

**Board of Supervisors Meeting  
November 8, 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 Thursday, November 8, 2012.

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**

Rev. Kenneth Rioland, Macedonia Baptist Church led the invocation.

**RE: PLEDGE OF ALLEGIANCE**

Supervisor Long led in the Pledge of Allegiance.

**RE: APPROVAL OF MINUTES FOR OCTOBER 11, 2012**

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to approve the minutes from the October 11, 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. Mr. Eades stated that Katrina Rhodes, Director of the Three Rivers Health District was scheduled to come today, but we received a call this week that she has resigned. Mr. Eades also said he needed to add a closed meeting to the afternoon session. 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**

**RE: SCHOOL BOARD APPROPRIATION**

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

\$22,742.00 – Refund received in error from Honeywell; company did not post correct account (quarterly payment)

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

Supervisor Tomlin questioned the large amount paid to Honeywell as far as the maintenance contract for the schools in a year. Supervisor Haynie questioned having employees maintain it the system instead.

**RE: MR. FRED PEARSON, REASSESSMENT UPDATE**

Mr. Pearson came before the Board today to give an update on the reassessment. He stated that the work has started. His people have begun to verify data and review sales in 2011-2012 for the final use in 2012-2013. Mr. Pearson discussed percentage changes within the county and noting that farmland may go up in value to its previous assessment while waterfronts value may be coming down a bit. The waterfront homes are about 104% of market value while waterfront lots are 93% and wooded tracts are 91%. There is sewer in some new places and they will get an increase.

Supervisor Tomlin commented that the market looks to be getting better.

**RE: BUILDING PERMIT REPORT**

Month of October	2012	2011
Total construction cost for the month	\$ 2,520,261.95	\$ 1,987,195.00
Total Bldg. Permit Cost for Month	\$ 4,738.72	\$ 4,234.48
Total Zoning Permit Cost for the Month	\$ 1,950.00	\$ 1,250.00
Total Levy Fee for the Month	\$ 94.76	\$ 84.67
<b>Total Construction cost year to date</b>	<b>\$ 18,025,803.78</b>	<b>\$ 23,003,271.43</b>

**RE: RESOLUTION – DECLARATION OF A LOCAL EMERGENCY DUE TO HURRICANE SANDY**

Mr. Eades thanked everyone that worked together and the efforts made in preparation for Hurricane Sandy. He said the rainfall east of Reedville on the bayside was measured at 10+ inches while west were 6+ inches. Peak gust were northwest at 52 mph on the Great Wicomico while most of the rest of the county was about 47 mph. Tides were about 2.5 feet above normal. The Shelter was open at the New Middle/High School on Saturday and stayed open Sunday and Monday and closed on Tuesday, the 30<sup>th</sup> of October. In the shelter, 132 people were registered in. There were approximately 1400 power outages. The Emergency Operations Center opened on Saturday the 27<sup>th</sup> at 11:00 a.m. and closed on Tuesday the 30<sup>th</sup> at 2 p.m.

Mr. Eades stated he used “Code Red” for the notification of the shelter being open for citizens. Mr. Eades continued to say there was not a whole lot of damage in the county from the storm but he had received information that the state is trying to get FEMA involved in some of the overtime cost of the storm.

Supervisor Self thanked the staff and Red Cross for their work with setting up the shelter and running it.

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie the Board voted to adopt the following Resolution:

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

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

- (1) Due to the conditions of Hurricane Sandy, and;
- (2) Due to the potential of 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 11:00 a.m. on October 27, 2012, and exists throughout Northumberland County until October 30, 2012 at 11:00 a.m., 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: November 8, 2012.

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: APPOINTMENT TO THE NORTHERN NECK SOIL AND WATER**

Mr. Eades said he received an e mail stating that the term for the current Northern Neck Soil and Water Conservation District appointed director extension agent will expire at the end of the year and the Richmond County Extension agent, Kelly Liddington who is currently serving has accepted the nomination for the new term commencing on January 1, 2013.

**RE: DESIGNATION A PRIMARY NATURAL DISASTER AREA CAUSED BY DROUGHT**

Mr. Eades informed the Board that he received a letter stating that we have been designated a primary natural disaster area due to the losses caused by drought and related disasters that occurred during the 2012 crop year.

