trying to clean up the rivers and this could just add to it.

Mr. Wayne Gough also of Lodge Road stated that the house he has was left very dirty and in bad shape and he has spent a lot of time and effort improving his home and property and said he does not want to lose the option to rent his home out.

Mr. Bill Turval said he lives by Smith Point Marina (KOA) and he has had to call the Sheriff office twice for visitors coming over on his property. People need to be regulated.

Public Hearing Closed

Mr. Tadlock was asked to read the options on the ordinance as follows:

Vacation Home Rental Options

Option 1: Continue to have Tourist Homes as a Conditional Use.

Option 2: Adopt definitions but have Vacation Home Rentals as Conditional Use. (Would require another Public Hearing)

Option 3: Adopt definitions and language as recommended by the Planning Commission.

Option 4: Adopt definitions and language as recommended by the Planning Commission, however, restrict in R-2 by Conditional Use Permit. (Would require another Public Hearing)

Option 5: Combine definition of Tourist Home / Bed & Breakfast and County not get involved with rentals, long or short term, as this would be a contract between the leasor and leasee.

Option 6: Require a Conditional Use Permit for those that fall within 250 ft. of an existing residential structure not owned by the same individual, and allow others as a Permitted Use as recommended by the Planning Commission. (Would require another Public Hearing)

- 250 ft. was selected as it is double the County's current requirement of 125 ft. for the building setback line.
- Under this language, if a permitted Vacation Home Rental becomes less than 250 ft. from another residential structure due to new construction next door to the Vacation Home Rental, a Conditional Use Permit would not be required as the Vacation Home Rental was permitted first. If however, a Vacation Home Rental does not have proper permits from the County (meeting criteria if adopted), and another residence is constructed and then the Vacation Home Rental is requested and is within 250 ft., a Conditional Use permit would be required.

Upon motion by Richard F. Haynie, duly seconded by A. Joseph Self, Sr. the Board voted to adopt option number 5 as read:

Option 5: Combine definition of Tourist Home / Bed & Breakfast and County not get involved with rentals, long or short term, as this would be a contract between the leasor and leasee.

Supervisor Self added that the Board may re-visit this if they receive complaints and they are warranted to do so.

The vote on the motion is as follows:

Ronald L. Jett – YEA
 A. Joseph Self, Sr. – YEA
 James M. Long – YEA

Thomas H. Tomlin – NAY
 Richard F. Haynie – YEA

Supervisor Tomlin said he voted NAY because the Board has turned down some of the requests and feels we are opening ourselves up to lawsuits.

The approved amendment will read:

Combine the uses/definitions of Bed & Breakfast and Tourist Home (see definition below). Add the term and definition of a Vacation Home Rental (see definition below) to clarify between Tourist Home and Vacation Home Rental. Short term (Vacation Home Rental) and long term rentals will not be regulated by the County as they will be viewed as a contract between the lessor and leasee. Since Vacation Home Rental is defined, this term has been added to the list of usages as a permitted use in all districts since the County will not be regulating this use.

Bed & Breakfast/Tourist Home

A dwelling unit, offering to the public, for compensation, lodging or sleeping accommodations of an individual guest room(s) on a daily or weekly basis for a period of thirty (30) days or less. The operator shall live on the premises or on adjacent premises. A Bed & Breakfast shall offer one meal per day to each person to whom overnight lodging is provided.

Vacation Home Rental

The rental of a dwelling unit and its associated property, for compensation, on a daily or weekly basis for a period of thirty (30) days or less.

Usages	Districts							
	P= Permitted Use, C= Conditional Use							
	C-1	A-1	R-1	R-2	R-3	R-4	B-1	M-1
Bed & Breakfast/ <u>Tourist Home</u>	C	C	C	C			C	
Tourist Home	C	C	C	C			C	
Vacation Home Rental	P	P	P	P	P	P	<u>CP</u>	P

RE: AMENDMENT TO COUNTY CODE FOR THE PURPOSE OF CONSIDERING THE ADOPTION OF A PROPOSED ORDINANCE ENTITLED "EMERGENCY AMBULANCE SERVICE REVENUE RECOVERY BOARD" THE ORDINANCE WILL ENABLE THE COUNTY TO BEGIN THE PROCESS FOR THE PURPOSE OF EMERGENCY MEDICAL BILLING SERVICES

Mr. Eades described the request for the proposed amendment.

Public Hearing Open

Mr. Dwight Hassler questioned paying for volunteer services. Mr. Eades explained this would enable them to begin the process for hiring a paid position of an EMT or Paramedic.

