

Board of Supervisors Meeting
June 12, 2014
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 12, 2014.

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

Supervisor Long led the invocation.

RE: PLEDGE OF ALLEGIANCE

Supervisor Long led in the Pledge of Allegiance.

RE: APPROVAL OF MINUTES FROM APRIL 30, 2014 AND MAY 8, 2014

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long the Board voted to approve the minutes from the April 30, 2014 and May 8, 2014 meeting. 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: 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.

The vote on the motion is as follows:

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

Richard F. Haynie - YEA

RE: DR. REBECCA GATES, SUPERINTENDENT OF SCHOOLS

Dr. Gates proudly announced that the Northumberland Baseball Team is on their way to play in the State Tournament. She noted that the fans and police escort through the county were phenomenal. Dr. Gates then briefly gave details of the graduating class for 2014 and said right now there are 103 graduating and a remainder of 2 people will be taking their SOL tomorrow.

RE: SPECIAL APPROPRIATION

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

\$14,535.22 – Medicaid – Admin Claiming July 2013-Mar 2014

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: BUILDING PERMIT REPORT

Month of MAY	2014	2013
Total construction cost for the month	\$ 2,932,424.25	\$ 2,809,387.16
Total Bldg. Permit Cost for Month	\$ 5,196.20	\$ 5,460.04
Total Zoning Permit Cost for the Month	\$ 3,210.00	\$ 1,860.00
Total Levy Fee for the Month	\$ 103.93	\$ 109.18
Total Construction cost year to date	\$ 11,525,741.25	\$ 12,856,724.27

RE: GREAT WICIMICO FISHING PIER VIR-MAR BEACH ADVERTISE ORDINANCE CHANGE PERTAINING TO TRASH

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

Notice is hereby given pursuant to Chapter 11, 15.2-2204 of the Code of Virginia as amended that the Northumberland County Board of Supervisors will hold a public hearing on **July 10, 2014 at 7:00 p.m.** in the Northumberland County Courts Building at 39 Judicial Place adjacent to the Sheriff's Department in Heathsville, VA for the consideration of amending Chapter 38

pertaining to use of Vir-Mar Beach and Great Wicomico Fishing Pier. This amendment will include adding “that persons using this area shall properly dispose of their trash. Only that trash generated from permitted activities at this site shall be deposited in the provided trash receptacle. There shall be no dumping of household, commercial, or other types of trash not associated with this facility.” The changes also include the punishment as a Class 1 misdemeanor as specified by law.

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: UPDATE ON HAZARDOUS WASTE COLLECTION DAY

Mr. Eades updated the Board on the Household Waste Collection day that was held in May. He said they collected 5,748 pounds of Hazardous Waste and 1,327 pounds of E-Waste. He also noted that 105 people came to the event.

RE: METROCAST FEE INCREASE

Mr. Eades updated the Board on a letter he had received from Metrocast that will add \$1.50 fee to offset the cost of transmittal over the channels.

RE: VIRGINIA RETIREMENT SYSTEM (VRS) CERTIFIED RATE RESOLUTION

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to adopt the 11.49% VRS rate certified by the VRS Board of Trustees for the FY 15-16 biennium. They also voted to concur with the Northumberland School Board for the certified rate in the following resolution:

**Local Governing Body Concurrence with School Division
Electing to Pay the VRS Board-Certified Rate
(In accordance with the 2014 Appropriation Act Item 467(I))**

Resolution

BE IT RESOLVED, that Northumberland County, employer code 55166 does hereby acknowledge that Northumberland County Public Schools has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2013 actuarial value of assets and liabilities (the “Certified Rate”); and

BE IT ALSO RESOLVED, that Northumberland County, employer code 55166 does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the Northumberland County School Board to pay the Certified Rate, as required by Item 467(I) of the 2014 Appropriation Act; and

NOW, THEREFORE, the officers of the Northumberland County Board of Supervisors, employer code 55166, are hereby authorized and directed in the name of Northumberland County to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of Northumberland County, as appropriate, shall be affixed and attested by the Clerk.

RE: NORTHERN NECK REGIONAL JAIL BUDGET APPROVAL FY 2015

Mr. Eades handed out to the members the proposed budget for the Northern Neck Regional Jail. He commented that this budget is \$299,650 less than FY 14 budget.

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to adopt the FY 2014/2015 Budget in the amount of \$7,085,939.

