

Board of Supervisors Meeting
April 18, 2012
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 Wednesday, April 18, 2012

Present: Ronald L. Jett. – Chairman
 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

Reverend Jeff Cerar, St. Stephens Anglican Church led the invocation.

RE: PLEDGE OF ALLEGIANCE

The Northumberland Girls soccer team led in the Pledge.

RE: APPROVAL OF MINUTES FOR MARCH 8, 2012

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board voted to approve the minutes for March 8, 2012. 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: APPROVAL OF AGENDA

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long the Board voted to approve the agenda for today's meeting with following changes:

Mr. Stables, Superintendent is unable to be here, but Assistant Superintendent Whittler is present for any questions or concerns. Also the VDOT public hearing is scheduled at 7:00 p.m. instead of the advertised notice at 5:00 p.m.

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: MRS. DAWN NEALE, CHILD ABUSE PREVENTION MONTH

Mrs. Neale thanked the Board for all of the support they give in recognizing the month of April as Child Abuse Prevention Month. Along with Mrs. Neale was the Northumberland County Girls Soccer team to pin the Board members and staff. Ms. Emily Sprague of the team spoke and stated they are having a game honoring the awareness and are selling T-Shirts, water bottles and wrist bands.

Mr. Eades read the following proclamation.

Proclamation
Observance
Child Abuse Prevention Month

Whereas, preventing child abuse and neglect is a community problem that depends on involvement among people throughout the community; and

Whereas, child maltreatment occurs when people find themselves in stressful situations, without community resources, and don't know how to cope; and

Whereas, the majority of child abuse cases stem from situations and conditions that are preventable in an engaged and supportive community; and

Whereas, all citizens should become involved in supporting families in raising their children in a safe, nurturing environment; and

Whereas, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies, the business community, and the citizens of Northumberland County; and

Now therefore we, the Board of Supervisors, do hereby recognize April, 2012, as Child Abuse Prevention Month in Northumberland County, and we call this observance to the attention of all our citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to adopt the proclamation. 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: MR. DALE WITTLER, ASSISTANT SUPERINTENDENT OF SCHOOLS

Supervisor Tomlin asked what the current graduation rate is for 2011. Mr. Wittler stated it is between 80 – 81% but this year it is projected to be around 95%. Supervisor Tomlin said he saw that the Department of Education had us around 74% for the 2011 year. Chairman Jett noted that it is all in where you look because each site says something different.

Mr. Eades commented that the school Board budget has to be adopted by the Board of Supervisors at least 30 days after the General Assembly adjourns or by May 1, and as of this time the General Assembly has not adjourned.

RE: MR. MICHAEL BERG, VIRGINIA DEPARTMENT OF HEALTH OFFICE OF EMERGENCY MEDICAL SERVICES

Mr. Berg said he was asked to do a small presentation on the EMS regulations pertaining to response times by volunteer rescue squads. Mr. Berg gave a power point presentation (copy of presentation in Board Papers). Also in attendance were Mr. Gary Brown and Wayne Berry from the Department of Health.

RE: MID-COUNTY RESCUE SQUAD 25TH ANNIVERSARY RESOLUTION

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

**RESOLUTION
MID-COUNTY VOLUNTEER RESCUE SQUAD**

WHEREAS, The Mid-County Volunteer Rescue Squad began in 1987 by adopting their first set of by-laws; and

WHEREAS, Mid-County Volunteer Rescue Squad covers approximately 70 square miles with 2,010 structures in and around the Heathsville area; and

WHEREAS, Mid-County Volunteer Rescue Squad operates two ambulances, a command vehicle and averages in excess of 330 calls per year; and

WHEREAS, Mid-County Volunteer Rescue Squad has 35 members including 16 Emergency Medical Technicians,

NOW THEREFORE, BE IT RESOLVED, That the Northumberland County Board of Supervisors does hereby express their sincere appreciation to the many volunteers and congratulates Mid-County Volunteer Rescue Squad on its twenty-fifth anniversary; and

BE IT FINALLY RESOLVED, that this resolution be given to the Mid-County Volunteer Rescue Squad and commend them on being an essential part of Northumberland County's first responders.