Public Hearing Closed

Upon motion by James M. Long duly seconded by Richard F. Haynie the Board voted to adopt the following:

**An Ordinance
Emergency Ambulance Service Revenue
Recovery Board (EASRRB)**

Provided by Code of Virginia §15.2-1300, as amended, the Northumberland County Board of Supervisors has elected to become a member with the Counties of Essex, Richmond, Lancaster and Westmoreland for the Emergency Ambulance Service Revenue Recovery Board (EASRRB)

Emergency Ambulance Service Revenue Recovery Board.

- (a) In order to protect and ensure the health, safety and welfare of their citizens, the Counties of Essex, Lancaster, Richmond, Westmoreland and Northumberland (the "counties") provide support and funding to various ambulance service providers operating in their respective jurisdictions; and,
- (b) The counties have decided that utilizing the services of private sector companies for ambulance billing services, can be expensive and have poor collection rates; and,
- (c) The counties believe that in-house regional billing program, operated by the Northern Neck Planning District Commission (NNPDC), will enable the counties to lower administrative costs, improve service for area residents utilizing ambulance services, and increase the success rate of collections through cooperation with local treasurers; and,
- (d) The counties believe that the such regional billing program will ultimately make more funds available for local ambulance services through greater revenue recovery; and,
- (e) Code of Virginia § 15.2-1300 provides that local governments may enter into agreements for joint or cooperative exercise of any power, privilege or authority which each is capable of exercising individually; and

- (f) After a public hearing duly advertised in accordance with Code of Virginia, § 15.2-1427, as amended, the Northumberland County Board of Supervisors has determined to form a joint entity along with the other Counties, such entity to be designated as the emergency ambulance service revenue recovery board (EASRRB) for the purpose of overseeing the creation and administration of the regional billing program; and,
- (g) The NNPDC has agreed to act as fiscal agent for the EASRRB and provide day-to-day operations and management of the regional billing program; and
- (h) The creation of a joint entity will permit the delivery and oversight of workforce services in a manner that will ensure accountability to governing bodies of the counties.
- (i) Therefore, the Board of Supervisors of the County of Northumberland hereby approves becoming a member of the EASRRB to exercise such powers and duties as set forth in the intergovernmental agreement, ambulance billing services (the "agreement") which is attached hereto and made a part of the ordinance from which this section derives, and such other powers and duties as may be incidental to the activities set forth therein or as may be hereafter agreed to and authorized by each of the counties by joint resolution; and further approves the execution of the agreement and authorizes the Chair of the Board of supervisors to execute the agreement on behalf of the county.

This Ordinance shall be effective immediately.

**INTERGOVERNMENTAL AGREEMENT
AMBULANCE BILLING SERVICES
AMENDMENT NUMBER 1**

This Agreement is executed this _____ day of _____ 2014, by and among the Counties of Essex, Lancaster, Richmond, Westmoreland, and Northumberland, Virginia, (the "Member Jurisdictions" and the Northern Neck Planning District Commission ("NNPDC") (hereinafter collectively, the "Parties").

WHEREAS, in order to protect and ensure the health, safety and welfare of their citizens, the Counties of Essex, Lancaster, Richmond, Westmoreland and Northumberland (the "Counties") provide support and funding to various ambulance service providers operating in their respective jurisdictions; and,

WHEREAS, the Counties could utilize the services of private sector companies for ambulance billing services, jurisdiction could be paying between 6% and 8% of their total monthly collections for these services; and,

WHEREAS, the Counties believe that an in-house regional billing program, operated by the NNPDC, will enable the Counties to lower administrative costs, improve service for area residents utilizing ambulance services, and increase the success rate of collections through cooperation with local treasurers; and,

WHEREAS, the Counties believe that a regional billing program will ultimately make more funds available for local ambulance services through greater revenue recovery; and,

WHEREAS, Va. Code § 15.2-1300 provides that local governments may enter into agreements for joint or cooperative exercise of any power, privilege or authority which each is capable of exercising individually; and

WHEREAS, the Member Jurisdictions agree to continue in a joint entity to be designated as the Emergency Ambulance Service Revenue Recovery Board (EASRRB) for the purpose of overseeing the creation and administration of the regional billing program; and,

WHEREAS, the NNPDC agrees to act as fiscal agent for the EASRRB and provide day to day operations and management of the regional billing program.

NOW, THEREFORE, in consideration of the premises and the covenants set forth herein, the parties do mutually covenant and agree as follows:

Article I - Entity

Section 1. **Formation of EASRRB.** The Member Jurisdictions acting pursuant to authority granted to them under Va. Code § 15.2-1300 hereby create an entity that may exercise the powers set forth in this Agreement, and such other powers and duties as may be incidental to the activities set forth therein or as may be hereafter agreed to and authorized by each of the Counties by joint resolution, which entity shall be known as the Emergency Ambulance Revenue Recovery Board (“EASRRB”).

