

**Board of Supervisors Meeting
September 8, 2011
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 High School, on Thursday, September 8, 2011

Present: Ronald L. Jett. – Supervisor
 Richard F. Haynie – Supervisor
 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 Lee Farmer, Coan Baptist Church led the invocation.

RE: PLEDGE OF ALLEGIANCE

Pastor Farmer led us in the Pledge of Allegiance.

RE: APPROVAL OF AGENDA

Upon motion by Thomas H. Tomlin duly seconded by James M. Long., the Board voted unanimously to approve the agenda for today's meeting. The vote on the motion was as follows:

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

RE: MR. DICK SAXER, DIRECTOR OF ECONOMIC DEVELOPMENT COMMISSION

Mr. Saxer explained that the Economic Development Commission wants to offer \$500.00 Incentive Grants to small businesses for landscape beautification. A total pool of \$2,000 is available from carryover funds not used last fiscal year. These grants will be available to Northumberland business properties located within the Village and Village Support areas on Rt. 360 and Rt. 200. The grants are targeted toward physical enhancement of businesses, within the county and the Commission is looking for a 50% or more cost share from the Business Owner.

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the Board voted to approve up to \$2,000.00 from carry-over monies left in FY 2010-2011 and this grant is not limited to just the villages but all businesses on Rt. 360 and Rt. 200. 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

MR. DAVE BROWN, NORTHERN NECK VDOT RESIDENCY

Mr. Brown said he was at the meeting to give his quarterly update. He said various maintenance and tree removal is going on. They are also in the process of updating the snow removal process. He reported they are about to do the second grass cut of the season, probably will start end of September.

He said the clean up to Hurricane Irene is still continuing.

Rt. 201 was finished last week and has since reopened.

Supervisor Long reported a “dip” by the bridge on Courthouse Road located close to First Baptist Church. Mr. Brown said it was a pipe issue and would see what the next step will be.

Supervisor Long reported a pothole on Rt. 640.

Supervisor Tomlin thanked the representative for the paving in Wicomico Church. He then reported that the signs were still up for the abandonment of Rt. 696. He then asked if lines could be added or something could be done at the Crane’s Creek boat ramp because of the inappropriate parking.

Supervisor Long reported a sign down on Rt. 200 close to the fire station.

MR. CHUCK WALSH, EXECUTIVE DIRECTOR, COMMUNITY SERVICES BOARD

Mr. Walsh explained that he comes before the Board twice a year and in the fall of the year; he is here to thank the Board and to ask for acceptance of the FY 12 Performance Contract. Mr. Walsh continued to say that Mr. Clint Stables that is newly appointed to the Board is a great advocate. Mr. Walsh then explained a little how the CSB runs and the budget aspects of their spending.

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to approve the FY 2012 Performance Contract with the Community Services Board. 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

RESOLUTION

APPROVAL OF PERFORMANCE CONTRACT

WHEREAS, §37.2-508 OF THE *Code of Virginia* [1950] as amended, requires each Community Services Board to submit, to the governing body of each political subdivision that established it, an annual performance contract for community mental health, intellectual disabilities, and substance abuse services for its approval prior to submission of the contract to the Virginia Department of Behavioral Health and Developmental Services, and

WHEREAS, the Middle Peninsula – Northern Neck Community Services Board has put forward its proposed Performance Contract for Fiscal Year 2012, for approval by the Boards of Supervisors of its governing counties of Essex, Gloucester King and Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland;

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Supervisors of Northumberland County, Virginia, that the Performance Contract prepared by the Middle Peninsula-Northern Neck Community Services Board for Fiscal Year 2012 and presented to the Board is hereby approved and may be forwarded to the Department of Behavioral Health and Developmental Services as further required.

MR. DAVE HICKEY, BLUE RIDGE MASS APPRAISAL COMPANY

Mr. Hickey came today to report the status of our county assessment.

He stated that they finished inspecting properties back in July and now they are just working on data entry. He said the notices should start going out in November.

He reported that in 2010 the ratio of property values were at 90% and this year (2011) they are falling off to about 102%.

Mr. Eades asked how long the hearings will last once they start. Mr. Hickey responded to him saying 2 to 3 weeks. Mr. Eades reminded the Board that the Board of equalization will need a representation from each district.

Mr. Hickey stated that the higher end properties seem to be selling more.

RE: MR. DON JAMES, AES CONSULTING ENGINEERS, PRESENTATION OF BLUFF POINT REPORT

County Administrator Eades introduced Mr. James and informed the audience that there will not be a public hearing on this matter, this is strictly a presentation. Mr. Eades said he has received comments up to this point and the Board will continue to receive comments on this request right up to the time a decision is made. Mr. Eades said comments can be e mailed, faxed, mailed etc.

