

**Board of Supervisors Meeting
October 11, 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, October 11, 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. Seonyoung Kim, Afton/Fairfield's United Methodist Church led the invocation.

RE: PLEDGE OF ALLEGIANCE

Supervisor Self led in the Pledge of Allegiance.

RE: APPROVAL OF MINUTES FOR SEPTEMBER 13, 2012

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to approve the minutes from the September 13, 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 Thomas H. Tomlin the Board voted to approve the agenda for today's meeting. Mr. Eades commented that Delegate Margaret Ransone may visit to talk about the Menhaden Meeting that is coming up later this month. 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. TODD VANLANDINGHAM, VDOT

Mr. VanLandingham reported the grass mowing is finished for the secondary roads. The primary road mowing will begin next week. VDOT is in the process of getting equipment ready for snow removal.

Supervisor Long commented that there is a sign down on Rt. 640.

Supervisor Self noted that bush cutting is needed near to Cypress Farm.

RE: DR. REBECCA GATES, SUPERINTENDENT OF SCHOOLS

Dr. Gates explained the modernization review for Virginia Retirement System that she was questioned on last month and said it had to do with a refund due to teachers being paid over 12 months while being under contract for 10 months.

RE: SCHOOL BOARD APPROPRIATION

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

\$ 2037.26 – E rate Reimbursement (on-line services)

\$ 5556.87 – Medicaid Reimbursement for admin services

\$ 16,007.21 – Virginia Retirement System Redistribution Refund (requested in September, but not approved until 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: DR. REBECCA GATES, SUPERINTENDENT OF SCHOOLS (CONTINUED)

Dr. Gates suggested getting a capital improvement fund started with any left over money, from the school system, each year to use for things that may need to be repaired. Dr. Gates used an example of a roof for the Elementary School. Supervisor Tomlin said that we need one county wide.

Supervisor Tomlin questioned Dr. Gates on the school accreditation. Dr. Gates said we are full state accredited but the benchmarks are on a bell curve. The controversy is in the new system layers because by the old system the accreditation was much different. She explained the percentages and the subgroups that are now involved. Virginia opted out of the Standards of Learning and this is an entirely different direction.

RE: BUILDING PERMIT REPORT

Month of June		
	2012	2011
Total construction cost for the month	\$ 1,672,525.37	\$ 1,379,206.00
Total Bldg. Permit Cost for Month	\$ 3,015.72	\$ 3,639.60
Total Zoning Permit Cost for the Month	\$ 2,040.00	\$ 1,660.00
Total Levy Fee for the Month	\$ 60.33	\$ 72.78
Total Construction cost year to date	\$ 15,505,541.83	\$ 21,016,076.43

RE: REVIEW FROM CONSERVATION AND RECREATION ON BAY ACT ORDINANCE

Mr. Eades explained to the Board that Conservation and Recreation had reviewed the County’s Bay Act Ordinance and require five items to be corrected. In order for Mr. Eades to sign the order the Board must authorize him to sign the document. The corrections include:

1. Adopt ordinance revisions that require a plat to include the 5 year pump-out requirement.
2. Implement a 5 year septic tank pump-out notification and enforcement program.
3. Develop a process for tracking maintenance and inspection of BMPs.
4. Plan for requiring that Soil and Water Quality Conservation Assessments are filed.
5. Document submission of a WQIA for any proposed land disturbance in an RPA.

It was decided to vote on this after the public hearings that evening.

RE: SHERIFF DEPARTMENT APPROPRIATION (GRANT #13-A2569AC13)

Upon motion by Richard F. Haynie, duly seconded by A. Joseph Self, Sr., the Board voted to appropriate the following which will be reimbursed by grant funds:

\$17,577.00 to Account #3102-5414

\$ 3,600.00 to Account #3102-6003

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: ANIMAL SHELTER APPROPRIATION

Upon motion by Richard F. Haynie, duly seconded by A. Joseph Self, Sr., the Board voted to appropriate \$4,800.00 to line item 10-286 to line item 10-3501-1004 to pay additional funds to animal shelter employees from monies that the volunteers have raised. 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: RE-ADVERTISE SEALED BIDS FOR MOBILE CLASSROOM AT THE OLD HIGH SCHOOL

Mr. Eades explained there was a mix up with the language in the last advertisement for sealed bids for the mobile unit at the old high school and it needed to be re-advertised.

RE: LINE OF DUTY ACT TRUST

Upon motion by A. Joseph Self, Sr. duly seconded by James M. Long, the Board voted to join the VACORP LODA Trust and to sign the membership document. The purpose of this trust is to make sure there are moneys to cover our volunteer and paid hazardous duty personnel and their survivors in the event of an accident or tragedy. 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: VACO CONFERENCE REGISTRATION/VOTING MEMBER

Mr. Eades reminded the Board that the Association of Counties Conference is in November and he needed to find out who plans to attend. Also, a voting member needs to be appointed.