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: EMS BILLING, FISCAL AGENT ADVERTISE FOR PUBLIC HEARING

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

NOTICE OF PUBLIC HEARING

**PROPOSED ORDINANCE AND COUNTY CODE AMENDMENT
REGARDING
EMERGENCY AMBULANCE SERVICE REVENUE RECOVERY BOARD**

In accordance with Sections 15.2-1427, 32.1-111.14 and 15.2-1300 of the *Code of Virginia, 1950, as amended*, the Northumberland County Board of Supervisors will conduct a public hearing on Thursday, July 10, 2014 at 7:00 p.m., in the Northumberland County Courts Building at 39 Judicial Place adjacent to the Sheriff's Department in Heathsville, VA for the purpose of receiving comments and to consider the adoption of a proposed ordinance entitled "Emergency Ambulance Service Revenue Recovery Board (EASRRB)". The proposed ordinance and code amendment will enable Northumberland County to become a member of the EASRRB and associated emergency medical services billing program. The EASRRB currently includes the counties of Lancaster, Essex, Richmond and Westmoreland.

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: FUEL BIDS RECEIVED

Mr. Eades explained to the Board that the County is included with the School Board office bids for Fuel.

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to accept low bid received as follows:

Noblett – Propane (fixed) \$1.455
James River Petroleum – Gasoline (fixed) \$2.85
James River Petroleum – Diesel (fixed) \$3.10
James River Petroleum – Heating Oil (fixed) \$3.11

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	

- The Board requested the next year when fuel bids are received that it be negotiated before accepting.

RE: RFP TOWER SERVICE RECEIVED

Mr. Eades explained that he received 3 proposals on the request for bids for the Tower services. He said they were not sure how to specify the criteria for the bids, so they went with a Request for Proposals to receive the information on what needed to be done. The three bids were received from Allstate Tower, FCI Tower and Sabor Industry. Mr. Eades explained the difference of each of the proposals and explained that the Allstate Tower includes a turn-key job and would have everything needed. Supervisor Tomlin asked if it can be accepted. Mr. Eades said yes and can be negotiated later. The Board directed Mr. Eades to talk with other companies that have used Allstate Tower to find out a reference.

RE: ANIMAL SHELTER APPROPRIATION

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to appropriate \$3,000.00 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
James M. Long – YEA
Thomas H. Tomlin – YEA

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

RE: APPROPRIATION – LIGHT STREET REIMBURSEMENT

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to appropriate \$26,000.00 to close out the Light Street Project. The appropriation is to line item 7200-3002.

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: APPROPRIATION – ANIMAL SHELTER (EMPLOYEE)

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to appropriate \$40,000.00 to 3501-1001 due to the hiring of an employee for the animal shelter.

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: APPROPRIATION – REASSESSMENT BALANCE OUT LINE ITEM

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to appropriate \$23,828 to close out the Reassessment in line item 1210-3100.

The vote on the motion is as follows:

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

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

RE: BOARD COMMENT PERIOD

Mr. Long questioned getting a quote on fixing the pot holes at the trash sites.

Chairman Jett noted the land by the football field that has dirt piled on it needed to be cleaned out.

Supervisor Tomlin asked for the October meeting date be changed.

RE: APPROVAL OF CHECK REGISTER

Upon motion by James M. Long., duly seconded by A. Joseph Self, Sr. the Board voted to approve the check register.

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: CLOSED MEETING

Upon motion by A. Joseph Self, Sr. duly seconded by, Richard F. Haynie, the Board voted unanimously to convene into closed meeting to discuss acquisition of property and the disposal of property as permitted by Virginia Code Section 2.2-3711 (A) (1) and (7) to discuss the hiring of an employee and a contractual matter. The vote on the motion was as follows:

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

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

RE: 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
Richard F. Haynie – YEA
Thomas H. Tomlin – YEA

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

RE: MOTION AND CERTIFICATION OF CLOSED MEETING

A motion was made by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr., the Board voted unanimously to certify the closed meeting:

WHEREAS, The Northumberland County Board of Supervisors, herein Board, has convened a closed meeting on this date pursuant to the affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act: and

WHEREAS, 2.1-344.1 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW THEREFORE, BE IT RESOLVED that the Board hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting

requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board specifically discussion of hiring an employee and 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: ACTION TAKEN – PURCHASE OF EVB BANK BUILDING AND PROPERTY

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to authorize the County to sign a contract with EVB to purchase the property adjacent to the courthouse.