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: PHILLIP KEYSER – CHIEF FAIRFIELDS VOLUNTEER FIRE DEPARTMENT, S.A.F.E.R. PROGRAM

Mr. Keyser explained that they have been running into various issues with fire and rescue where the driveways of residents are too small to get the equipment where it is needed. He said they started this S.A.F.E.R. campaign to let people be aware that this is an issue and have been distributing fliers throughout the county. It stands for Sufficient Access for Emergency Response.

Supervisor Tomlin asked if we could distribute 8 ½ x 11 posters to residence.

RE: MR. RAY DABNEY

Mr. Ray Dabney, resident of Lottsburg and part of the Montross Tea Party stated that he came here today to talk about Sustainable Development and to make people aware. Every decision based on the environment gets away from private ownership. There are green building codes, comprehensive planning regional planning development rights, etc. All this is coming from the United Nations in 1991 when a resolution was passed and President Bush signed know as Agenda21. It requires all humans to change even though they don't know if it will work. Land is not an asset under Agenda 21.

RE: BUILDING PERMIT REPORT

Month of January	2012	2011
Total construction cost for the month	\$ 2,081,124.78	\$ 2,150,836.69
Total Bldg. Permit Cost for Month	\$ 4,345.32	\$ 5,257.92
Total Zoning Permit Cost for the Month	\$ 1,590.00	\$ 2,830.00
Total Levy Fee for the Month	\$ 86.89	\$ 105.16
<i>Total Construction cost year to date</i>	<i>\$ 6,266,447.24</i>	<i>\$ 7,753,469.83</i>

RE: APPROPRIATION – SHERIFF DEPARTMENT

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to appropriate the following:

Insurance claim reimbursement 3102-3012 - \$ 1,209.69 (Deputy Moon)

Tow bill for wrecker 3102-3012 (restitution)

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: APPROPRIATION – ANIMAL SHELTER

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to appropriate the following:

Transfer of Animal Shelter funds from account 10-286 in the amount of \$ 7200.00 to Account 10-3501-1004. This is to cover additional money being paid to the shelter employees by the funds raised through the shelters Thrift Shop.

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: LINE OF DUTY ACT, DISCUSSION

Mr. Eades stated he wanted to inform the Board that the Line of Duty Act fiscal impact analysis which compares the Virginia Retirement Rates to VACORP rates on a sheet in the board packet.

He mentioned that in the year 2013, the projected difference between the two is \$1,073.27 but overall the VACO plan doesn't increase as much as VRS and the savings are considerable. This is needed to be discussed more during budget work sessions. He said the reason VRS plan is increasing is because all of the good customers were "jumping ship" leaving them with all the claims.

RE: RESOLUTION, J.C. CURRY, DISTRICT III

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the Board voted to adopt the following resolution honoring Mr. J.C. Curry who has served on the Wetlands Board.

A RESOLUTION HONORING JAMES C. CURRY

WHEREAS; Mr. James C. Curry, commonly known by J.C. dedicated twenty two years of public service with the Northumberland County Wetlands Board, and

WHEREAS; Mr. J.C. Curry has demonstrated a deep concern for the welfare of Northumberland County Citizens both as a representative of Northumberland County and a waterman in the community, and

WHEREAS; the same Mr. Curry earned the respect and devotion of the County citizens, his friends and family through the most creditable standards of ethics and honesty, and

WHEREAS; the same Mr. Curry was presented with some very complicated and controversial issues that came before the Wetlands Board over the past twenty two years and he always keep the citizens interest of Northumberland County first and foremost in making decisions,

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

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. Eades noted that District III of the Wetlands Board needs to appoint someone to replace Mr. Curry.

