

Board of Supervisors Meeting
July 11, 2013
5:00 P.M.

NORTHUMBERLAND COUNTY, VA

The meeting was convened for the regular monthly meeting of the Northumberland County Board of Supervisors that was held at Northumberland Courts Building, on Thursday, July 13, 2013.

Present:

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

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

RE: INVOCATION

Supervisor James M. Long led the invocation.

RE: PLEDGE OF ALLEGIANCE

Chairman Jett led us in the Pledge of Allegiance.

RE: APPROVAL OF MINUTES FOR JUNE 12 AND JUNE 13, 2013

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to approve the minutes from the June 12, 2013 meeting and the June 13, 2013 meeting. 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: APPROVAL OF AGENDA

Upon motion by Thomas H. Tomlin seconded by Richard F. Haynie, the Board voted to approve the agenda for today's meeting.

The vote on the motion is as follows:

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

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

RE: DR. REBECCA GATES, SUPERINTENDENT OF SCHOOLS

Dr. Gates wanted to make the Board aware that they are applying for a safety equipment grant which would allow them to update their cameras, door locks etc. The scoring will be done on the number of weapons reported, age of the buildings and based on the Composite Index. She added that she has been working with the Sheriff on this grant.

She invited the Board to the big kick off breakfast for the upcoming school year. The event will be held on August 26th. The breakfast will be followed by a program at 10:00 a.m.

RE: MR. DAVE BROWN, VIRGINIA DEPARTMENT OF TRANSPORTATION, NORTHERN NECK RESIDENCY

Mr. Brown went over the handout of highlights the FY 2014-2016 Six Year Plan and Maintenance Services. Chairman Jett said the report is confusing. Mr. Brown stated that the report basically lists the conditions and evaluations of the roads from the previous year. Things happen over-time so this is an ongoing process. Supervisor Self asked if the department sets up the rating scale for the degradation of the roads. Mr. Brown responded that they do estimate their own ratings. Supervisor Haynie asked how they come up with the rating scale. Mr. Brown in response explained that they look at sections of the road and note cracks, wearing, amount of aggregate exposed etc. Supervisor Self commented that he had concern on the rating scale and questioned how well our roads are if this is all done in-house. Mr. Brown referenced a Canadian licensed vehicle that travels and evaluates the roads.

Mr. Todd VanLandingham with the Lottsburg Area Headquarters was also present for the meeting. He said they will be surface treating area roads starting around the 17th of this month. Johnson grass will be sprayed around the 15th. Supervisor Haynie asked the crew that is spraying the Johnson grass to slow down to make sure they spray what is intended.

RE: BUILDING PERMIT REPORT

Month of May	2013	2012
Total construction cost for the month	\$ 2,443,760.00	\$ 1,580,827.00
Total Bldg. Permit Cost for Month	\$ 4,130.96	\$ 3,404.12
Total Zoning Permit Cost for the Month	\$ 1,440.00	\$ 2,110.00
Total Levy Fee for the Month	\$ 82.62	\$ 65.08
Total Construction cost year to date	\$ 15,300,484.27	\$ 11,188,255.46

RE: FUEL BIDS APPROVED FOR THE YEAR

Mr. Eades said he received the fuel bids that the school system approved at their last Board meeting and the county usually piggy backs off of the bids.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to accept fuel bids from Noblett, Ware, People Oil Company at the following variable rates: \$2.8321, gasoline; \$2.9955, diesel; \$2.9130 heating oil and \$ 1.1469, propane.

The vote on the motion is as follows:

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

RE: RESOLUTION - NOT TO PARTICIPATE IN VLDP PROGRAM (DISABILITY)

Mr. Eades said he has received information on the local retirement disability program and said it is divided into three categories. Mr. Eades said he suggests going with VACO insurance company and to opt out the Virginia Disability Program.