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 LONG LEFT THE MEETING AND WAS ABSENT FOR THE PUBLIC HEARINGS**

PUBLIC HEARINGS

RE: REQUEST BY THOMAS E. AND CATHLEEN ALLEN, OWNERS TO ALLOW AN EXISTING DWELLING AND ACCESSORY BUILDING PARTIALLY WITHIN THE 100 FOOT RESOURCE PROTECTION AREA AT 460 WHITTSTAT LANE NEAR HEATHSVILLE

Zoning Administrator Philip Marston described the request for the permit to allow an existing dwelling and accessory building within the 100 foot RPA.

Attorney John Martin representing the Allen’s gave a brief history of the lot and reiterated that the violation was not intended by the previous owner to violate the setbacks and they didn’t know they were encroaching. Mr. Martin asked for the variance.

Mr. Tom Allen said they are coming to the Board to make it right.

Public Hearing Open

No comments were given.

Public Hearing Closed

Upon motion by Richard F. Haynie, duly seconded by Thomas H. Tomlin the Board voted to approve the request with the following conditions:

1. Stormwater mitigation shall be provided for the encroachment in to the Resource Protection Area including:
 - a) Plantings of 4 understory trees and 3 shrubs shall be installed within the Resource Protection Area and maintained. A bond must be posted in the amount of \$550.00 if the plantings cannot be maintained. This is insuring that there are funds available to the County to complete the planting.
 - b) After the fact permit fees shall be paid in the amount of \$1050.00 minus the \$300.00 application fee.

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: AMENDMENTS TO THE ZONING ORDINANCE FOR CHANGES IN VARIOUS DEFINITIONS AND USES THAT ARE RELATED TO VACATION HOME RENTALS AND TOURIST HOMES

Assistant County Administrator Luttrell Tadlock described the request for the ordinance change in definitions related to vacation home rentals and tourist homes.

Public Hearing Open

No comments were given.

Public Hearing Closed

Mr. Tadlock explained this is now a short term rental which requires a conditional use permit. This defines short term versus long term with vacation home rentals. He explained the criteria, or conditions, as proposed must be met.

Mr. Monte Deihl was permitted to ask a question. He said this was basically switching words around to make it work. Mr. Tadlock said this definition was asked to be re-examined by the Board and this is what the Planning Commission has been working on.

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie the Board voted table this and talk more about it at the June 19, 2014 meeting.

The vote on the motion is as follows:

Ronald L. Jett – YEA

Thomas H. Tomlin – YEA

A. Joseph Self, Sr. – YEA
James M. Long – YEA

Richard F. Haynie – YEA

RE: AMENDMENT TO THE CHESAPEAKE BAY PRESERVATION AREA ORDINANCE TO ADD THE WORDING “A MINIMUM” FOR THE PROPOSED DEVELOPMENT SIZE

Assistant County Administrator Tadlock described the amendment to the Chesapeake Bay Preservation ordinance to add the wording “a minimum” for the proposed development size. He said the Planning Commission had recommended approval of this. Mr. Eades added that the way it is currently worded a 15,000 square foot buildable area is required, no more and no less.

Public Hearing Open

No comments were received.

Public Hearing Closed

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

An amendment to the Northumberland County Chesapeake Bay Preservation Area Ordinance Chapter 54 Article IV, Section 54-12; Lot Size, to add the underlined language in the last sentence as follows: The area that is deemed sufficient to accommodate a proposed development shall be a minimum of 15,000 square feet.

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 FOR AN ORDINANCE TO ALLOW ONE MOTOR VEHICLE OWNED BY VOLUNTEER RESQUE SQUAD MEMBER OR VOLUNTEER FIRE DEPARTMENT MEMBER TO BE EXEMPT FROM PERSONAL PROPERTY TAXES

County Administrator Eades described the request to allow one motor vehicle owned by a volunteer rescue squad member or fire department member to be exempt from personal property taxes. Mr. Eades said he has received only one inquiry with a list of questions and after receiving the information they supported it.

Public Hearing Open

Mr. Lee Allain asked about the computed amount. Mr. Eades responded by saying with the information he had to go by, it came to about \$26,600. Mr. Lee Allain said he thought it was a small price to pay for the benefit.