Mr. Eades asked Mr. James for the record, if he felt like this research and presentation was in anyway influenced by any outside source. Mr. James responded back to Mr. Eades saying that in no way was this report influenced by any outside parties.

Mr. James started the presentation with a summary of the studied Bluff Point Planned Unit Development project. He said the property is broken down into three zoning districts, A-1, R-2, and C-1. Mr. James explained the uses in each zone within the Planned Unit Development and also the By-Right Plan. In the by-right plan, the uses proposed for the C-1 District are not allowed by the Ordinance. In the PUD Plan, the uses proposed are allowed in the C-1 District, because, in the Article XI Special Exceptions certain uses are deemed to be of special nature and may be approved or denied as to the location and subject to any condition.

Mr. Lamont Myers then addressed the Board and the audience. He said he was asked to do the Fiscal Impact Analysis. Mr. Myers explained that he did the study on the two different projects, the PUD and the By-Right plan. He explained that in his analysis that it is an estimate and is assuming that the housing market returns to some normalcy.

The primary reasons for the significant discrepancy between the expected net fiscal impacts of the PUD versus the By-Right are:

- ❖ Significant higher real estate values associated with the PUD
- ❖ Fewer permanent residents expected in the PUD
- ❖ Significantly fewer school-age children expected from the PUD due to the type of price of housing projected and the fewer number of permanent residents
- ❖ Significantly higher commercial tax revenues associated with the PUD, both with and without construction of the Inn and Spa

In summary, the PUD has the potential to have a significant positive fiscal impact on Northumberland County, while the By-Right development will likely result in a significant negative impact.

Mr. Bob Kerr stated he did the environmental wetland study on the project. Mr. Kerr showed one exhibit to show expired wetlands designations. Mr. Kerr described the areas that will be affected and discussed the marina and harbor village. He added that many permits by other agencies would have to be required before any of the building in those areas could be done. He recommended that each of the permits be done and come back to the Board with the master plan if approved.

Mr. Dexter Williams who did the traffic study said he also compared the study to VDOT standards by the PUD and the By-Right plan.

He explained the PUD possibility may put more of a burden on the developer but in the by-right plan, the developer does not have any offsite improvements he needs to complete.

He said in a summary and conclusion that he finds two areas of disagreement with the VETTRA traffic study for the proposed Bluff Pt. Special Exception:

- 1) The majority of Bay and Harbor area traffic will use the shorter, higher speed Jordan Point Road route vs. the longer, meandering Main Entry Road route.
- 2) Acceptable Level of Service results do not preclude the need for intersection turn lanes or widening of roads to accommodate increasing traffic.

Mr. Don James thanked the Board for giving them the experience of this consultation. He added it was quite a volume of material.

Mr. Eades concluded that the complete study will be on the County Website.

Note: The Evaluation Study and Fiscal Impact Analysis on the Bluff Point PUD will be enclosed in the September 8, 2011 Board of Supervisor's Papers.

The Meeting was moved to the Northumberland Courts Building for the evening's public hearings.

PUBLIC HEARINGS

RE: REQUEST JAMES M. CLEGG FOR THE REZONING OF A PARCEL OF LAND AT 5400 JESSIE DUPONT MEMORIAL HWY, FROM RESIDENTIAL GENERAL (R-1) TO BUSINESS GENERAL (B-1) IN ORDER TO OFFER A RETAIL GENERATOR SALES AND SERVICE OFFICE

Assistant County Administrator Luttrell Tadlock described the rezoning request. He explained that the Planning Commission has reviewed the request and does recommend its approval by the Board. He has not received any correspondence for this request.

Public Hearing Open

No comments given

Public Hearing Closed

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

The vote on the motion is as follows:

Ronald L. Jett – YEA

Thomas H. Tomlin – YEA

A. Joseph Self, Sr. – YEA

Richard F. Haynes – YEA

James M. Long – YEA

Supervisor Tomlin said this zoning request goes within the comprehensive plan and is consistent with the zoning.

RE: REQUEST BY MARK FRAZIER FOR A CONDITIONAL USE PERMIT TO OPERATE A TOURIST HOME FOR SHORT-TERM VACATION RENTAL AT 67 BEACHFRONT DRIVE NEAR OPHELIA

Zoning Administrator Shirley described the request by Mr. Frazier. He has received 4 comments on the request.

