

**Board of Supervisors Meeting  
June 13, 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, June 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

Absent:

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 MAY 9, 13, 15, 16 AND JUNE 5, 2013**

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to approve the minutes from the May 9, 13, 15, 16 and June 5 meetings. 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. - ABSTAIN  
Richard F. Haynie - YEA

\*Supervisor Self abstained his vote due to a conflict of interest in Harner Public Hearing request.

**RE: DR. REBECCA GATES, SUPERINTENDENT OF SCHOOLS**

Dr. Gates proudly reported that there will be 93 students graduating Saturday. Out of the 93 students, 35 of them will graduate with an advance diploma. She also reported that there is \$75,650.00 worth of scholarship monies going to this class and everyone is ready for graduation day.

Dr. Gates then announced to the Board that they have hired a new principle at the High School. Their Board recommended hiring Dr. Travis Burns from the Gloucester County School System. She continued to say that there has been some various rumors surrounding the new principal and she wanted to come forth concerning a lawsuit filed against Mr. Burns with information about the final decree which found no liability. She said Dr. Burns has a great reputation and has high levels of academics.

Supervisor Tomlin questioned Dr. Gates on the report of a potential student fight that was given to Dr. Burns in which he did not act. He noted in the Supreme Court’s opinion that on the morning of the fight he was told about it and he didn’t see it as a concern. Dr. Gates said he was never told a name of the students involved.

Dr. Gates also reported that Rebecca Sterret has been hired as the School Psychologist.

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

Mr. Brown came before the Board to give an update on the Department. He said the storms that are moving in today look like they are going more North which is a good thing for us. Last week’s storm caused high water in some areas and they are continuing to clean up from that storm.

Supervisor Tomlin expressed his concern with high water when heavy down pours of rain collect in the Wicomico Church area. Mr. Brown said he would check into the matter.

**RE: BUILDING PERMIT REPORT**

Month of May	2013	2012
Total construction cost for the month	\$ 2,809,387.16	\$ 1,775,198.00
Total Bldg. Permit Cost for Month	\$ 5,540.04	\$ 4,032.32
Total Zoning Permit Cost for the Month	\$ 1,860.00	\$ 1,890.00
Total Levy Fee for the Month	\$ 109.18	\$ 80.66
<b>Total Construction cost year to date</b>	<b>\$ 12,856,724.27</b>	<b>\$ 9,607,428.46</b>

**RE: RESOLUTION – VIRGINIA JUVENILE COMMUNITY CRIME CONTROL ACT**

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

**Resolution  
Virginia Juvenile Community Crime Control Act**

Be it resolved that the Northumberland County Board of Supervisors will participate in the Virginia Juvenile Community Crime Control Act and accept funds appropriate for the purpose set forth in this Act for FY 2014.

Be it further resolved that the Westmoreland County will combine with the governing bodies of Essex, Lancaster, Northumberland and Richmond Counties. Westmoreland will act as a fiscal agent for these localities.

Be it further resolved that the County Administrator is hereby authorized to execute a local plan on behalf of the County of Northumberland.

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: ANIMAL SHELTER APPROPRIATION**

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board voted to appropriate \$7,195.00 from account 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	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

**RE: ADVERTISE PUBLIC HEARING ON YMCA REQUEST TO POSSESS OLD HIGH SCHOOL**

Mr. Eades stated he had received a letter from the YMCA to obtain the old high school property and improvements. He said that approximately 6 months ago the Board authorized a due diligence to the YMCA after the public hearing for the disposal of the school was held. Mr. Eades said an additional public hearing would have to take place because the first was not specific enough to transfer the property. The following will be advertised for the July meeting. Notice is hereby given pursuant to Chapter 11, 15.2-734 and 15.2-953 of the Code of Virginia as amended that the Northumberland County Board of Supervisors will hold a public hearing on July 11, 2013 at 7:00 p.m. in the Northumberland County Courts Building at 39 Judicial Place adjacent to the Sheriff's

Office in Heathsville, VA for consideration of donating the property at 6234 Northumberland Hwy., (Old Northumberland High School), to the Peninsula Metropolitan YMCA. The donation, as shown on tax map 16 (1) 20, will include approximately 16 acres with improvements, less the cell tower and its access.