RE: RESOLUTION, THOMAS M. BASKER, PLANNING COMMISSION SERVICE

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the Board voted to adopt the following resolution honoring Mr. Thomas M. Basker who has served on the Planning Commission

**A RESOLUTION HONORING
THOMAS M. BASKER**

WHEREAS; Mr. Thomas M. Basker dedicated seventeen years of public service with the Northumberland County Planning Commission, and

WHEREAS; Mr. Thomas M. Basker demonstrated a deep concern and fairness to the citizens of Northumberland County, and

WHEREAS; the same Mr. Basker earned the respect and devotion of the County citizens, his friends and family through the most creditable standards of ethics and honesty, and

WHEREAS; the same Mr. Basker was presented with some very complicated and controversial issues that came before the Planning Commission over the past seventeen years and he always keep the citizens interest of Northumberland County first and foremost in making decisions,

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

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: APPOINTMENTS NEEDED FOR PLANNING COMMISSION

Mr. Eades stated that Mr. George Kranda had resigned from the Planning Commission and that an appointment for District II is needed. Also, District 5 needs an appointment as well.

RE: APPOINTMENT CPMT BOARD, DON PHILLIPS EXTENDED

Upon motion by Thomas H. Tomlin., duly seconded by James M. Long, the Board voted to extend Mr. Don Phillips appointment to the CPMT Board to January 2013. The vote on the motion is as follows:

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

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

Thomas H. Tomlin – YEA

RE: BOBBY VANLANDINGHAM, REAPPOINTMENT TO THE WETLANDS BOARD

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to reappoint Mr. Bobby VanLandingham to the Northumberland County Wetlands Board. Mr. VanLandingham's appointment will expire on July 17, 2017. 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: RAPPAHANNOCK COMMUNITY COLLEGE GRADUATION CEREMONY

Mr. Eades informed the Board that all were invited to the Rappahannock Community College graduation ceremony. It will be held on May 11.

RE: RESOLUTION – PATUXANT NAVAL AIR STATION STUDY

Mr. Eades stated he received a request for a joint land use study from the Patuxent Naval Air Station. He said they have requested to have 2 appointments to assist a group made up of jurisdictions around Patuxent to assist in writing policy procedures. This is something that only requires participation and no financial obligation involved.

Supervisor Tomlin asked why they are concerned about Northumberland. Mr. Eades said because we are in their restricted air space.

Upon motion by James L Long, duly seconded by A. Joseph Self, Sr., the Board voted to approve the following resolution:

**A RESOLUTION SUPPORTING THE JOINT LAND USE STUDY (JLUS)
FOR THE NAVAL AIR STATION (NAS) PATUXENT RIVER MD**

WHEREAS, Naval Air Station (NAS) Patuxent River, Webster Field and the Inner Atlantic Test Range, MD (hereafter referred to as Naval Air Station Patuxent River) is host to more than 50 tenant activities, including the Naval Air Systems Command and the Naval Air Warfare Center Aircraft Division, and home to the full spectrum of Research, Development, Acquisition, Test, and Evaluation (RDAT&E) for all of Naval Aviation, which are critical for the U.S. Navy and other branches of the American military and our allies; and,

WHEREAS, the Naval Air Station (NAS) Patuxent River, MD is affected by growth and development around a perimeter of the installations that could eventually impact the mission of the station; and,

WHEREAS, residents within the flight patterns of a military air station can be exposed to high noise levels and hazards; and

WHEREAS, under state law, counties have the authority and responsibility to develop plans and regulations that relate to growth and development in a fashion that will protect the health, safety and welfare of its citizens; and

WHEREAS, a Joint Land Use Study (JLUS) is a community sponsored and led study designed to promote compatible development patterns near Naval Air Station, Patuxent River by applying a local planning process to update local plans and supporting regulations relating to the Naval Air Station’s mission and impacts on surrounding communities; and,