Mr. Frazier was present for the hearing and said he rented out the home 10 weeks during the summer and has received some good feedback. He explained that he received a letter in early August that said there was an objection to him renting out the place. His neighbor Tonya Creasy had expressed her concerns with one of the renters had used her stairway and there was a dog problem. Mr. Frazier said he is prepared to fix these issues and offered to put up a fence.

Public Hearing Open

Mrs. Tonya Creasy expressed her concerns with the renters using her stairwell to the beach. She is scared someone will get hurt on her property. She said she would like to see a fence put up between her property. She said she wants to feel safe.

Ms. Linda Herring said she offers to put up a fence and hopes this will be granted.

Public Hearing Closed

Supervisor Tomlin asked where Dayton, Virginia is located. Mr. Frazier said it is located in the Shenandoah Valley.

Upon motion by Ronald L Jett, duly seconded by Richard F. Haynie, the Board voted to approve the request with the following conditions:

1. The property will be fenced along the sidelines to prevent access to adjoining properties;
2. Fencing (kennel) will be provided for guests' pets and all pets must be on a leash or within the fenced (kennel) area whenever they are outside;
3. You must make renters fully aware that they may not trespass on adjoining properties and any reported violation of this trespass notice can bring the matter back before the Board of Supervisors for re-consideration; and,
4. You must inform the adjoining property owners with the local contact information so that they can notify your local contact if problems arise.

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

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

RE: REQUEST BY SAMUEL AND BEVERLY MOODY, OWNERS AND EAGLE RIVER CONSTRUCTION FOR AN EXCEPTION TO THE CHESAPEAKE BAY PRESERVATION AREA ORDINANCE TO CONSTRUCT AN ADDITION TO A DWELLING THAT IS PARTIALLY WITHIN THE SEARWARD 50' RESOURCE PROTECTION AREA LOCATED AT 230 CAROLINA DRIVE IN BAY QUARTER SHORES

Zoning Administrator Shirley described the request for a Chesapeake Bay exception. He has not received any comments on this.

Mr. Moody requested to postpone this until next month

Upon motion by Richard F. Haynie, duly seconded by A. Joseph Self, Sr., the Board voted to table this request and to re-advertise

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: BUILDING PERMIT REPORT

	2011	2010
Total construction cost for the month	\$ 1,352,140.33	\$ 3,121,105.57
Total Bldg. Permit Cost for Month	\$ 3,139.20	\$ 6,376.92
Total Zoning Permit Cost for the Month	\$ 1,120.00	\$ 2,190.00

Total Levy Fee for the Month	\$ 62.78	\$ 127.55
Total Construction cost year to date	\$ 19,636,870.43	\$ 21,427,216.75

RE: RESOLUTION – HURRICANE IRENE FEDERAL DISASTER ASSISTANCE

Mr. Eades explained that the Emergency Operations Center opened at 1 p.m. on Thursday August 25, 2011 and closed on September 2, 2011 at 5 p.m. The courthouse was closed on Monday and Tuesday of that same week. The EOC distributed 10 pallets of water and 12 pallets of ice.

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

**DECLARATION OF A LOCAL EMERGENCY
DUE TO HURRICANE IRENE**

WHEREAS, The Northumberland County Board of Supervisors does hereby find that:

- (1) Due to the conditions of Hurricane Irene, and;
- (2) Due to the high winds and tides, a condition of extreme peril of life and property necessitates the proclamation of the existence of an emergency:

NOW, THEREFORE IT IS HEREBY PROCLAIMED, that an emergency is hereby declared at 1:00 p.m. on August 25, 2011, and exists throughout Northumberland County, and

IT IS FURTHER PROCLAIMED AND ORDERED; that during the existence of said emergency the powers, functions and duties of the Director of Emergency Services and the Emergency Organization of Northumberland County shall be those prescribed by state law and the ordinance, resolutions, and approved plans of Northumberland County in order to mitigate the effects of said emergency.

Reaffirmed and Adopted: September 8, 2011.

The vote on the motion was as follows:

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

Chairman Jett thanked the staff and all that worked during the hurricane.

RE: ABSTRACT VOTES

**MEMBER HOUSE OF DELEGATES
99TH DISTRICT**

John W. Lampmann – 368
Margaret Bevans Ransone – 875
Dean W. Sumner – 641

RE: APPROPRIATION STUDENT YOUTH PROGRAM

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

Appropriation for the reimbursement of the summer program employees. The amount of \$2892.00 to line item 10-3501-1003 for the salaried amount and the amount of \$221.23 for the Employer share of FICA and Medicare 10-3501-2001. The salaried amount of \$1116.00 to line item 10-1201-1003 and \$85.37 for the employer share of FICA and Medicare to 10-1201-2001. The salaried amount of \$192.00 to line item 10-2201-1003 and the amount of \$14.68 for the employer share of FICA and Medicare to 10-2201-2001. The county is reimbursed for the above amounts for participating in the summer program.