Upon motion by Thomas H. Tomlin duly seconded by Richard F. Haynie, the Board voted to advertise the public hearing for consideration of donating the property at 6234 Northumberland Hwy. to the YMCA. 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: NOISE ORDINANCE – REVIEW**

Mr. Eades stated he was asked to explore some options to address some noise issues with barking dogs in the county. In looking at some other counties and combining some of the material, he discovered that there were no real standards unless the barking was counted (i.e., one bark per second for 20 seconds) or set a standard by decibels. Supervisor Tomlin questioned the length of time the dog could be barking. The Board asked Mr. Eades to talk with our Commonwealth Attorney as well as the Sheriff to get their opinion.

#### **RE: UPGRADE OF THE REEDVILLE SANITARY DISTRICT – BIDS OPENED**

Mr. Eades explained to the Board that the bids for the upgrade of Reedville Sanitary District were open on March 21, 2013. The lowest bidder was Caldwell and Santmyer Inc. of Berryville, Virginia in the amount of \$1,820,344. This bid was over the original opinion of construction cost and the original design was based on the membrane filter system. After the bids were received, the design was re-evaluated by Resource International and county staff to try to delete items from the overall scope and not hamper the daily operation. It was determined to reduce the cost, the plant needed to be designed to a Sequencing Batch Reactor system. The negotiations resulted in a revised scope of work and the new cost is \$877,644.00. It is Resources opinion that this is a fair price and takes some risk out of rebidding the project.

The Board questioned the process and expressed their concern with changing the scope of work and not re-bidding it out. Mr. Eades was directed to get an opinion from County Attorney, Les Kilduff to determine if we are covered legally with the procurement process.

#### **RE: HAZARDOUS WASTE DAY UPDATE**

Mr. Eades said the spring hazardous waste day was again a success. We served 89 people total for the hazardous material including 4,183 lbs. Electronics collected were 1,892 lbs.

#### **RE: BUDGET FY 2014**

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board unanimously approved the budget for FY 2014. The vote on the motion is as follows:

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

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

**RE: TAX RATE**

Upon motion by A. Joseph Self, Sr. duly seconded by James M. Long the Board voted on the following Tax Rate Resolution setting the tax rates for FY 14. The vote on the motion is as follows:

A. Joseph Self, Sr. – YEA  
Ronald L. Jett – YEA  
Thomas H. Tomlin- NAY\*

Richard F. Haynie – YEA  
James M. Long – YEA

Supervisor Tomlin’s vote against the approval of the budget was based on the way that the long term debit was handled with it being lease financing and not a general obligation.

**RESOLUTION  
BUDGET ADOPTION FY 14**

After careful examination of the budget estimates, BE IT RESOLVED AND ORDAINED by the Board of Supervisors of the County of Northumberland, Virginia that there be and is hereby levied for Fiscal Year 2013-2014 a tax of \$0.42 per one hundred dollars of assessed valuation of taxable real estate located in this County and public service corporations, based upon the assessment thereof fixed by the State Corporation Commission and duly certified; that there be and is hereby levied for the year 2013, a tax of \$3.60 at a 40% assessment ratio of NADA of all taxable personal property; that there be and is hereby levied for the year 2013, a tax of \$3.60 at a 25% assessment ratio per one hundred dollars of the assessed valuation for the 1<sup>st</sup> year and 10% depreciation each year thereafter (minimum of \$150.00 valuation) of all machinery & tools used in a trade or business physically located in the County of Northumberland; that there be and is hereby levied for the year 2013, a tax of \$1.00 at 50% assessment ratio of original cost of all inventory on hand as of January 1, 2013 in any mercantile business located in Northumberland County;

BE IT FURTHER ORDERED that such taxes, when and if appropriated by the Board of Supervisors of this County, shall be used to defray county charges and expenses and all necessary charges incident to or arising from the execution of the lawful authority of the Board of Supervisors of Northumberland County.