WHEREAS, the four Tri and Regional Councils and Commission that work for and include as members the elected leaders of the counties within the JLUS study area and each of the counties play a vital role in participating in the JLUS study; and,

WHEREAS, the Naval Air Station (NAS) Patuxent River, MDJLUS Policy Committee, is being proposed which will be comprised of a representative from each of the counties, the Naval Air Station Patuxent River, and the Tri-County Council for Southern Maryland, the Mid Shore Regional Council, the Lower Eastern Shore Regional Council, and the Northern Neck Planning District Commission, and other agencies,

NOW THEREFORE BE IT RESOLVED BY THE Northumberland County Board of Supervisors, Virginia, that:

1. The County Board of Supervisors_does hereby endorse and support the preparation of a JLUS for Naval Air Station (NAS) Patuxent River and Webster Field, MD, with the Tri-County Council for Southern Maryland as the JLUS sponsor; and,
2. The County Board of Supervisors_will take the necessary steps to participate in the JLUS in cooperation with Tri-County Council for Southern Maryland and the Northern Neck Planning District Commission, and,
3. The County Board of Supervisors bears no responsibility for providing a local match to the Office of Economic Adjustment (Department of Defense) Grant for the preparation of the JLUS as the match is to be provided by the Southern Maryland counties.
4. The County Board of Supervisors_commits to a good faith effort to consider any recommendations included in the JLUS while still recognizing the importance of private property rights; and,
5. This resolution shall be in effect immediately upon adoption.

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: AUXILIARY OFFICERS RESOLUTION

Upon motion by James L Long, duly seconded by A. Joseph Self, Sr., the Board voted to approve the following resolution:

**RESOLUTION
AUXILIARY OFFICERS**

WHEREAS, The Northumberland County Sheriff's Department sends citizens to the Fredericksburg Training Academy before they are employed by the County; and

WHEREAS, These citizens attend school three night a week and every other Saturday as auxiliary officers in training; and

WHEREAS, The Auxiliary officers will be driving a county vehicle under the Sheriff's Department to and from the Academy and need to be covered under the County's insurance for both the automobile liability and workers comprehensive,

NOW THEREFORE, BE IT RESOLVED, That the Northumberland County Board of Supervisors will cover the auxiliary officers during their training under the County's insurance policy;

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: BUDGET SCHEDULE

Mr. Eades explained to the Board that he was at a loss as to what kind of schedule to provide without having the state budget passed. He said he hoped to know by the May Board meeting. Supervisor Self agreed to look at it further at the next meeting.

RE: APPROVAL OF CHECK REGISTER

Upon motion by Richard F. Haynie duly seconded by James M. Long, 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: CLOSED MEETING

Upon motion by A. Joseph Self, Sr. duly seconded by, James M. Long, the Board voted unanimously to convene into closed meeting to discuss a contractual matter as permitted by Virginia Code Section 2.2-3711 (A) (7) and (1). The vote on the motion was as follows:

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

Thomas H. Tomlin – YEA

RE: OPEN MEETING

The Board convened back into open session upon motion by James M. Long, duly seconded by Thomas H. Tomlin, 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 James M. Long, duly seconded by Thomas H. Tomlin, 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 a contractual matter and personnel matter.

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

The Board announced that they will have a meeting with the two firms that put in proposals for completing Northumberland's reassessment on May 25, 2012 at 5 p.m. in the old courthouse building.

PUBLIC HEARINGS

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION SIX YEAR PLAN FOR SECONDARY ROADS.

Mr. David Brown, District Superintendent stated he was in attendance to discuss the Secondary System of Highways 6 year plan. He said the funds will only be used to improve and construct roads. This is for the fiscal year 2013 - 2018. Mr. Brown handed out the plan to the Board members. The plan to improve Rt. 604 at the entrance of 360 is the number on priority. Mr. Brown also said Hope Union Lane is scheduled to begin 2015 for its hard surfacing. All schedules are subject to project funding.