**RE: RESOLUTION - CHANGE ON RESPONDING BOUNDARIES (ADD LANCASTER)**

Upon motion by Richard F. Haynie duly seconded by James M. Long the Board voted to adopt the following resolution to include Lancaster County Emergency Medical Services

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**RESOLUTION  
EMERGENCY SERVICES DESIGNATIONS**

**Whereas**, the safety and protection of the citizens and property is of foremost concern to the Board of Supervisors of the County of Northumberland; and

**Whereas**, the Board of Supervisors has designated emergency response agencies as required by §15.2-955 of the Code of Virginia and must specify the geographic boundaries of the agencies primary service area,

**THEREFORE, BE IT RESOLVED** that the Board of Supervisors hereby recognitions and designates the Callao Volunteer Fire Department, the Fairfield's Volunteer Fire Department, the Kilmarnock Volunteer Fire Department, the Upper Lancaster Volunteer Fire Department, the Callao Volunteer Rescue Squad, the Mid-County Volunteer Rescue Squad, the Northumberland County Rescue Squad, the Kilmarnock-Lancaster County Volunteer Rescue Squad, Upper Lancaster Volunteer Rescue Squad and the Lancaster County Emergency Medical Services as integral parts of the Northumberland County Emergency Services Program and further designates their Emergency Service Zones (ESZ) for their boundaries within Northumberland County as first responders; and,

**BE IT FURTHER RESOLVED** that the ESZ Boundaries are attached to and made a part of this resolution.

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: YMCA REQUEST FOR OLD HIGH SCHOOL PROPERTY DISCUSSED  
(FEASIBILITY STUDY)**

The Board discussed the request made by the YMCA concerning their interest in obtaining the old high school property on Rt. 360.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to allow the YMCA 6 months to conduct due diligence with the understanding that any transfer of property will; (1) exclude the tower and right of way located on the south east portion of the property, (2) the building and grounds will be maintained and (3) there will be no residential use of the property without the consent of the 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

**RE: BOARD COMMENT PERIOD**

Supervisor Long reported that there is a school sign that is covered up on Hacks Neck Road that VDOT needed to fix.

Supervisor Tomlin ask Mr. Eades to contact VDOT concerning water running across the road in Wicomico Church.

**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  
James M. Long – YEA  
Thomas H. Tomlin – YEA

A. Joseph Self, Sr. - YEA  
Richard F. Haynie – 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 personnel matter and contractual matter as permitted by Virginia Code Section 2.2-3711 (A) (1), (3) and (7). The vote on the motion was as follows:

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

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

Thomas H. Tomlin – YEA

**RE: OPEN MEETING**

The Board convened back into open session upon motion by A. Joseph Self, Sr., 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 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 a personnel matter, and contractual matters.

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 HEARING**

**RE: RADIO COMMUNICATIONS UPGRADE**

Upon motion by A. Joseph Self, Sr. duly seconded by, James M. Long, the Board voted unanimously to authorize the County Administrator to negotiate with Radio Communications of Virginia for a possible contract to upgrade the current emergency services radio system and present a contract at their December meeting. 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: SHERIFF'S OFFICE BUILDING**

Upon motion by A. Joseph Self, Sr. duly seconded by, James M. Long, the Board voted unanimously to authorize the County Administrator to advertise in the Richmond Times and Virginia Pilot newspapers for architectural services for consideration of building a Sheriff's Office building. 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

## **PUBLIC HEARINGS**

### **RE: REQUEST BY SHARON AND DAVID FINE, OWNERS, AND SUSAN ELLIOT, APPLICANT FOR A CONDITIONAL USE PERMIT TO OPERATE A PRECIOUS METALS SHOP AT 25 SANDY STREET IN CALLAO**

Zoning Administrator Shirley described the request for conditional use permit to operate a precious metals shop in Callao. He has not received any letters concerning the request but has received a petition in support of the shop. Mr. Shirley then read to the Board the suggested conditions if approved.

Mr. David Fine, owner stated that currently he runs a consignment shop at this location and has known Ms. Elliot for quite a while. He continued to say that there are other gold places outside of this county that people use and it would be better to utilize the service and money here. He said there is good security within the operation and hope the Board will approve the business.

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 permit will expire on November 8, 2013, if the business is not established;
2. The permit extends to the owners and applicant only and any future owner or operator of a precious metals shop at the same location must receive Board of Supervisors approval; and,
3. The owner of the property must provide onsite parking for any customers of the precious metals shop.

The vote on the motion is as follows:

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

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

**RE: REQUEST LORI CRAWLEY FOR A CONDITIONAL USE PERMIT TO ESTABLISH A TWO FAMILY DWELLING AT 5243 JESSIE DUPONT MEMORIAL HIGHWAY IN WICOMICO CHURCH**

Zoning Administrator W.H. Shirley described the request for a conditional use permit to establish a two family dwelling in Wicomico Church. Mr. Shirley stated he had not received any comments on the request and proceeded to read the suggested conditions if approved.

Ms. Crawley was present for the meeting and stated she has had a hard time leasing the building that used to be Lil' Roos Daycare and decided to try to make it an affordable apartment.

**Public Hearing Open**

No comments were given

**Public Hearing Closed**

Upon motion by Thomas H. Tomlin duly seconded by James M. Long the Board voted unanimously to approve the request with the following conditions:

1. Occupancy shall be limited to four (4) full time residents per dwelling unit (eight [8] full time residents for the entire structure); and,
2. Off-street parking must be provided for a minimum of two (2) vehicles per dwelling unit (four [4] vehicles for the entire structure).