**RE: APPROPRIATIONS RESOLUTION**

Upon motion by A. Joseph Self, SR. duly seconded by James M. Long, the Board voted on the following appropriations resolution. The vote on the motion is as follows:

A. Joseph Self, Sr. – YEA  
Ronald L. Jett – YEA  
Thomas H. Tomlin- NAY

Richard F. Haynie – YEA  
James M. Long – YEA

**FISCAL YEAR 2013/2014 APPROPRIATIONS RESOLUTION**

**WHEREAS**, the Northumberland County Board of Supervisors has heretofore prepared a budget for information and fiscal planning purposes only; and

**WHEREAS**, it is now necessary to appropriate sufficient funds for the contemplated expenditures as are contained in the budget.

**NOW, THEREFORE, BE IT RESOLVED**, by the Northumberland County Board of Supervisors that the budget for fiscal year 2013/2014 is approved and appropriations for the aforementioned funds are made as follows, subject to terms and conditions outlined within this appropriation resolution:

### **Operating Budget**

Board of Supervisors	221,832
County Administrator	274,143
County Attorney	15,000
Legislative Audit	42,150
Commissioner of Revenue	305,552
Assessor	125,395
Treasurer	340,277
Electoral Bd./Officials	34,892
Voter Registrar	91,592
Information Technology	132,652
Circuit Court	16,482
Witness Protection	27,674
General District Court	3,590
Juvenile & Domestic Relations	72,824
Clerk of Circuit Court	347,389
Commonwealth's Attorney	358,903
Sheriff	2,102,722
Fire Suppression/VFD	384,769
Ambulance/Rescue	217,976
Regional Jail	345,838
Building Inspections	203,272
Animal Control	152,753
Medical Examiner	350
Emergency Services	592,097
Street Lights	17,550
Solid Waste	971,379
Refuse Disposal	10,000
General Properties	228,621
Local Health Services	164,082
Community Serv. Bd.	40,933
Dept. of Social Services	2,846,539
Light Street Project	100,000
Public Schools	16,541,846
Rapp. Comm. College	8,062
Recreational Programs	50,000
North. Co. Pub. Library	110,000
Planning	325,868
Economic Developm't	34,500
N.N. Planning Dist.	14,500
Soil & Water Conserv.	15,000

Forestry	5,171
Wetlands Board	17,612
Coop. Ext. Program	57,517
Capital Projects	2,458,932

Total Operating Budget Appropriations \$30,428,236

### **TERMS AND CONDITIONS**

1. All appropriations are declared to be maximum, conditional and proportionate appropriations. This makes the appropriations payable in full in the amounts named herein, if the aggregate revenues collected and other resources available during the year ending June 30, 2012 for which appropriations are made, are sufficient to pay all of the appropriations in full; otherwise, the said appropriations shall be deemed to be payable in such proportion as the sum of all realized revenue is to the total amount of the revenues estimated by the Board of Supervisors to be available for appropriation in the year ending June 30, 2012.
2. No department, agency, or individual receiving appropriations under the provisions of this resolution shall exceed the amount approved for that department, agency, or individual by the Northumberland County Board of Supervisors.
3. The Board of Supervisors reserves the right to change at any time during the fiscal year ending June 30, 2012 compensation provided to any officer or employee and to abolish any office or position, except for such office or position as it may be prohibited by law from abolishing.
4. The County Administrator is authorized to establish purchasing policies and procedures to assure that expenditures are made within the appropriations defined within this Resolution and to initiate emergency spending reductions to decrease expenditures in light of decreased actual revenues.
5. The amount appropriated to fund contemplated expenditures for the Northumberland County School Board is by total appropriation. As permitted by state statute, the School Board is authorized to transfer funds between categories.
6. No expenditures shall exceed the appropriation established by the Northumberland County Board of Supervisors unless a supplemental appropriation is approved in advance of the expenditure.
7. Any request to increase the overall appropriation to any department, agency or organization as appropriated by this resolution must be made to the Board of Supervisors by written request.
8. The County Administrator may increase appropriations for the following items of non-budgeted revenue that may occur during the fiscal year:
  - a. Insurance recoveries received for damage to County vehicles or other property for which County funds have been expended to make repairs.
  - b. Refunds or reimbursements made to the County for which the County has expended funds directly related to that refund or reimbursement.
  - c. Additional, unbudgeted grants received during the fiscal year for which there is sufficient revenues to defray expenditures.
9. All appropriations that are not encumbered or expended prior to June 30, 2011 will lapse and the balance shall become part of the General Operating Fund Balance.
10. The County Administrator may increase or reduce revenue and expenditure appropriations related to programs funded all or in part by the Commonwealth of Virginia and/or the federal government to the level approved by the responsible state or federal agency.
11. The County Administrator may appropriate both revenue and expenditures for donations by citizens or citizen groups in support of County programs. Any remaining unencumbered balance of a restricted donation at the end of the fiscal year will be re-appropriated into the subsequent fiscal year.