Public Hearing Open

Mr. Lee Allain noted the issue on Academic Lane having no “backdoor” for school traffic. He suggested extending the road to Rt. 604.

Public Hearing Closed

Supervisor Jett questioned the subcontractor costs for engineering.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to approve the Virginia Department of Transportation proposed Secondary Six Year Plan as presented for Fiscal Years 2013-2018.

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 questioned the utility lines that are under the highway and how long does an agency have to come and fix it when broken. Mr. Brown said usually they respond right away. Supervisor Tomlin said that right before Glebe Point Bridge it took over a week to fix a water line leak.

Supervisor Tomlin then asked if there is no budget passed by the General Assembly by May 1st, then what will happen to the milling going on area roads. Mr. Brown said operation would cease. He said Northumberland County’s roads should be done by the end of April.

RE: REQUEST BY RIVERS BEND ESTATES SUBDIVISION TO ALLOW THE USE OF GOLF CARTS WITHIN THE SUBDIVISION.

Mr. Eades read the request made by Rivers Bend Estates Subdivision’s Association. The letter was written by Ms. Eve Jordan, President of the Association.

No one was present at the meeting representing the Association.

Public Hearing Open

Mr. Dick Saxer expressed his opinion about the situation in the Reedville area with golf carts, and people driving them with no license, no lights etc. He said the laws are not being enforced.

Public Hearing Closed

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to carryover the request until next month because there is no representation from the Association at the meeting.

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: REQUEST BY PHOEBE MIX AND JOSEPH ROSENTHAL FOR CONDITIONAL USE TO OPERATE A TOURIST HOME.

Zoning Administrator Shirley described the request for the conditional use permit to allow a dwelling located at 205 Cabell Lane near Ophelia to be used as a tourist home. He has received one written comment on the request from Tides on the Chesapeake Property Owners Association.

Ms. Phoebe Mix stated this home is offered as a rental for families. It is located on 7 acres and has 360 ft. of water access. She stated it does not embark on any neighbors.

Public Hearing Open

Mr. Nick Boast stated he supports the request.

Mr. Kaz Kazenskie stated he is on the Board of Directors at the Tides of the Chesapeake and is concerned there is no uniform base line for this type of Conditional Use Permit for Tourist Homes. He wants to make sure the conditions insure safety and continued to say we are in the early stages of growth in these requests and need to be prepared. We need to be proactive and draw a baseline. He suggested a special hearing to get some recommendations and added that at this time he is opposing the request.

Mr. Joseph Rosenthal, applicant added his opinion stating that he fails to see why tourist homes are not already covered in the zoning ordinance as a residence regardless of who is in the house.

Mr. Ron Herring talked about covenants that are in homeowners associations and said this would be a massive undertaking to put specific conditions on the permit. He stated this is a 7 acre piece of land that does not impact others and it is not in a subdivision and they should have the right to do this. If they violate a condition, then remove the problem. He continued to say you can not ask a county to regulate all of this.

Public Hearing Closed

Supervisor Self stated he thinks there needs to be guidelines to regulate the requests for a tourist homes. He said he doesn't want to hold this up but needs some ideas for conditions and wants additional information.

Chairman Jett questioned the County Attorney, if this can be approved and conditions put on it later. He said he had safety concerns. County Attorney Kilduff said the request can be delayed but it cannot be approved with conditions pending.

Supervisor Self said he is concerned that the county can be found negligent and doesn't want the county be liable if something were to happen. Supervisor Tomlin questioned how the county could be liable. Mr. Kilduff said he doesn't see where the county would be liable.

Supervisor Haynie said the state code addresses hotels/motels, and questioned if Tourist Homes needed to follow the same guidelines.

Supervisor Haynie motioned with a seconded from Supervisor Long to add that smoke detectors and carbon monoxide detectors added to each floor with the suggested conditions staff has already given.