Section 2. **EASRRB Membership.** The Member Jurisdictions of the EASRRB shall be the Counties of Essex, Lancaster, Richmond, Westmoreland and Northumberland.

Article II – Board Representative Membership

Section 1. **Board Representative Membership.** The Member Jurisdictions shall appoint one representative from each Member Jurisdiction (the “Representative”) to constitute the EASRRB.

Section 2. **Representative of Member Jurisdictions and Term.** The Representative shall be the County Administrator of the Member Jurisdiction. Each such County Administrator may designate an alternate to serve in his/her absence. The term of any such County Administrator shall be concurrent with his employment as County Administrator. Each Member Jurisdiction shall be responsible for filling any vacancy of its Representative.

Section 3. **Policy Making Authority.** Every Board Representative shall have the authority to speak affirmatively for the Member Jurisdiction and to commit the EASRRB to a course of action.

Article III - EASRRB Powers

Section 1. **Powers.** The EASRRB shall determine matters of policy for the regional billing program and shall have financial oversight of revenues received and liabilities incurred by the program, but shall not have day to day supervision of the operations of the regional billing program. The EASRRB

shall have the power to engage in all activities necessary and proper for the execution of its responsibilities, including:

- A. Continually establish the goals and priorities of the EASRRB.
- B. Select and retain all staff to be employed by NNPDC with regard to the regional billing program.
- C. Establish and give final approval to all billing practices and procedures.
- D. Provide oversight and ensure compliance with all procedures necessary to maintain eligibility for reimbursement by third-party reimbursement sources including insurance providers, Medicare and Medicaid.
- E. Develop and oversee the administrative budget of the regional billing program and provide fiscal oversight of funds received and expended.

Article IV - Governance

Section 1. **Board Meetings and Officers.** The EASRRB Board shall meet as determined by its members. The EASRRB Board shall elect from its membership a chairperson, and such other officers as it may deem necessary to serve for such terms as the Board may designate in its Bylaws.

Section 2. **EASRRB Board By-Laws.** The EASRRB Board may adopt operational and procedural by-laws consistent with this Agreement, applicable federal and state laws, and rules and regulations pursuant thereto. Such by-laws shall be adopted or amended by a majority of the members of the EASRRB Board.

Section 3. **Quorum.** A simple majority of the representatives of Member Jurisdictions shall constitute a quorum.

Section 4. **Voting.** Unless otherwise required by state or federal law, all votes shall be approved by a simple majority of the member's present serving.

Section 5. **Minutes.** Written minutes shall be kept on all meetings. Such minutes shall state succinctly the substance of the matters considered and all votes taken.

Article V - Operational Provisions

Section 1. **Designation of Fiscal Agent.** The Member Jurisdictions designate the NNPDC as the fiscal agent for all funds appropriated by the Member Jurisdictions, and all funds collected by EASRRB.

Section 2. **Initial Appropriation of Funds and Funding of Ongoing Operations.** Each Member Jurisdiction shall make an initial appropriation to NNPDC in the amount of \$25,000 to be utilized for startup costs for the EASRRB and the regional billing program. Each Member Jurisdiction will be individually charged a fee of 5% of the ambulance fees actually recovered by the regional billing program on behalf of the Member Jurisdiction. Said fee is intended to cover the full cost of the

regional billing program, including employee compensation and benefits, insurance, office expenses, depreciation, rent and any other cost incurred in the operation of the regional billing program. In the event that the administrative costs of the regional billing program exceed the amount collected through the initial appropriations of the Member Jurisdictions and the 5% fee on billings recovered, the EASRRB shall request the Member Jurisdictions to consider an additional appropriation based upon their pro-rata share of the shortfall as computed by the percentage of total dollars billed. NNPDC shall receive all payments from parties billed by the regional billing program, and forward such payments to the Member Jurisdictions, less the 5% fee called for herein. NNPDC shall, on a monthly basis, provide each Member Jurisdiction with a statement setting forth the total billings for such jurisdiction, total amount collected, and amounts deducted as compensation for billing services.

- a. Northumberland County will reimburse Essex, Lancaster, Richmond Westmoreland Counties and the Northern Neck Planning District Commission \$5,000 each for a total of \$25,000. This will be Northumberland County's initial appropriation.