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to allow Chairman Ronald L. Jett as the voting member at the conference held in November representing Northumberland County. County Administrator Eades is the alternate member. 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: DELEGATE MARGARET RANSONE – MENHADEN HEARING (RESOLUTION)

Delegate Ransone came to visit the Board and inform them of the hearing by the Atlantic States Marine Fisheries Commission on the Menhaden issue, Monday, October 18 at 6pm in the Lancaster Middle School. She asked if there was anything the Board wanted to be presented and encouraged anyone to go to the hearing.

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

**RESOLUTION
REGARDING AMENDMENT 2 OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION**

WHEREAS, The Atlantic States Marine Fisheries Commission's (ASMFC) Atlantic Menhaden Management Board is considering approval of Amendment 2 to the Interstate Fishery Management Plan for Atlantic Menhaden; and

WHEREAS, The Atlantic Menhaden Management Board will select the final measures in December to be included in the Amendment as well as an implementation timeline; and

WHEREAS, The Menhaden Industry is the largest employer of Northumberland County residents with a \$14 million payroll and \$50 million impact to the area economy; and

WHEREAS, The scientific evidence involving the overfishing of menhaden has been manipulated to achieve a result to satisfy specific groups and the conclusions are misleading; and,

WHEREAS, The ASMFC concluded in their own report that fluctuations in menhaden abundance may be almost entirely driven by non-fishery sources,

NOW, THEREFORE, BE IT RESOLVED the Northumberland County Board of Supervisors believes the facts involving the overfishing of menhaden has numerous contradictions and placing further restrictions on the menhaden industry will not solve anything.

BE IT FURTHER RESOLVED, that the Northumberland County Board of Supervisors does not support any additional restrictions involving the commercial menhaden fishing industry and desires that consideration only be given when the science can be justified.

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: GROUNDWATER MANAGEMENT NOTICE RECEIVED FROM DEQ

Mr. Eades informed the Board he had received notice from the Department of Environmental Quality concerning a hearing to make the Northern Neck a Ground Water Protection Area. Comments need to be made before November 26, 2012.

RE: HAZARDOUS WASTE COLLECTION DAY REPORT

Mr. Eades said the Household Hazard Waste Collection day serviced 80 people and took in 3,335 pounds of hazard liquids. The e-waste took in over 4,000 lbs. of electronics.

RE: PERSONNEL POLICY CHANGES

Mr. Eades presented to the Board with several changes in the personnel policy. The Board said they would look over this and discuss it further next month.

RE: BOARD COMMENT PERIOD

Supervisor Tomlin brought up an issue concerning our ordinance that only restricts parking in fire lanes on county property and not private property.

RE: FIRE LANE ORDINANCE ADVERTISE FOR PUBLIC HEARING

Upon motion by Thomas H. Tomlin duly seconded by A. Joseph Self, Sr., the Board voted to advertise for public hearing for next month. 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 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	

PUBLIC HEARING

RE: REQUEST BY ROBERT G. SMITH FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A COMMERCIAL PIER AT 185 COLIVILLE LANE ON COCKRELLS CREEK NEAR REEDVILLE

Zoning Administrator W.H. Shirley described the request for a condition use permit to construct a commercial pier. He has received one support comment and 2 comments in objection. He has received recently a response from the Corp of Engineers approving the pier.

Mr. Smith was present for the meeting and explained that he didn't currently have any room for his two son's boats that were used commercially. A ten foot wide pier would also make it easier for offloading. No buying or selling will be at this location and only private vehicles and boats will be coming into to the pier.

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 unanimously to approve the request with the following conditions:

1. The permit is valid for one (1) year and will expire on October 11, 2013, at which time the pier must be constructed;
2. All exterior lighting must be non-reflective and directed downward; and,
3. The permit extends to the applicant and his immediate family only and any future owner or lessee of the property must apply to the Board of Supervisors for permission to continue to use the pier for commercial purposes.

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 BY KENNETH AND CAROLYN POTTER FOR AN EXCEPTION OT THE CHESAPEAKE BAY PRESERVATION AREA ORDINANCE TO REDEVELOP A RESIDENCE PARTIALLY WITHIN THE SEAWARD 50' RESOURCE PROTECTION AREA AT 1001 VIR MAR BEACH ROAD NEAR BURGESS

Zoning Administrator W.H. Shirley described the request for the exception to the Chesapeake Bay Preservation ordinance. He has not received any comments on the matter.

Mr. Potter was present for the meeting and said he just purchased the property and would like to clean up the eye sore. He wants to retire and live at this location.

Public Hearing Open

No comments were given

Public Hearing Closed

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

1. The new dwelling will be situated on the property as shown on the site plan submitted with the application; and,
2. Storm water mitigation will be installed to meet the requirements of the Northumberland County Chesapeake Bay Preservation Area Ordinance.

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	

Mr. Tomlin said he supported the request because the 100 foot buffer is all around the property, he will be removing 2 sheds and there is a reduction of 570 square feet in total size of impervious surface.