Supervisor Self stated that if this is denied, they would have to wait one year to reapply.

Chairman Jett announced a substitute motion to carry the request over to have staff look at other guidelines. Supervisor Self seconded the motion.

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 – NAY	

Supervisor Haynie and Long withdrew their motion and seconded.

There will be no public hearing held on this and a decision will be made on the May 10, 2012 meeting.

RE: REQUEST BY JOHN ROY HASZARD FOR A CONDITIONAL USE TO CONSTRUCT A PRIVATE STORAGE BUILDING.

Zoning Administrator Shirley described the request and said he has not received any comments on the matter. The storage building is located on an undeveloped parcel of land on Flood Point Road.

Neither Mr. Haszard nor anyone representing the applicant was present for the meeting.

Public Hearing Open

No comments were given.

Public Hearing Closed

Upon motion by Richard F. Haynie duly seconded by James M. Long the Board voted to carry over the request because Mr. Haszard was not present for the meeting.

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: REQUEST MATHEW COVEL FOR A CONDITIONAL USE TO MANUFACTURE/ASSEMBLE FIREARMS.

Zoning Administrator Shirley described the request and said he has not received any comments on the matter. The property is located at 3219 Northumberland Highway near Lottsburg. Mr. Shirley read the staff recommended conditions if approved.

Mr. Matthew Covell stated he agreed with the safety aspects of the conditions staff has recommended. He noted that the ATF directly gave him rules and regulations to abide by. He said his main objective is gun smithing, selling and assembly.

Supervisor Long questioned the process that he goes by to regulate someone buying the firearms. Mr. Covell said the ATF has been in his home and he has to register through their secure website.

Supervisor Tomlin questioned the time amount that he has to buy a vault etc. to get approved with ATF. Mr. Covell said he should have it within 1 month.

Public Hearing Open

Ms. Carolina Reynolds who lives across from Mr. Covell said she came tonight because she thought she heard him shooting rounds of ammunition. She has learned by talking with him that it wasn't him doing the shooting. She said he had her blessing on this.

Mr. Frank Vanacek reiterated that the ATF regulates most of the conditions on this and they will inspect anytime.

Mr. Mark Brann, who also has a request, spoke on the conditions stating that the ATF already holds these conditions and it just needs a zoning approval for the ATF to proceed with their approval. Mr. Brann said having a shooting range is another subject that he will bring up later.

Public Hearing Closed

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

1. There shall be no sign identifying the business on the exterior of any building on the property or within the yard of the property;
2. There shall be no non-family members employed by the applicant related to this home occupation;
3. Any firearms or firearm parts kept on the property shall be stored in a locked, secure vault or similar container. The applicant shall contact the Sheriff's Department to arrange for a meeting at the property for the purpose of inspecting and approving said vault or similar container. Failure to meet with the Sheriff's Department within three (3) months of the granting of this Conditional Use Permit shall result in the revocation of the Conditional Use Permit.
4. Ammunition may only be stored on the property in accordance with the Virginia Statewide Fire Prevention Code;
5. The premises shall be made available for inspections by the Sheriff's Department at its discretion;
6. There will be no discharge of firearms on the property in connection with the business except on an approved firing range;
7. The Conditional Use Permit shall be reviewed by the Zoning Administrator on an annual basis. Should any of the conditions attached to the permit be found not to be adhered to by this review or by the inspections by the Sheriff's Department, the permit will be referred back to the Board of Supervisors for reconsideration and possible revocation; and,
8. The permit is for the applicant only and will not pass to subsequent owners of the property except with permission of the Board of Supervisors.

The vote on the motion is as follows:

Ronald L. Jett – YEA
A. Joseph Self, Sr. – YEA

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

James M. Long – YEA

RE: REQUEST BY JAMES LEE HAYNIE FOR A CONDITIONAL USE TO SELL AND REPAIR BOAT MOTORS

Zoning Administrator Shirley described the request and said he has not received any comments on the matter. The location of the request is at 1831 Fleeton Road.