The vote on the motion was as follows:

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

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

**RE: REQUEST BY BRADLEY AND ELIZABETH WORSHAM FOR A SPECIAL EXCEPTION PERMIT TO CONSTRUCT A BOATHOUSE AT 92 TIPERS CIRCLE IN GREAT WICOMICO BLUFFS SUBDIVISION IN TIPERS CREEK**

Zoning Administrator W.H. Shirley described the request for the special exception permit to construct a boathouse in the Wicomico Bluffs Subdivision in Tipers Creek. Mr. Shirley proceeded to say he had not received any comments on the request and read the suggested conditions.

Mr. Worksam was presented for the meeting and said he is basically just replacing the current boathouse that is there and it is an improvement

Supervisor Tomlin questioned why this is even coming to the Board. County Administrator Eades replied saying that no permit could be found for the original issuance.

**Public Hearing Open**

No comments were given

**Public Hearing Closed**

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board voted to approve the request with the following conditions:

1. The permit will expire on November 8, 2014, if the construction of the boathouse is not completed;
2. The boathouse must be constructed as submitted in the application and may be no larger than the existing structure;
3. A fire extinguisher must be located within the boathouse and be accessible from the pier;
4. Any exterior lighting must be non-reflective and directed downward; and,
5. Approval of this boathouse does not imply nor grant the establishment of a riparian apportionment.

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: REQUEST ROBERT AND KATIE BERRY FOR AN EXCEPTION TO THE CHESAPEAKE BAY PRESERVATION AREA ORDINANCE TO RECONSTRUCT A PORTION OF AN EXISTING DWELLING WITHIN THE 50 FOOT BUFFER AT 586 FOX POINT ROAD NEAR FAIRPORT**

Zoning Administrator Shirley described the request for the exception to the Bay Preservation area ordinance to reconstruct a portion of an existing dwelling near Fairport. He has not received any comments on the request.

Public Hearing Open

No comments were given.

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 reconstruction will be as shown on the site plan submitted with the application; and,
2. Storm water mitigation will be installed to meet the requirements of the aforesaid ordinance.

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: MOTION TO SEND REQUEST TO PLANNING COMMISSION FOR REVIEW OF CHESAPEAKE BAY PRESERVATION ORDINANCE OF IMPROVEMENTS WITHIN THE 50' BUFFER**

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board voted to send a request to the Planning Commission to review procedures for handling the same footprint as an existing structure to be handled administratively.

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: REQUEST BY PRITCHARD AND FALLIN PROPERTIES, OWNER AND TERRI AND LARRY COLEMAN, APPLICANTS FOR A SPECIAL EXCEPTIONS PERMIT TO OPERATE AN ARCADE AT 765 NORTHUMBERLAND HWY. IN CALLAO**

Zoning Administrator Shirley described the request for the special exception permit to operate an arcade in Callao. He has not received any correspondence on the request.

Mr. Larry Coleman was present for the hearing. He stated that he is trying to give the youth of the community a place to go. He plans to have it open from 3-9 p.m. just for the kids to have fun. He would like to design it similar to “Chuck-E-Cheese”.

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 to permit an arcade at 765 Northumberland Hwy. in Callao with the following conditions:

1. The permit expires if the business is not in operation by November 8, 2013;
2. The permit extends to the owner and applicants only and any future owner or operator of an arcade at the same location must receive Board of Supervisors approval;

3. No alcoholic beverages shall be for sale either on-premises or off-premises and no alcoholic beverages shall be allowed on the premises; and,
4. The business may not be open after 9:00 PM Sunday through Thursday and after 10:00 PM on Friday and Saturday.

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 RICHARD AND ELIZABETH ROUNDS FOR AN EXCEPTION FOR A CHESAPEAK BAY PRESERVATION AREA ORDINANCE TO REBUILD A DWELLING WITHIN THE SEAWARD 50 FOOT BUFFER AT 321 FAIRWAY DRIVE IN INDIAN CREEK ESTATES SUBDIVISION**

Zoning Administrator Shirley described the request for the rebuild of a dwelling within the seaward 50 foot buffer in Indian Creek Estates Subdivision. Mr. Shirley has not received any comments on the request.

Mr. Rich Rounds, son of Richard Rounds was present for the meeting.

Public Hearing Open

No comments given

Public Hearing Closed

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board voted to approve the request with the following conditions.

1. The reconstruction will be as shown on the site plan submitted with the application; and,
2. Storm water mitigation will be installed to meet the requirements of the aforesaid ordinance.

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**

Jeff Gordon from Jeff's Tree Service asked to get help with dumping at our local trash sites. He is being hired to clean up citizens from our county but is having to dump it in other counties because he can't take it to our sites. Mr. Eades said usually contractor dumping is not intended but would get

information from other counties on their policies and see how they handle this. Mr. Gordon gave his number to be contacted and said other counties usually charge him \$20 a load.

**RE: ADJOURNMENT**

Upon motion by A. Joseph Self, Sr., seconded by James M. Long, the Board voted to adjourn. 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

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Kenneth D. Eades, Clerk