

**Board of Supervisors Meeting
May 9, 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, May 9, 2013.

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

Pastor Steve Hency, Tibitha Church of God Church led the invocation.

RE: PLEDGE OF ALLEGIANCE

The Emergency Services Personnel led us in the Pledge of Allegiance.

RE: APPROVAL OF MINUTES FOR APRIL 11TH AND APRIL 24TH, 2013

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to approve the minutes from the April 11th, and April 24th, 2013 with one correction, to add an insert to the April 11th meeting after the closed session of the decision to add membranes to the Callao Wastewater Treatment Plant. 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 A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to approve the agenda for today's meeting with the addition of a Closed Meeting for a contractual matter.

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 spoke briefly on the School Board Budget and said that out of the request made, \$672,300 is for capital expenses. Next year the elementary school will be paid off and the top priority will be a new roof for the school.

Dr. Gates said The Governor’s School has 12 paid slots and 5 free slots available. Also, SOL’s have started at the Elementary School and the Middle School is about to start them.

RE: SCHOOL BOARD APPROPRIATION

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

\$ 1,500.82 – Medicaid reimbursement for services

\$ 6,272.00 – Insurance reimbursement for purchase of replacement vehicle

\$ 2,153.00 – Project Graduation Spring 2012

\$ 4,306.00 – Project Graduation Summer 2012

\$26,000.00 – VPSA Supplemental Technology Grant – Series XII

\$ 4,467.00 – Northumberland County’s portion of Regular Adult Ed

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

Dr. Gates continued to say that High School graduation will be on June 15th and she would email out a list of events for their information.

Chairman Jett questioned the water on the football field that has been on the field for two months. Dr. Gates said the maintenance man is working on it and she would follow up on the problem. Supervisor Tomlin is concerned about the water forming a sink hole.

RE: EMERGENCY MEDICAL SERVICES PROCLAMATION

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

EMERGENCY MEDICAL SERVICES

To designate the Week of May 19-25, 2013, as Emergency Medical Services Week

WHEREAS, emergency medical services (EMS) is a vital public service; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, EMS plays a critical role in public outreach and injury prevention, and is evolving in its role as an important member of the healthcare community; and

WHEREAS, First responders, emergency medical technicians and paramedics stand ready to provide compassionate, lifesaving care to those in need 24 hours a day; and

WHEREAS, the emergency medical responders are supported by emergency medical dispatchers firefighters, law enforcement officers, educators, administrators, researchers, emergency nurses, emergency physicians and others; and

WHEREAS, the members of EMS, both career and volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of EMS practitioners by designating Emergency Medical Services Week; now

THEREFORE BE IT PROCLAIMED THAT THE Northumberland County Board of Supervisors in recognition of this event does hereby proclaim the week of May 19-25, 2013, as **EMERGENCY MEDICAL SERVICES WEEK**

With the theme, EMS: One Mission One Team, we encourage the community to observe this week with appropriate programs, ceremonies and activities.

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 commented that the fire departments are part of the team as well. Chairman Jett stated that the amount of money our local volunteers save the county is very much appreciated. This is a great service.

RE: BUILDING PERMIT REPORT

Month of March	2013	2012
Total construction cost for the month	\$ 3,754,134.95	\$ 1,565,783.22

Total Bldg. Permit Cost for Month	\$ 7,337.76	\$ 3,274.60
Total Zoning Permit Cost for the Month	\$ 2,860.00	\$ 1,380.00
Total Levy Fee for the Month	\$ 143.75	\$ 65.49
Total Construction cost year to date	\$ 10,047,337.11	\$ 7,832,230.46

RE: NORTHERN NECK REGIONAL JAIL BUDGET

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the Board voted to approve the Northern Neck Regional Jail’s budget in the amount of \$7,385,589.00.

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: GARY GIBERSON, COAN RIVER MARINA REQUEST FOR PUMP AND HAUL

Mr. Giberson came before the Board last month to request a permanent pump and haul for a Tiki Bar that he would like to establish this summer at the Coan River Marina. He said it is going to be a grill only opened on Friday, Saturday and Sunday. Mr. Eades gave a list of similar requests for pump and haul and explained that all of the permanent pump and haul requests in previous years have been denied because there is no plan to find another solution. The pump and haul permits have to be in the county’s name and not in the owners, which makes the county responsible for compliance.