Mr. Lee Haynie spoke on his behalf stating that he has recently gone into business and he would like to get in compliance with the County.

Public Hearing Open

Garland Edwards stated the property is located next door to hers and this would be an asset to the community.

Public Hearing Closed

Upon motion by Ronald L. Jett duly seconded by Thomas H. Tomlin the Board voted to approve the request with the following conditions:

1. No permanent business sign may be placed on the property except on the building; and,
2. No boat, trailer or other equipment will be parked within fifteen (15) feet of the street right-of-way.

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: REQUEST BY MARK W. BRANN FOR A CONDITIONAL USE TO MANUFACTURE/ASSEMBLE FIREARMS.

Zoning Administrator Shirley described the request and said he has not received any comments on the matter on the conditional use request located at 668 John Deere Road near Gibeon Church.

Mr. Mark Brann questioned the suggested conditions that Mr. Shirley stated about discharging a gun. He said that he may have to shoot a gun for testing purposes. He said his property is located where no one is around and he has already purchased his vault. An inspection is planned for next week and ATF is waiting for the zoning approval before they proceed.

Chairman Jett asked if the ATF is waiting on our decision. Mr. Brann said yes, he has to get approval at the locality first.

Public Hearing Open

No comments were given.

Public Hearing Closed

Upon motion by A. Joseph Self, Sr. duly seconded by James M. Long the Board voted to approve the request with the following conditions:

1. There shall be no sign identifying the business on the exterior of any building on the property or within the yard of the property;
2. There shall be no non-family members employed by the applicant related to this home occupation;
3. Any firearms or firearm parts kept on the property shall be stored in a locked, secure vault or similar container. The applicant shall contact the Sheriff's Department to arrange for a meeting at the property for the purpose of inspecting and approving said vault or similar container. Failure to meet with the Sheriff's Department within three (3) months of the granting of this Conditional Use Permit shall result in the revocation of the Conditional Use Permit.
4. Ammunition may only be stored on the property in accordance with the Virginia Statewide Fire Prevention Code;
5. The premises shall be made available for inspections by the Sheriff's Department at its discretion;
6. The Conditional Use Permit shall be reviewed by the Zoning Administrator on an annual basis. Should any of the conditions attached to the permit be found not to be adhered to by this review or by the inspections by the Sheriff's Department, the permit will be referred back to the Board of Supervisors for reconsideration and possible revocation; and,
7. The permit is for the applicant only and will not pass to subsequent owners of the property except with permission of the Board of Supervisors.

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: REQUEST BY CHARLES C. JOHNSON FOR A CONDITIONAL USE TO CONSTRUCT A PRIVATE STORAGE BUILDING.

Zoning Administrator Shirley described the request and said he has not received any comments on the matter. The building will be located in Northumberland Plantation.

Public Hearing Open

Ms. Judy Webb who is an adjoining property owner said she didn't have any objections but wondering about adding some screening.

Mr. Richard Saxer asked how big the building is and Zoning Administrator Shirley said it is a 50'x 75'.

Public Hearing Closed

Upon motion by Ronald L. Jett duly seconded by James M. Long the Board voted to approve the request with the following conditions:

1. The building must be situated on the property as shown on the site plan submitted with the application;
2. The applicant must apply for and receive all applicable permits for the construction of the proposed building

3. A vegetative screen is to be planted on the road (Brammer Road) side of the building; and,
4. The permit is valid for one (1) year and will expire on April 18, 2013, at which time the building must be completed.

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: REQUEST BY COCKRELLS MARINE RAILWAY FOR A SPECIAL EXCEPTIONS TO COMPLETE AN EXPANSION.

Zoning Administrator Shirley described the request and said he has not received any comments on the matter. The permit was previously approved but has expired.