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

RESOLUTION

Irrevocable Election Not to Participate in Virginia Local Disability Program

WHEREAS, by enacting Chapter 11.1 of Title 51.1 of the Code of Virginia, the Virginia General Assembly has established the Virginia Local Disability Program (“VLDP”) for the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in Virginia Code § 51.1-169; and

WHEREAS, for purposes of VLDP administration, an employer with VLDP-eligible employees may make an irrevocable election on or before September 1, 2013, requesting that its eligible employees not participate in VLDP as of the VLDP effective date of January 1, 2014, because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees that meets or exceeds the coverage set out in Chapter 11.1 of Title 51.1 of the Code of Virginia, with the exception of long term care coverage, by January 1, 2014; and

WHEREAS, it is the intent of the Northumberland County Board of Supervisors, employer code # 55166, to make this irrevocable election to request that its eligible employees not participate in VLDP;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Northumberland County Board of Supervisors irrevocably elects not to participate in VLDP because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees; and it is further

RESOLVED that, as an integral part of making this irrevocable election, the Northumberland County Board of Supervisors certifies that it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees.

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: PERSONAL PROPERTY TAX RELIEF AMENDMENT

Mr. Eades explained that after final figures were in, the Personal Property Tax Relief for FY 2014 needed to be amended to 58% instead of 56%. Mr. Eades concluded by saying that if this is approved the taxpayer will not have pay as much.

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long the Board voted to amend the PPTR as follows:

AMENDED PERSONAL PROPERTY TAX RELIEF

WHEREAS the Personal Property Tax Relief Act of 1998, Va. Code §§ 58.1-3523 *et seq.* (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the “2005 Appropriations Act”); and

WHEREAS these legislative enactments require the County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS these legislative enactments provide for the appropriation to the County, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax on such vehicles.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors that: Qualifying vehicles obtaining situs within the County during tax year 2013, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
- Personal use vehicles valued at \$1,001 to \$20,000 will be eligible for 58% tax relief;
- Personal use vehicles valued at \$20,001 or more shall only receive 58% tax relief on the first \$20,000 of value; and
- All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.
- In accordance with Item 503.D.1, the entitlement to personal property tax relief for qualifying vehicles for tax year 2005 and all prior tax years shall expire on September 1, 2006. Supplemental assessments for tax years 2005 and prior that are made on or after September 1, 2006 shall be deemed ‘non-

qualifying' for purposes of state tax relief and the local share due from the taxpayer shall represent 100% of the tax assessable.

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: LIGHT STREET PROJECT APPROPRIATION

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr., the Board voted to appropriate \$95,284.96 into 55-7200-3100 for the FY 14 budget. This is the remaining left from receiving \$395,515.22 from DHCD for FY 13 and spending only \$299,690.26.

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: RICHARD SAXER, ECONOMIC DEVELOPMENT COMMISSION DIRECTOR 2013-2014 TERM.

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to reappoint Mr. Richard Saxer as the director of the Northumberland County Economic Development Commission for the 2013-2014 year. The vote on the motion is as follows:

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

RE: RESOLUTION- HONORING MRS. ALEASE G. HARRIS

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

HONORING MRS. ALEASE G. HARRIS

WHEREAS, on August 7, 2013, Mrs. Alease G. Harris will reach the 100th anniversary of her birth; and

WHEREAS, Mrs. Alease G. Harris is a native of Northumberland County and returned here after retiring as a nurse; and

WHEREAS, Mrs. Harris will be having a birthday celebration on August 3, 2013 to recognize this event; and

WHEREAS, Mrs. Harris is a beloved family member and friend to many Northumberland County citizens; and

WHEREAS, the family and friends of Mrs. Alease G. Harris are honoring her 100th birthday with a celebration of her life and contributions to her loved ones and to the community,

NOW THEREFORE BE IT RESOLVED, that the Northumberland County Board of Supervisors hereby proclaims that August 7, 2013 as Alease G. Harris Day in Northumberland County, Virginia; and

BE IT FURTHER RESOLVED, that the Northumberland County Board of Supervisors wishes Mrs. Alease G. Harris a very Happy Birthday and fondly hopes she celebrates many more.