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie 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	Richard F. Haynie – YEA
Thomas H. Tomlin – YEA	

Supervisor Tomlin commented that if this was granted it would be arbitrary from what we have done in the past.

RE: BAY AGING APPOINTMENT – REV. KEN RIOLAND

Upon motion by James M. Long., duly seconded by Richard F. Haynie, the Board voted to appoint Reverend Ken Rioland as the County’s representative on the Bay Aging Board beginning July 1, 2013.

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: BARKING DOG PROBLEM

A situation in the Sherwood Forest Subdivision with dogs barking all hours of the day and night and being very loud has come up. The Board asked Mr. Eades to look into the issue and to see what the noise ordinance would cover and what we could do to address the issue.

RE: BOARD COMMENT PERIOD

Supervisor Self thanked the Emergency personnel that came to the meeting.

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	

RE: CLOSED MEETING

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

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

RE: OPEN MEETING

The Board convened back into open session upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, 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	Ronald L. Jett – YEA
Richard F. Haynie – YEA	James M. Long – YEA
Thomas H. Tomlin – YEA	

RE: MOTION AND CERTIFICATION OF CLOSED MEETING

A motion was made by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted unanimously to certify the closed meeting:

WHEREAS, The Northumberland County Board of Supervisors, herein Board, has convened a closed meeting on this date pursuant to the affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act: and
WHEREAS, 2.1-344.1 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW THEREFORE, BE IT RESOLVED that the Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board specifically a contractual matter.

The vote on the motion was passed by a roll call vote as follows:

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

RE: CARBON MONOXIDE DETECTOR FOR REHAB ONE

Upon motion by Thomas Tomlin, Sr., duly seconded by, Richard F. Haynie, the Board voted unanimously to purchase a carbon monoxide detector for the Rehab 1 vehicle at a not to exceed cost of \$7,000 and subject to Fire and Rescue agreeing to the type. The vote on the motion was as follows:

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

PUBLIC HEARING

RE: CARRY-OVER REQUEST BY VERIZON FOR A TOWER AT THE SCHOOL BOARD OFFICE IN LOTTSBURG

Zoning Administrator Shirley described the carry over request for a tower at the school board office in Lottsburg. Mr. Shirley explained this was tabled last month in order to change the location of the tower and come up with a new site plan.

Since the location of the tower was discussed last month and a public hearing was held, a second public hearing was not held.

Upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin the Board voted to approve the request for a tower to be located at the School Board Office in Lottsburg with the following conditions:

1. The construction of the tower must commence within twelve (12) months of the date of the permit;
2. Obsolete or unused communication tower facilities shall be removed from the site by the operator of the site within two (2) years of the discontinuance of use unless approved by the Board of Supervisors;
3. The tower will be designed to accommodate additional users (co-location);
4. All sides of the tower will be fenced and screened with appropriate landscaping and barbed wire

shall not be used;

5. The tower is to be constructed as depicted on the revised site drawing April 29, 2013;

6. The operator of the tower will provide the county annually with a list of the providers using the tower; and,

7. The tower space is to be used for E-911 emergency communications (Police/Fire/Rescue/E-911), and applicant offers use of this space at no charge in accordance with the following:

a. The county's use of the tower shall be in accordance with the Verizon Wireless Collocation Guidelines (included with the application);

b. The county shall provide proposed equipment weight and specifications to Verizon within thirty (30) days of approval of the application and the county's use is subject to the structural capacity of the approved tower without the need for extensions or structural modifications; and,

c. The county shall enter into a non-transferable "no-rent" license agreement with Verizon Wireless allowing non-commercial use for emergency.

The vote on the motion is as follows:

Ronald L. Jett – YEA

Thomas H. Tomlin – YEA

A. Joseph Self, Sr. – YEA

Richard F. Haynie – YEA

James M. Long – YEA

Mr. Eades said he would get with the Superintendent before their June 10th meeting about the tower approval.