12. The County Administrator may appropriate revenues and expenditures for funds received by the County from asset forfeitures for operating expenditures directly related to drug enforcement. The outstanding balance of these funds shall not lapse but be carried forward into the next fiscal year.

13. Any reimbursement for travel expenses outside the county must be pre-approved by the County Administrator.

**RE: PERSONAL PROPERTY TAX RELIEF**

Upon motion by A. Joseph Self, Sr. duly seconded by James M. Long the Board voted on the following PPTR resolution. The vote on the motion is as follows:

A. Joseph Self, Sr. – YEA

Ronald L. Jett – YEA

Thomas H. Tomlin- YEA

Richard F. Haynie – YEA

James M. Long –YEA

**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 2011, 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 56% tax relief;
- Personal use vehicles valued at \$20,001 or more shall only receive 56% 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.

**RE: ABSTRACT VOTES**

Cast in Northumberland County, Virginia at the 2013 June Democratic Primary Election held on June 11, 2013

**Attorney General**

Mark R. Herring – 140

Justin E. Fairfax – 122

**Lieutenant Governor**

Ralph S. Northam – 153

Aneesh Chopra - 113

**RE: APPOINTMENTS NEEDED**

Mr. Eades stated there are several appointments needed including the Northern Neck Tourism council, Board of Zoning Appeals, Planning Commission and Social Services Board. The Board suggested asking Corrine Anthony for the Tourism council and Sharon Fisher for the Social Services Board.

**RE: BOARD COMMENT PERIOD**

Supervisor Tomlin asked if county staff could look into turning the desk around in the Clerk’s Office so their backs are not facing the counters for security purposes.

**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 HENRY F. AND FRANCES E. HARNER, OWNERS, FOR AN EXCEPTION TO THE CHESAPEAKE BAY PRESERVATION AREA ORDINANCE TO ALLOW EXISTING IMPERVIOUS SURFACE WITHIN THE SEAWARD 50 FEET OF THE 100 FOOT CONSIDERATION OF PROPOSED ZONING AMENDMENTS THAT WERE A RESULT OF A COMPLETE REVIEW AND REWRITE OF THE ZONING ORDINANCE.**

Mr. Frances Harner was present for the meeting and explained that he had a concrete pad put down in the fall of 2001 by a local contractor. He apologized and admitted to being wrong in putting the concrete pad in this area but asks that the Board allow for the concrete to stay in place as it is connected to the house and they are in the process of selling the home.

Supervisor Tomlin asked when the house was built. He said in August of 2001 and the concrete was paid on 10/24/2001. Mr. Harner continued to say he was not aware of the Bay Act at the time and this was done inadvertently. He really does not want to rip it up.

Supervisor Self said he has a conflict of interest in this and he would not be able to participate.

Public Hearing Open

No comments were given

Public Hearing Closed

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

1. You must provide mitigation for the subject impervious area within the buffer to comply with the requirements of the aforesaid ordinance; and,
2. You must pay after-the-fact permit fees in the amount of \$750.00.