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: CORRINE ANTHONY APPOINTED TO THE NORTHERN NECK TOURISM COUNCIL

Upon motion by Thomas H. Tomlin, duly seconded by Richard F. Haynie, the Board voted to appoint Ms. Corrine Anthony to the Northern Neck Tourism Council as Northumberland County's representative. 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: SHARON FISHER, APPOINTMENT TO THE DEPARTMENT OF SOCIAL SERVICES

Upon motion by Thomas H. Tomlin, duly seconded by Richard F. Haynie, the Board voted to appoint Ms. Sharon Fisher to the Department of Social Services Board. Ms. Fisher's appointment will expire on June 30, 2016. 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: UPGRADE OF THE REEDVILLE SANITARY DISTRICT – AUTHORIZE TO START

Continuing the discussion from last month, the Board asked for Mr. Eades to get an opinion from our County Attorney, Les Kilduff on whether or not we should re-advertise and bid out the project upgrade again because of the acceptance of the lowest bidder's redesign of the system from its original plan. After talking with Mr. Kilduff and Mr. Reidlinger, they believe it is not necessary to re-bid the project upgrade because the specifications has a statement that allows contractors to use the same or like materials and equipment.

Upon motion by James M. Long, duly seconded by Thomas H. Tomlin, the Board voted to accept the bid from Caldwell and Santmeyer of Northern Virginia in the amount of \$877,644.00.

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: BARKING DOG ISSUE

Mr. Eades said he is talking with the Commonwealth Attorney on the issue and she is trying to come up with some language to help the situation.

RE: COUNTY POSITIONS OPEN

Mr. Eades informed the Board that Mr. Burton Thrift who was working in the Wastewater Treatment Plant has resigned from his job. He has advertised the position. Also, our County, Westmoreland County and the Northern Neck Regional jail has advertised an Information Technology position together.

RE: BOARD COMMENT PERIOD

Supervisor Long asked about the road sign that is down on Light Street. Mr. Eades said he will check with staff.

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

PUBLIC HEARING

RE: REQUEST BY KENNETH R. KIDWELL, FOR A SPECIAL EXCEPTIONS PERMIT TO CONSTRUCT A 16' X 36' X 20' OPEN-SIDED BOATHOUSE ON ELLYSON CREEK NEAR OPHELIA

Zoning Administrator Shirley described the request. He said this hearing was advertised as a Special Exceptions but it should be a Conditional Use. He has received several objections and comments on the matter.

Mr. Nathan Moore and Mr. Kidwell were present for the meeting.

Mr. Moore stated that the Kidwell's have 300 ft. of property and currently no pier. Within a mile of his property there are about 20 boathouses and from his view of the creek, 4 can be seen. Mr. Moore

presented pictures to the Board. He continued to say there are no objections from the adjoining property owners.

Public Hearing Open

No comments were given

Public Hearing Closed

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

1. The permit is valid for two (2) years and will expire July 11, 2015, if the construction of the boathouse is not completed;
2. The boathouse must be constructed as submitted in the application;
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 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 NICOLE SUSAN SMITH, OWNER, AND BRADFORD S. BATES, APPLICANT FOR A CONDITIONAL USE PERMIT TO OPERATE A SMALL RETAIL BUSINESS AT 581 JESSIE DUPONT MEMORIAL HIGHWAY

Zoning Administrator Shirley described the request to operate a small retail business on Jessie Dupont Memorial Highway. He said he has received one comment from Mr. Armsworthy but Mr. Bates has addressed his concerned. Mr. Shirley then read the staff conditions if approved. Supervisor Tomlin asked Mr. Bates if the conditions that were suggested are okay with him. He said they are fine.

Public Hearing Open

Mr. Sydney Armsworthy said he had more of a concern with the traffic but if it will be screened then he is okay with the request.

Public Hearing Closed

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

1. The permit is valid for one (1) year and will expire July 11, 2014, if the business is not in operation;
2. Any exterior lighting must be non-reflective and directed downward;

3. Construction equipment and hard-scape materials will be stored on the adjacent parcel owned by the applicant, Tax Map Parcel #27-(1)-244A, and screened from the view of 599 Jessie Dupont Memorial Highway, Tax Map Parcel #27-(1)-244;
4. All signage must comply with the Northumberland County Zoning Ordinance;
5. Handicap parking and access to the building must comply with the building code;
6. No permanent structure for the display of merchandise may be erected between the building and the highway;
7. A fence and/or vegetative barrier will be installed between this property and Tax Map Parcel #27-(1)-245C;
8. The Conditional Use Permit 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 business on the premises; and,
9. In addition to any other remedies provided by law, the Zoning Administrator, upon his determination that one or more of the conditions set forth herein have been violated, may issue a cease and desist order. Said order shall require the owner to immediately cease operation hereunder and shall be mailed to the owner and posted on the front door of the property. The order shall advise that (1) he/she cannot restart the permitted activity until the violations are corrected as verified by the Zoning Administrator, or (2) a hearing will be held by the Board of Supervisors on the earliest regular meeting date that complies with the advertisement requirements of 15.2-2204 of the Code of Virginia, to determine whether this permit should be revoked.