RE: SCHOOL BOARD BUDGET REQUEST

Mr. Eades explained the proposed FY 14 school budget advertised reflects an increase of \$1,239,518.00 in local funds and is a total of \$16,905,283.00. The advertisement is shown below:

Approved	Proposed	<u>FY 13</u>	<u>FY 14</u>
<u>REVENUE ESTIMATES:</u>			
State Sales Tax.....		1,371,743	1,412,643
Other State Funds.....		2,134,789	2,213,483
Federal Funds.....		759,136	826,026
County Funds.....		11,114,563	12,354,081
Other Funds.....		73,050	99,050
TOTAL ESTIMATED REVENUES		<u>\$ 15,453,281</u>	<u>\$ 16,905,283</u>
<u>EXPENDITURE ESTIMATES:</u>			
Instruction.....		11,195,394	11,824,451
Administration & Health.....		779,151	820,724
Pupil Transportation.....		1,103,201	1,182,354
Operation & Maintenance.....		1,482,337	1,546,694
Facilities.....		47,000	660,000
Debt Service.....		429,197	393,480
Technology.....		417,001	477,580
TOTAL ESTIMATED EXPENDITURES.....		<u>\$ 15,453,281</u>	<u>\$ 16,905,283</u>

Dr. Rebecca Gates, Superintendent along with Mr. Richard Saxer, School Board Member was present for the meeting.

Public Hearing Open

No comments were given.

Public Hearing Closed

Mr. Eades explained that no action can be taken on the budget for 7 days. The planned adoption date for this school budget is May 16, 2013 at 5:00 p.m. in the Old Courthouse meeting room.

RE: VDOT SIX-YEAR SECONDARY ROAD IMPROVEMENT PLAN

Mr. Carter White, Assistant Residency Administrator was present for the meeting. He explained that the code of Virginia says that the County Board of Supervisors must hold this public hearing on the Secondary Improvement Plan Budget. He explained this is only for improvements involving new construction and does not include maintenance.

Mr. White listed Indian Valley, Rt. 604 realignment along with Coopers Landing Rd. He is hoping construction will start in August of this year on that improvement.

Secondly Rt. 741, Hope Union Lane is scheduled to be paved around August of 2015.

Also added to the list is Rt. 657, Fleeton Road to replace the center line as well as some pipe issues. No time schedule for this has been established yet.

Lastly, Rt. 604, Mob Neck Road needs to be realigned and softening the curbs. No schedule has been set for this project.

Mr. White opened the public hearing. Mr. White said that this plan can be changed at any time by the Board of Supervisors.

Dr. Greg Haugan stated that Ms. Bertha Basey said before she passed away pushed for improvement on the Indian Valley Road and he is glad this is getting done.

Mr. Dick Saxer questioned if VDOT really had the funds this time around. Mr. White said if it is on the plan VDOT has the money for the project.

Mr. Lee Allain asked for a road to be built connecting the back of academic Lane to Rt. 604 for a second access point for the schools.

Public Hearing Closed

**RESOLUTION
SIX YEAR SECONDARY SIX-YEAR PLAN**

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

WHEREAS, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2014 through 2019) as well as the Construction Priority List (2014) on May 9, 2013 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List,

WHEREAS, David Brown, Residency Administrator , Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads (2014 through 2019) and the Construction Priority List (2014) for Northumberland County,

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Northumberland County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2014 through 2019) and Construction Priority List (2014) are hereby approved as presented at the public hearing.

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: CONSIDERATION OF PROPOSED ZONING AMENDMENTS THAT WERE A RESULT OF A COMPLETE REVIEW AND REWRITE OF THE ZONING ORDINANCE

Assistant County Administrator Luttrell Tadlock presented the consideration of the proposed zoning amendments and rewrite of the zoning ordinance. Mr. Tadlock said he had a power point presentation if the Board needed to see it again.

Public Hearing Open

Dr. Greg Haugan said he didn't think it was any need for the power point presentation and he thanked Mr. Tadlock for putting it together. He also thanked the staff and hopes the Board will agree to the amendments and pass the changes.