Mr. Cockrell stated that the permit for the expansion was given about 10 years ago. He is asking for a 3 year extension.

Public Hearing Open

Ms. Judy Webb and Mr. Ron Herring both gave their support to project.

Public Hearing Closed

Upon motion by Richard F. Haynie duly seconded by James M. Long the Board voted to approve the request with the following conditions:

1. The permit will be valid for four (4) years and will expire on April 18, 2016, at which time the marina expansion must be completed;
2. All permits required by Federal, state and local agencies, including but not limited to the Virginia Department of Health, the Virginia Marine Resources Commission and the US Army Corps of Engineers, must be obtained; and,
3. The applicant will participate if the Virginia Clean Marina program through the Virginia Sea Grant Marine Advisory Program at Virginia Institute of Marine Science.

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: REQUEST BY LYN BROADDUS AND BRUCE MEDLIN FOR A CONDITIONAL USE TO CONSTRUCT A PRIVATE STORAGE BUILDING.

Zoning Administrator Shirley described the request and said he has not received any comments on the matter. The building will be on an undeveloped parcel of land adjacent to 1451 Mundy Point Road.

The contractor for Mr. Broaddus stated he was just trying to get the permits together.

Mr. Randall Kipp, architect stated they plan to keep small boats in the building.

Public Hearing Open

No comments were given.

Public Hearing Closed

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long the Board voted to approve the request with the following conditions:

1. The building must be situated on the property as shown on the site plan submitted with the application;
2. The applicant must apply for and receive all applicable permits for the construction of the proposed building; and
3. The permit is valid for one (1) year and will expire on April 18, 2013, at which time the building must be completed.

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: AMENDMENT TO ZONING ORDINANCE PERTAINING TO PAWNBROKER SHOP AND PRECIOUS METALS DEALER.

Assistant County Administrator, Luttrell Tadlock described the amendment to the zoning ordinance. He said the Northumberland County Planning commission held a meeting on the amendment in January and recommends to the Board of Supervisor approval as advertised.

Public Hearing Open

Mr. Ron Herring stated he went to a pawn broker shop in Callao and he thought it very well monitored and it would be an asset to the community.

Mr. Spud Parker described his daughters experience when she had a break in at her home and her jewelry ended up at a pawn shop that only kept the metals for 5 days and is concerned with these events.

Mr. Lee Allain said it could potentially be a good business.

Mr. Tadlock reiterated that this is an all over the county ordinance, not necessarily just the Pawn Shop in Callao. They would still have to come before the Board to get approval through a conditional use permit.

Public Hearing Closed

Upon motion by Richard F. Haynie duly seconded by James M. Long the Board voted to approve the amendment as described:

1. An amendment to the Northumberland County Zoning Ordinance Chapter 148 Article I, Section 148-3; Definitions and word usage, to define “Pawnbroker Shop” as- A place of business of any person authorized by the Circuit Court for Northumberland County to engage in the business of a Pawnbroker as defined by the Code of Virginia, § 54.1-4000 et. seq.
2. An amendment to the Northumberland County Zoning Ordinance Chapter 148 Article I, Section 148-3; Definitions and word usage, to define “Precious Metals Dealer Shop” as- The place of business of any person permitted by the Sheriff of Northumberland County to engage in the business of a Dealer in Precious Metals and Gems as defined in Chapter 109, Precious Metals and Gems, of the Code of Northumberland County.
3. An amendment to the Northumberland County Zoning Ordinance Chapter 148 Article VIII, Section 148-77 B; Use Regulations for the Business General District (B-1), to include “Pawnbroker Shop” and “Precious Metals Dealer Shop” as Conditional Uses.

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

No Comments were given

RE: ADJOURNMENT

Upon motion by A. Joseph Self, Sr., seconded by James M. Long, the Board voted to carry over the meeting until April 25, 2012 at 5 p.m. 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