RE: REQUEST BY KAREN NEWTZIE FOR A CONDITIONAL USE PERMIT TO OPERATE A TOURIST HOME AT 70 HEADLEY RAILWAY LANE NEAR LOTTSBURG

Zoning Administrator Shirley described the request for the conditional use permit to operate the tourist home near Lottsburg. He has not received any comments on the request.

Mrs. Newtzie was present to answer any questions the Board might have.

Supervisor Tomlin asked if she lived next door. She said yes, she does.

Public Hearing Open

No comments were given.

Public Hearing Closed

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

1. There must be a smoke detector and a carbon monoxide detector in each bedroom and in any other location required by the Building Code;
2. There must be at least one off-street parking space for each bedroom and no overnight on-street parking will be allowed;
3. The access driveway shall be of sufficient width and condition to accommodate emergency vehicles and equipment;
4. Each tourist home must have a local manager who possesses the authority and ability to promptly address and correct any violations of the conditions, use requirements, and/or limitations applicable to the tourist home. The name, address and telephone number of the local manager shall be registered with the Building and Zoning Office and shall be posted in a conspicuous area of the tourist home;
5. Tourist homes shall be provided with a working land line telephone;
6. A description of the tourist home boundary lines shall be clearly identified and shall be available to the occupants of the tourist home;
7. Each tourist home must undergo an inspection by the Building Official annually and the cost of such inspection shall be paid by the owner pursuant to the county's adopted fee schedule;
8. Recreational vehicles such as campers, travel trailers and motor homes may be parked on the property but may not be used by guests for living quarters during their stay at the tourist home;
9. Guests' pets must be under control of their owners at all times;
10. Overnight occupancy shall be limited to two (2) persons per bedroom plus two (2) additional persons per residence. In no case may the occupancy of a tourist home exceed fourteen (14) people; and,

11. The Conditional Use Permit allowing the tourist home does not attach to the property and is not transferable. Subsequent owners must apply for a Conditional Use Permit from the Board of Supervisors to operate a tourist home.

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 SAMUAL A. AND DAWN FISHER FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A PRIVATE STORAGE BUILDING ON GLEBE VIEW LANE NEAR LOTTSBURG

Zoning Administrator Shirley described the request for the private storage building. He has not received any comments on the request.

Public Hearing Open

No comments were given

Public Hearing Closed

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie the Board voted to approve the request with the following conditions:

1. The permit is valid for one (1) year and will expire on October 11, 2013, at which time the structure must be completed; and,
2. The structure must be situated as staked on the property outside the 100' Resource Protection Area buffer.

The vote on the motion is as follows:

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

RE: DISPOSITION OF THE OLD NORTHUMBERLAND HIGH SCHOOL PROPERTY AT 6234 NORTHUMBERLAND HWY.

County Administrator Eades explained the school property and the Board was asking for comments on what to do with the building. He said the county has excluded the cell tower from the discussion. He said he received one letter from the YMCA asking for consideration to be given to them to take over the property.

Public Hearing Open

Mr. Mike Cole, representing the local YMCA Board presented the letter from Danny Carol of the YMCA. He explained their interest in the property and would like to pursue it.

Reverend Kenneth Rioland stated his interest is with the community development stating it would be a great facility to house a small business incubator for sole proprietors in the area. The space would be great as well as use for a marketing facility to help business thrive.

Mr. Lee Allain suggested using the space for a community resource.

Ms. Teresa Lambert suggested using the building to house the workforce as well as housing for the seniors in the area.

Ms. Betty Hall noted that the space is needed to keep the YMCA serving the community. This would give them room to expand.

Public Hearing Closed

Mr. Eades informed the Board that no decision needs to be made at this time.

RE: PROPOSED AMENDMENTS TO THE CHESAPEAKE BAY PRESERVATION AREA ORDINANCE TO REQUIRE THE 5 YEAR PUMP OUT REQUIREMENTS ON PLATS.

Assistant Zoning Administrator, Luttrell Tadlock described the proposed amendment to require the 5 year pump out requirements on plats. Mr. Tadlock said the proposal has gone to the Planning Commission with their approval.

Public Hearing Open

Ms. Ginny Estelle questioned the enforcement of the amendment and what would happen if people did not abide by it. Mr. Eades said notices go out that this is a requirement and a record is kept of where the pump outs have been completed. No one has been taken to court because of non-compliance but it would be a misdemeanor.

Public Hearing Closed

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the Board voted to approve the amendment to the Chesapeake Bay Preservation Area ordinance to require the 5 year pump out requirements on plats.

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: REVIEW FROM CONSERVATION AND RECREATION ON BAY ACT ORDINANCE

Upon motion by Thomas H. Tomlin duly seconded by Richard F. Haynie, the Board voted to authorize the County Administrator to sign the order from DCR on the 5 items discussed earlier in the afternoon. 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

Mr. Lee Allain questioned the pumping out of the septic tanks and some problems that he had with his two tanks and the cutting of wiring to the pump.

Ms. Mary Evans came before the Board to talk to them about the mentally ill citizens in the county. She explained that housing is needed for them and she suggested either the old ROTC building at the old high school or the Robertson House.

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

Kenneth D. Eades, Clerk