Public Hearing Closed

Upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin, the Board voted to approve the changes in the zoning ordinance as presented effective June 1, 2013. (A complete copy of the changes is available in the Board of Supervisors Board papers)

The vote on the motion is as follows:

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

James M. Long – YEA

RE: BOARDING KENNEL LANGUAGE TO PLANNING COMMISSION

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board voted to send the definition of a Boarding Kennel to the Planning Commission.

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 AMENDMENT TO THE CHESAPEAKE BAY PRESERVATION AREA ORDINANCE TO MAKE A WORDING CHANGE AND ALLOW MODIFICATION TO ENCROACHMENT OF THE BUFFER BY THE ADMINISTRATOR

Assistant County Administrator Luttrell Tadlock described the amendment to the Chesapeake Bay Preservation Area Ordinance to make a wording change to allow modification of encroachment into the Buffer by the Administrator. Mr. Tadlock stated that this was sent to the Planning Commission in November of 2012 and after their consideration they recommend it for approval.

Public Hearing Open

No comments were given.

Public Hearing Closed

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr., the Board voted to approve the amendment changes below:

§ 54-17. Nonconforming use and development waivers.

A. The lawful use of a building or structure which existed on May 1, 2004, and which is not in conformity with the provisions of this article may be continued in accordance with Chapter 148, Zoning, Article XV, Nonconforming Uses.

B. No change or expansion of ~~use-a structure~~ shall be allowed, with the exception that the Administrator may grant a nonconforming use and development waiver for principal structures within the landward 50 feet of the RPA on legal nonconforming lots or parcels to provide for remodeling, alterations and/or additions to such nonconforming principal structures. Any proposed remodeling, alteration and/or additions to nonconforming structures within the seaward 50 feet of the RPA must be approved by the governing body; except that if the square footage of the footprint to be remodeled, altered, or replaced is equal to or less than the existing footprint, such modifications may be approved by the Administrator. In both instances, waivers can only be granted, provided that:

[Amended 10-14-2004; 9-11-2009]

(1) There will be no net increase in nonpoint source pollution load involving any additions or expansions and best management practices are implemented for any portion of the existing principal structure that encroaches into the seaward 50 feet of the RPA.

(2) Any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of the Northumberland County Erosion and Sediment Control Ordinance. *Editor's Note: See Ch. 64, Erosion and Sediment Control.*

(3) The requirements in § 54-17E must be satisfied to allow for the expansion of a nonconforming principal structure.

C. An application for a nonconforming use and development waiver shall be made to and upon forms furnished by the Administrator and shall include, for the purpose of proper enforcement of this chapter, the following information:

(1) The name and address of the applicant and property owner.

(2) A legal description of the property and type of proposed use and development.

(3) A sketch of the dimensions of the lot or parcel, the location of buildings and proposed additions relative to the lot lines and the boundary of RPAs.

(4) The location and description of any existing private water supply or sewage system.

D. A nonconforming use and development waiver shall become null and void six months from the date issued if no substantial work has commenced.

E. An application for the expansion of a nonconforming principal structure may be approved by the Administrator through an administrative review process, provided that the following findings are made:

(1) The request for the waiver is the minimum necessary to afford relief;

(2) Granting the waiver will not confer upon the applicant any specific privileges that are denied by this article to other property owners in similar situations;

(3) The waiver is in harmony with the purpose and intent of this article and does not result in water quality degradation;

(4) The waiver is not based on conditions or circumstances that are self-created or self-imposed;

(5) Reasonable and appropriate conditions are imposed, as warranted, that will prevent the waiver from causing a degradation of water quality; and

(6) Other findings, as appropriate and required by Northumberland County, are met.

(7) In no case shall this provision apply to accessory structures.

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

Dr. Greg Haugan thanked the Board of Supervisors for an outstanding meeting.

RE: ADJOURNMENT

Upon motion by A. Joseph Self, Sr., seconded by James M. Long, the Board voted stay open until the May 13, 2013 work-session.

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