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: CONSIDERATION OF DONATING THE PROPERTY AT 6234 NORTHUMBERLAND HIGHWAY (OLD NORTHUMBERLAND HIGH SCHOOL), TO THE PENINSULA METROPOLITAN YMCA

County Administrator Eades described the request. He gave a timeline of events that has led up to this point by saying that the YMCA asked the Board for six months due diligence to see if they could afford the property. June of this year, we received a letter stating that the YMCA is interested in the old high school property. Mr. Eades said this was advertised for a public hearing and he has not received any comments.

Public Hearing Open

Ms. Sandy Harris questioned the size of the tract and the intent to donate this. Mr. Eades responded to Ms. Harris stating this is 16 acres all together and the Board does have the authority to donate property to non-profits. Supervisor Tomlin stated the cost of the building to tear down or fix the mold problem would be a liability to the county. It will have more value to the YMCA.

Upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin the Board voted to move forward with a deed to donate the Old High School property to the Peninsula Family YMCA with no purchase price. Mr. Kilduff will work up a deed for next month to be considered.

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: CARRY-OVER REQUEST BY CAMBER L. GIBERSON ESTATE, OWNER AND GARY G. GIBERSON, APPLICANT, FOR A CONDITIONAL USE PERMIT TO OPERATE A TOURIST HOME AT 221 SANDPIPER CIRCLE NEAR LOTTSBURG.

County Administrator Eades stated this is a carry-over from last month. The Board requested time to look over correspondence from the hearing before making a decision. They also asked Staff to look over conditions and make some modifications.

*The Public Hearing was closed last month.

Supervisor Self thanked the Staff for addressing some of the issues with this request.

Upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin the Board voted to deny the request.

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

Supervisor Tomlin stated that he has struggled with this request and believes in property rights but the zoning ordinances purpose is to create a harmonious community and this doesn't meet that purpose.

RE: CARRY-OVER REQUEST BY SUSAN TITUS AND JAY LIGHTFOOT, OWNERS FOR A CONDITIONAL USE PERMIT TO OPERATE A TOURIST HOME AT 768 TWIN HARBOR ROAD NEAR REEDVILLE

Chairman Jett said he doesn't feel that he can support this. He was elected to this position to represent the majority and nothing has been worked out with the Homeowners Association.

*The Public Hearing was closed last month.

Upon motion by Ronald L. Jett duly seconded by Thomas H. Tomlin the Board voted to deny the request. Mr. Tomlin reiterated the statement before that this does not make a harmonious community.

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 – ABSTAIN

RE: TOURIST HOME ORDINANCE SENT TO PLANNING COMMISSION

Upon motion by Thomas H. Tomlin, duly seconded by Richard F. Haynie, the Board voted to send “Tourist Homes” to the Planning Commission to review and update whether a tourist home should be allowed by right or not at all within the ordinance.

RESOLUTION AMENDMENT TO ZONING ORDINANCE

WHEREAS, on July 11, 2013 the Northumberland County Board of Supervisors discussed the permitting of Tourist Homes; and

WHEREAS, the same Board currently allows Tourist Homes as a conditional use permit under the Zoning Ordinance after a public hearing before the Board of Supervisors; and

WHEREAS, the consideration of Tourist Homes can be an issue in subdivisions and neighborhoods; and

WHEREAS, the Zoning Ordinance does not have specific criteria to aid in the consideration for approval or denial of a Tourist Home and this lack of criteria makes it difficult for the applicant, the public and the Board,

NOW, THEREFORE, BE IT RESOLVED that the Northumberland County Board of Supervisors requests the Northumberland County Planning Commission to make a recommendation as to whether Northumberland County should continue to allow Tourist Homes as a conditional use, allow them by-right, or not allow them within the county. If the recommendation is to continue to allow Tourist Homes, then the Northumberland County Planning Commission is requested to recommend specific criteria to be added to the Zoning Ordinance to aid in the consideration for approval or denial of applications for Tourist Homes.

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 adjourn.

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