Section 3. Operation and Management of the Regional Billing Program. In consideration of the initial appropriation to NNPDC and the 5% fee charged on fees recovered, NNPDC shall provide all day to day operations and administration of the regional billing program, subject to oversight by EASRRB. During the term of this agreement, the compensation and benefits of employees of NNPDC involved in the regional billing program shall be wholly derived through the 5% fee assessed on collections, or through such other funds as the NNPDC or Member Jurisdictions may appropriate. NNPDC shall likewise make provision for all office space, equipment, supplies, utilities and all other incidental expenses required for the regional billing program solely from the initial appropriation by the Member Jurisdictions and the 5% fee charged on billings recovered. NNPDC shall account for all funds received and expended to the EASRRB on a regular basis as determined by EASRRB. Notwithstanding anything herein to the contrary, EASRRB shall have ultimate authority with regard to all employees of the EASRRB regional billing program, including without limitation employment policies and procedures, hiring, retention and termination decisions, employee compensation and employee discipline.

Section 4. Responsibility for Billing Rates. Each Member Jurisdiction shall be responsible for establishing the rates charged for services provided by their respective ambulance services.

Section 5. Payments Collected. All billings pursuant to the regional billing program shall be issued in the name of the service providers providing the actual services and shall be in conformity with all applicable state and Federal laws and regulations. Under the regional billing program, each service provider shall be responsible for submitting a fully completed patient care report to EASRRB, along with a completed patient "face sheet" if provided by the destination hospital.

Section 6. Training to Service Providers. Each Member Jurisdiction shall provide HIPAA and EMS document training to each ambulance service provider within its jurisdiction participating in the regional billing program to ensure correct billing practices and adherence to applicable privacy standards.

Section 7. Business Associate Agreement. Each Member Jurisdiction agrees to execute a Business Associate Agreement with hospitals and other medical facilities within the area it serves, or take such other steps as necessary to ensure the ability of EASRRB to obtain information from the hospital or other medical facility in the event of a billing appeal or incomplete patient record. Each Member

Jurisdiction shall require ambulance services participating in the regional billing program to execute such documents as described herein.

Section 8. Return of Local Funds. In the event of the termination or expiration of this Agreement, all funds of EASRRB and/or the regional billing program remaining after satisfaction of all outstanding debts and liabilities shall be returned to each Member Jurisdiction on a pro-rata basis, according to the funds contributed by each to the regional billing program.

Section 9. Liability Insurance.

- A. NNPDC shall provide from its operating revenues liability insurance policies for itself and the Member Jurisdictions (“the covered persons”) as it deems appropriate and shall provide legal defense of claims in accordance with the terms of the policies of insurance.
- B. The liability insurance should be in such amounts as are sufficient to cover any and all claims resulting from the performance of the official duties and responsibilities of the covered person. The NNPDC, or its authorized representatives, shall retain legal counsel to represent the covered persons to the extent deemed necessary to supplement legal counsel provided under said liability insurance policies.
- C. Nothing contained in this Agreement shall be construed to abrogate or waive any defense of governmental or sovereign immunity on behalf of the covered persons.

Article VI – Conflict of Interest

- A. The provisions of the Virginia Conflicts of Interest Act, Va. Code § 2.2-3100 et. seq. applies to the officers, members and employees of the EASRRB.

Article VII –Dissolution

Section 1. Dissolution of EASRRB. The initial term of this agreement shall be three (3) years and shall thereafter automatically renew annually upon the effective date, as defined below, for additional terms of one (1) year. After the initial three-year term, any of the Member Jurisdictions or the NNPDC may withdraw from this agreement by providing no fewer than twelve (12) months advance written notice to each of the other Parties and to the EASRRB. In the event NNPDC wishes to withdraw after the initial term, the Member Jurisdictions may choose to designate a new fiscal agent to provide the services for the compensation as set forth herein with regard to NNPDC.

Article VIII - Miscellaneous

Section 1. Effective Date of Agreement. This Agreement shall be effective upon approval by the governing bodies of all of the Member Jurisdictions and execution by the chief elected officials thereof.

Section 2. Amendments. The Member Jurisdictions may amend this Agreement upon approval of a written amendment by all of their governing bodies and execution by the chief elected officials thereof.

Section 3. **Repeal of Prior Agreements.** This Agreement shall repeal and supersede any and all prior written or oral agreements.

Section 4. **Severability.** Should any part of this Agreement be invalidated otherwise rendered null and void, the remainder of this Agreement shall remain in full force and effect.]

IN WITNESS WHEREOF, the Chief Elected Officials of the Member Jurisdictions execute this Agreement pursuant to an ordinance enacted by each of the Member Jurisdiction.