The vote on the motion was as follows:

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

RE: RE-APPOINTMENT OF ALBERT FISHER TO THE WETLANDS BOARD

Upon motion by Richard F. Haynie, duly seconded by A. Joseph Self, Sr., the Board voted to reappoint Mr. Albert Fisher to the Northumberland County Wetlands Board. Mr. Fisher's five year appointment will expire on July 13, 2016.

The vote on the motion was as follows:

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

RE: UPGRADE OF EMERGENCY SERVICES RADIOS

Mr. Eades informed the Board that he has been working on correcting the communication issues in our radio equipment. We are currently looking at all the options to make the system better and hope to have something formally before the Board soon. The project will probably be in the million dollar range but we haven't had an upgrade in over 10 years.

RE: APPROVAL OF CHECK REGISTER

Upon motion by James M. Long duly seconded by Richard F. Haynie, the Board voted unanimously to approve the check register, as submitted. The vote on the motion was 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

RE: PERMIT FEES WAIVED (HURRICANE IRENE RECONSTRUCTION)

Supervisor Tomlin suggested waiving the permit fees for reconstruction due to the events of Hurricane Irene. Mr. Eades said we did during Hurricane Isabel.

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board voted to waive all permit fees due to reconstruction and damage done by Hurricane Irene. 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

Supervisor Tomlin asked Mr. Eades to re-evaluate Reverse 911/Code Red. Mr. Eades said he will get with them to give a proposal.

RE: PUBLIC COMMENT PERIOD

Mr. Ken Smith stated he was at the presentation that the consultants did on the Bluff Point Planned Unit Development. He said it looks like there are two choices, the by-right plan and the PUD. One will cost money and he doesn't want to see more taxes for just a handful of people that oppose the project. He said the PUD should be approved.

Ms. Margaret Hudnall stated as a parent she feels our youth need opportunities in this county and stated she supports the Bluff Point PUD to have something to look forward to here.

Mr. David Mower stated that additional signatures have been added to the petition against the PUD for a total of 955.

Mr. Carl Gruel gave the Board information on the flood plain ordinance and questioned how many units will be in the floodplain. He then questioned the 15 years this will take to build and said who will be on the team at that time. He encourages the Board to make a decision carefully.

Ms. Donna Gruel who is an adjacent property owner to the PUD said the by right plan has fewer homes, no marina, hotels etc. basically the PUD only benefits the taxes and nothing else.

Mr. Roger Atkins said that contractors on his house could not speak English.

Ms. Ida Hall brought up points that the report brought out about the PUD and asked when a vote was going to take place. Chairman Jett said a date has not been decided.

Mr. Lee Self stated that he lived in Sherwood Forest growing up on lot 420 and so many jobs have come from that one subdivision that started in late 60's early 1970's. He said he supports the PUD project. He expressed his opinion to the audience that those opposing were being rude to Mr. Ken Smith when he spoke. He said we need a tax base here.

Mr. Frank Vanacek stated he is in the construction business and he wanted to voice his support for the project and this PUD can only help.

Mr. Chip Hudnall also agrees this project is a positive one and it's not the first time construction has been done on low lying land in this county.

Mr. Henry Lane Hull stated that no one wants to see this county advance more than him but the PUD is in the wrong place and it's the wrong time. It will be a planned unit disaster.

Mr. Ron Herring said he sees this project as the glass half-full, where some see it as the glass half-empty. He said he listened to the presentation and he heard the facts and gave it a fair evaluation and he believes this is an opportunity for the county. He said he is a local contractor and has no Mexicans.

Ms. Kitty Creath expressed her concern with the Food Lion in Heathsville not being open during/after the hurricane. She said the Buoy in Heathsville was also closed and she had to go to Kilmarnock to get groceries. She said she will not go to the Food Lion in Heathsville and support them anymore because they were not open due to no generator.

Mr. Henry Liscio said he knows Mr. Dingledine very well and knows that what he puts his mind to he will make happen. He highly recommends this because it will benefit the county. This Planned Unit Development will enhance the quality of life.

Mr. Tom Dingledine thanked the staff of the county for the amount of hours put in this.

RE: ADJOURNMENT

Upon motion by A. Joseph Self, Sr., seconded by Thomas H. Tomlin, the Board voted to carryover this meeting. 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