Public Hearing Closed

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie the Board voted to approve the amendment to the county code to include allowing one motor vehicle which is owned by each volunteer rescue squad member or volunteer fire department member to be declared in a separate class of property for tangible personal taxation and exempt the vehicle from personal property taxes.

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

Motor vehicles owned by members of volunteer rescue squads and members of volunteer fire departments.

- (a) Motor vehicles (i) owned by members of volunteer rescue squad or volunteer fire department (ii) leased by members of a volunteer rescue squad or volunteer fire department if the member is obligated by the terms of the lease to pay tangible personal property tax on motor vehicle hereby constitute a separate classification for tangible personal property taxation, subject to the standards, conditions and requirements provided in this section.
- (b) For any tax year, only one motor vehicle per owner may be separately classified pursuant to subsection (a) of this section, and no more than two vehicles per household, provided that if two vehicles are claimed, one must be owned or leased by a member of the volunteer rescue squad or volunteer fire department.
- (c) To qualify for separate classification under this section, the motor vehicle must:
 - (1) Be owned or leased by a member of a volunteer rescue squad or volunteer fire department;
 - (2) Be used regularly by the member to respond to rescue squad or fire department calls; and
 - (3) Be used for such calls or to perform such other duties more often than any other motor vehicle owned by the member.
- (d) Any member of a volunteer rescue squad or volunteer fire department, who seeks to have a motor vehicle separately classified for a tax year under this section must, prior to January 31 of the tax year, furnish the commissioner of the revenue with a certification, signed under oath by the fire chief or head of the member's volunteer organization or department stating that:
 - (1) The member is a member of the organization or department;
 - (2) The member regularly responded to emergency calls received by the organization or department during the previous calendar year;
 - (3) The motor vehicle for which a separate classification is sought was regularly used to respond to such calls; and
 - (4) Such motor vehicle was used for such calls more often than any other vehicle owned by the member.
- (e) Any member of a volunteer rescue squad or volunteer fire department may replace a motor vehicle certified pursuant to this section as of January 31 of the current tax year at the time that the certified vehicle is sold or transferred.
- (f) Notwithstanding the January 31 deadline provided by subsections (d) and (e) of this section, the commissioner of the revenue shall be authorized, in his discretion, and for good cause

- shown and without fault on the part of the member, to accept a certification after January 31.
- (g) For purposes of this section, Members shall respond to the number of calls as designated and approved on by the Emergency Management Team.

RE: HIRE OF THERESA LAMBERT AS EXECUTIVE DIRECTOR OF ECONOMIC DEVELOPMENT COMMISSION

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to enter into a contract with Ms. Theresa Lambert as the Executive Director of Economic Development 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: PUBLIC COMMENT PERIOD

Mr. Lee Allain commented on the tourist home issue suggested getting input from neighbors for the request.

Mr. Monte Deihl said he is not against tourist homes but thinks someone should have some say. If it is by-right it could create some problems.

Mr. Lee Allain thanked Mr. Dick Saxer on the EDC for his time as the Executive Director.

RE: RESOLUTION HONORING MR. RICHARD SAXER FOR SERVICE AS THE EXECUTIVE DIRECTOR OF ECONOMIC DEVELOPMENT COMMISSION

Upon motion by Thomas H. Tomlin, duly seconded by Richard F. Haynie, the Board voted to adopt the following resolution honoring Mr. Saxer in his five years of service to the Economic Development 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

**A RESOLUTION HONORING
RICHARD P. SAXER**

WHEREAS; Mr. Richard P. Saxer, served five years as the Executive Director of the Northumberland County Economic Development Commission, and

WHEREAS; Mr. Richard P. Saxer demonstrated a deep concern for the welfare of Northumberland County Citizens both as the Executive Director of the Economic Development Commission and as a Northumberland County School Board Member, and

WHEREAS; the same Mr. Saxer also served as Northumberland County's representative on the Chesapeake Bay Regional Partnership, and

WHEREAS; the same Mr. Saxer helped assist the Board of Supervisors and staff with assistance in all aspects of economic development within the county,

NOW, THEREFORE, BE IT RESOLVED, THAT THE Board of Supervisors hereby expresses its deepest appreciation and gratitude for his service to the County and its citizens, and wishes for him much happiness and good health in the future.

RE: CARRY-OVER MEETING

Upon motion by A. Joseph Self, Sr., seconded by James M. Long, the Board will reconvene on June 19, 2014. 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