The mitigation will be the planting of additional vegetation within the 100' buffer as follows: two (2) canopy trees, four (4) understory trees and six (6) shrubs. A list of suggested species in each category is enclosed along with a Landscape Agreement that you will need to sign, date and return to this office. Additionally, since this is not a good time to plant, you must post a bond with the county to insure that there are funds available to the county to complete the planting should you fail to do so. The amount of the bond is \$1,100.00 which will be returned to you once you have completed the planting.

The after-the-fact fee would be \$1,050.00 but since you have already paid \$300.00 for the permit, the remaining balance due is \$750.00. Please write separate checks for the permit fee and bond with each check payable to the Treasurer of Northumberland County.

The vote on the motion is as follows:

Ronald L. Jett – YEA

A. Joseph Self, Sr. – ABSTAIN

James M. Long – YEA

Thomas H. Tomlin – YEA

Richard F. Haynie – YEA

**RE: 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.**

Zoning Administrator Shirley described the request for a tourist home near Lottsburg. He said he has received correspondence in opposition of the request.

Mr. Tom Hughes, Attorney in Reedville represented Mr. Giberson. He explained that this request is for short term rentals and he has been notified of the concerns with the matter which include noise, drunkenness, strangers, criminals, sex offenders etc. Mr. Hughes then mentioned another tourist home off of Sunny Bank road that is similar and hasn't had any problems. He said he realizes there are

letters that are in favor but knows the opposition outweighs those in favor. He asks the Board to grant the request.

#### Public Hearing Open

Mr. Rusty Mckerns, attorney, stated he was strictly representing Mr. Tom Kranz who had hoped could be here but wasn't able to attend. Mr. McKerns handed out a petition from all residences in the Sandpiper Circle area. Mr. McKerns said this is a very dense area and the potential noise issue is a concern on a private road. He then mentioned an issue that involved another tourist home and he related this request with problems of the same magnitude. He then asked the Board to reject the request.

Mr. Harrison Daniel said he moved here full time 3 years ago and this would set a precedent and greatly change the community and this is not why he came to the Northern Neck.

Mr. Sam Hall said he didn't have much to add but wanted to say that he didn't move here in 2000 to have law enforcement duties.

Mr. John Hartman said he is unclear with the definition of a tourist/motel. He said this is an inappropriate request for small waterfront property.

Mr. Dave Smiley said he has lived 25 years at Yeocomico View and they have grown together by turning a dirt road in a paved one, added a boat ramp, and put a dry hydrant in as a community. He is very concerned with this request and doesn't see any real benefit. He said they need to keep the definition different with short and long term rentals. He then mentioned that Mr. Giberson has not paid his HOA dues recently. He said he believes Mr. Giberson doesn't care and requests the Board to deny.

Ms. Josie Paul said she is the treasurer for Yeocomico View and Mr. Camber Giberson did pay the fee Mr. Smiley was talking about and said the economy has impacted the neighborhood by the long term for sale signs in this area. He said Mr. Giberson is working diligently to get the property straight and this rental would help pull money back in the county.

Mr. Gary Giberson said he wants to rent this to pay for the real-estate taxes and it's not to make money. He said he eventually will put it up for sale.

**\*Chairman Jett stated since the next request is for a public hearing on a Tourist home that is very similar to the Giberson request and asked the Board members if they minded opening the next hearing to get all the comments on Tourist Homes before making a decision. The other Board members agreed and heard the request at 768 Twin Harbor Road.**

#### **RE: 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**

Zoning Administrator Shirley described this request for a tourist home in Twin Harbors. He said he has received numerous letters in opposition.

Supervisor Richard Haynie stated that he has business dealings with the applicant so he will abstain from the hearing.

Ms. Titus spoke on her behalf and said that she would like to do this short term rental to help her with the financial burden she has had to face in recent years because of the economy falling and having to bankrupt their business. She said they built the house 10 years ago and they need to do short term renters. They screen renters and are very restrictive. They agree with the conditions they may have to comply with that were given by county staff and have their own additional restrictions. She said they are not in violation of the HOA. She then mentioned the Supreme Court ruling that says they are not in violation. She said the two owners' right beside this house does not object and another local couple will be helping them with this rental. She said she is only doing this to help with their financial shortfall. This is their retirement home that they want to save. She sees this as a win win situation. She would like the Board to grant a 6 month temporary permit to see if there are any issues.