The vote on the motion is as follows:

Ronald L. Jett – YEA
A. Joseph Self, Sr. – YEA
James M. Long – YEA

Thomas H. Tomlin – YEA
Richard F. Haynie – YEA

RE: AMENDMENT TO THE COUNTY CODE IN ORDER TO NOT ALLOW THE DUMPING OF HOUSEHOLD, COMMERCIAL OR OTHER TYPES OF TRASH NOT ASSOCIATED WITH THE USE OF VIR-MAR BEACH AND THE GREAT WICOMICO FISHING PIER FACILITIES

Mr. Eades described the request for amendment in order to not allow the dumping of household, commercial or other types of trash not associated with the use of the facilities.

Public Hearing Open

Mr. Bill Turvel questions how this would be enforceable and how it would be regulated. He then referenced another beach where they have signs saying to take up your own trash.

Public Hearing Closed

Upon motion by Richard F. Haynie, duly seconded by Thomas H. Tomlin the Board voted to approve the amendment as follows:

ARTICLE I Vir-Mar Beach [Adopted 8-11-1994]

§ 38-1. Regulations for use of Vir-Mar Beach.

The following regulations for use of the public beach at the end of State Highway 643 on the Potomac River known as "Vir-Mar Beach" are hereby adopted:

- A. Beach and parking area will be open from 7:00 a.m. to sunset each day. Persons occupying any area while this facility is closed will be trespassing.
- B. No alcoholic beverages or drugs are allowed on the beach or parking area.
- C. No abusive language is allowed.
- D. No nudity is allowed.
- E. Persons using this area ~~will be responsible for their own litter~~ shall properly dispose of their trash.

Only that trash generated from permitted activities at this site shall be deposited in the provided trash receptacle. There shall be no dumping of household, commercial, or other types of trash not associated with this facility.

- F. No littering. Persons using the beach area and parking area must be responsible for their own trash and take it with them when they leave.
- G. Toilet facilities are not available and persons must go elsewhere to use them.
- H. No loud music or excessive noise is allowed.

§ 38-2. Violations and penalties. [Amended 7-11-1996]

~~Any person who violates any provision of this chapter shall, upon conviction, be punished as for violation of this chapter at \$100 for the first violation and \$250 for a second offense.~~

Any person who violates § 38-1A of this chapter shall, upon conviction, be punished as a Class 1 misdemeanor, and the remaining provisions, § 38-1B through H shall, upon conviction, be punished as a violation of this chapter at \$100 for the first violation and \$250 for the second offense.

ARTICLE II Great Wicomico Fishing Pier [Adopted 8-9-2001]

§ 38-3. Regulations for use of Great Wicomico Fishing Pier.

The following regulations for use of the fishing pier located on the southern side of the Glebe Point Bridge on US Highway 200 are hereby adopted:

- A. The pier and grounds are opened to public from sunrise to sunset. Persons occupying any area while this facility is closed will be trespassing.
- B. Persons using this area must not trespass on adjoining properties.
- C. No alcohol, drugs, or profanity of any kind will be allowed.
- D. No loud music or noise.
- E. Persons using this area ~~will be responsible for their own litter~~ shall properly dispose of their trash. Only that trash generated from permitted activities at this site shall be deposited in the provided trash receptacle. There shall be no dumping of household, commercial, or other types of trash not associated with this facility.
- F. No swimming, sunbathing, or nudity will be allowed.
- G. No vessels to be moored to pier.
- H. No loitering.
- I. No person under the age of 12 unless accompanied by an adult.
- J. A Virginia saltwater fishing license is required and all applicable laws.

§ 38-4. Violation and penalties.

Any person who violates § 38-3A of this chapter shall, upon conviction, be punished as a Class 1 misdemeanor, and the remaining provisions, § 38-3B through J shall, upon conviction, be punished as a violation of this chapter at \$100 for the first violation and \$250 for the second offense.

The vote on the motion is as follows:

Ronald L. Jett – YEA
A. Joseph Self, Sr. – YEA
James M. Long – YEA

Thomas H. Tomlin – YEA
Richard F. Haynie – YEA

RE: PUBLIC COMMENT PERIOD

An audience member asked about taxing vacation home rentals and suggested looking into it.

RE: ADJOURNMENT

Upon motion by A. Joseph Self, Sr., seconded by James M. Long, the Board will reconvene on August 14, 2014. The vote on the motion was:

Ronald L. Jett – YEA
A. Joseph Self, Sr. – YEA
James M. Long – YEA

Thomas H. Tomlin – YEA
Richard F. Haynie – YEA

Kenneth D. Eades, Clerk