Supervisor Tomlin asked how many times a month would she be renting. She said it would vary by season but she hopes to rent the whole month but probably would average twice a month over the year.

Mr. Tim Abbe moved here in 2005/2006 and he doesn't like the idea of the tourist home He said it's mostly retirees and their values should be taken in consideration.

Mr. Jim Brinton of Twin Harbors said he is the President of the HOA and he first learned of the request two weeks ago. He shared with the Board the efforts he and the Board have done in the last couple of weeks. He said an e mail went out to owners within the subdivision. He received one positive remark and 29 expressed objections. He said he sympathizes with their situation but he is concerned with the potential problems and asked the Board to deny the request.

Mr. George Habib said this is a residential area not a commercial place. He said most people that have bought within this area want permanent and not transient visitors.

Ms. Shirley Lyons at 766 Twin Harbor Road said she has been a neighbor of Susan Titus for 13 years and she loves Susan and Jay and wanted to express to the Board how much she supports them in this request. They are having financial difficulty and they always keep a well maintain home inside and out.

Mr. Larry Lyons said he has known the applicants for 13 years and they are good neighbors and he is positive they will check out the tenants before they come.

Mr. Marvin Dodson said he has lived in Twin Harbor since 2002 and it is a small community. He disagrees with the applicants request because it is a mixed use and it will reduce the real-estate values and hates to see what will happen in their development.

Ms. Regina Griggs is opposed to the request for the extra traffic and strangers in the area.

Ms. Diane Smith showed her support for Ms. Titus and noted the difficult situation the applicants are in and said they are just trying to save what they have. She said she is in a similar situation financially. With the market this terrible she knows the problems as well. She is confident that if there is a problem with a renter they will take care of it.

Ms. Elizabeth Kaine questioned the two ladies that came in support of the applicants.

Ms. Susan Titus stated there are 86 total home sites with 47 built homes. Out of those there is roughly 25 full time residents and 20 other are transient. She said the “flavor” of the community is not going to change and the traffic won’t be a problem. She also noted 12 or 13 residents are in support of this request. Ms. Titus then referenced the Supreme Court ruling commercial vs. residential. She explained this is not a violation of their covenants. She said she has the right to rent out property.

Mr. Jay Lightfoot referenced the e mail that was sent out and said that 2/3’s of the subdivision did not respond. He said they have tried to reach out to the Board of the HOA and have not gotten any response.

**RE: CONTINUED - 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.**

Upon motion by James M. Long duly seconded by Thomas H. Tomlin the Board voted to carry over the request to give the Board time to look over the concerns that have come in and have staff try to write some conditions that address the concerns. A decision will be made at the July 11, 2013 meeting.

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: CONTINUED -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**

Upon motion by Thomas H. Tomlin duly seconded by James M. Long the Board voted to carry over the request to give the Board time to look over the concerns that have come in and have staff try to write some conditions that address the concerns. A decision will be made at the July 11, 2013 meeting.

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

The Board will still receive comments on both requests.

**RE: PUBLIC COMMENT PERIOD**

Mr. Jeffery Tarlton said he has been dealing with the same issue for 10 years and it has never been resolved. He said when it rains, the sinkholes are getting larger and larger due to the drainage from the Crabbetown development. He has been in contact with The Department of Conservation

Recreation (DCR) who said it is a county issue. He referenced a letter from March 27 that said the county has closed the case because it is not with the county but with the Developer. Mr. Eades suggested setting up a meeting to discuss the matter with Mr. Tarlton. Supervisor Tomlin asked for a chronological list of what has gone on with the matter.

Reverend Astrike from Lancaster County came before the Board to invite the Board to the Youth Revival that will be taking place. He said it is important to get our youth to the event to help with challenges our Youth are going through.

**RE: PURCHASE SOUNDS SYSTEM**

Upon motion by Ronald L. Jett duly seconded by A. Joseph Self, Sr. the Board voted to purchase a sound system for our Board Meetings and requested to have in place by next month.

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: 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

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Kenneth D. Eades, Clerk