

**Board of Supervisors Meeting
February 13, 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, February 13, 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

Acting as convener until the election of a Chairman, the County Administrator Kenneth D. Eades called the meeting to order

RE: INVOCATION

Supervisor Long led the invocation.

RE: PLEDGE OF ALLEGIANCE

Supervisor Haynie led in the Pledge of Allegiance.

RE: APPROVAL OF MINUTES DECEMBER 12, 2013, JANUARY 2, 2014

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr. the Board voted to approve the minutes for December 12, 2013, and January 2, 2013 with one correction of minutes from November concerning the overtime pay line item category number. The vote on the motion is as follows:

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

RE: APPROVAL OF AGENDA

Upon motion by A. Joseph Self, Sr. duly seconded by Richard F. Haynie., the Board voted to approve the agenda for today's meeting. Mr. Eades stated that VDOT would not be attending as well as Paul

Lee from Robinson, Farmer Cox both because of the weather conditions. 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 stated that Todd VanLandingham from VDOT has been very helpful with early decisions on the road conditions.

She then said the safety equipment is scheduled to be installed during spring break, April 14th-21st. Dr. Gates then explained that the county uses hours in a day and not the number of days to comply with the length of the school year. With all of the weather related time off there is no need to schedule additional days.

RE: SPECIAL APPROPRIATION – SCHOOL BOARD

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

\$ 8,650.56 – E-Rate January 2013- June 2013 (2012-2013)
\$ 4,100.00 – Grant for School Support Services provided through VAESP

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: MR. LUTTRELL TADLOCK, ASSISTANT COUNTY ADMINISTRATOR, END OF YEAR REPORT

2013 END OF THE YEAR REPORT

ANNUAL REPORT OF THE NORTHUMBERLAND COUNTY PLANNING COMMISSION

BACKGROUND

This report is submitted as required by Title 15.2, Chapter 22, Section 2221 of the Code of Virginia, which requires an annual report submitted to the Governing Body concerning the operation of the Planning Commission and the status of planning within Northumberland County. This report will also include other items to aid in decision making for the year 2014.

PLANNING COMMISSION

During the past year, the Northumberland County Planning Commission held six (6) regular meetings. Items considered by the Commission during 2013 are as follows:

Amendments Considered:

1. Amendments to the Zoning Ordinance from the Commission's review of the entire Zoning Ordinance.
2. An amendment to the Northumberland County Chesapeake Bay Preservation Area Ordinance Chapter 154 Article IV, Section 54-17 B; Nonconforming use and development waivers, to:
 - a. Strike the word "use" and replace with the word "structure" for clarification.
 - b. Add the following language referring to those structures in the seaward 50 foot RPA- "...; 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."
3. An amendment to the Northumberland County Zoning Ordinance Chapter 148 Article XVI, Section 148-166; Conditional use permit, to add: "D. In addition to any other remedies provided by law, the Zoning Administrator or designee, upon his/her determination that one or more of the conditions set forth in the Conditional Use Permit have been violated, may issue a cease and desist order. Said order shall require the owner/operator to immediately cease operation thereunder and shall be mailed to the owner and operator and posted on the front door of the property. The order shall advise that the permitted activity may not be restarted until the violations are corrected within the specified time period as verified by the Zoning Administrator, and if not corrected, 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 the permit should be revoked."
4. Section 148-3; An amendment to the Northumberland County Zoning Ordinance Chapter 148 Article I, Definition of "Tourist Home" to read as follows: "A dwelling where only lodging is provided, for compensation, for 14 or fewer persons (in contradiction to hotels and boardinghouses) and open to transients, defined hereunder as individuals who will occupy the dwelling for less than 30 days."
5. An amendment to the Northumberland County Zoning Ordinance Chapter 148 Article I, Section 148-5; Usages for the Agricultural District (A-1), Conservation District (C-1), Residential General District (R-1), Residential Waterfront District (R-2), Residential Restricted District (R-3), and Residential Recreational District (R-4), to include "Tourist Home" as a Permitted Use.
6. An amendment to the Northumberland County Zoning Ordinance Chapter 148 Article XIV, Section 148-155; Additional Regulations, to add Tourist Home Requirements.

Rezoning:

There were no rezoning requests during 2013.

Other Public Hearings:

There were no other public hearings during 2013.

Other Considerations:

The Commission spent its time this past year finalizing its review of the Zoning Ordinance and following the work plan as set in the Comprehensive Plan. During 2014, the Planning Commission will begin reviewing the 2006 Comprehensive Plan as required by the Code of Virginia.

BOARD REQUESTS

The Board of Supervisors, Board of Zoning Appeals and the Wetlands Board considered a combined total of 90 requests during the 2013 calendar year.

	2009	2010	2011	2012	2013
Boathouse Requests- Board of Supervisors	1	1	1	2	1
Chesapeake Bay Act Variances	2	6	4	4	3
Conditional Use Permits	15	8	10	28	16
Rezoning Requests	2	1*	1	0	0
Special Exceptions Permits	3	5	5	5	1
Subdivision Variances	0	0	0	0	0
Wetlands Board Applications	83	69	68	75	64
Zoning Variances	4	8	6	8	5

*Table 1 displays the number and types of requests that have gone before the various Boards. *Although there were two rezonings heard by the Planning Commission, there was only one heard by the Board of Supervisors as one of the requests was withdrawn after the Commission’s Public Hearing.*

OFFICE OF BUILDING & ZONING

The Office of Building and Zoning administers various ordinances involving building, zoning, wetlands, etcetera, as well as the planning functions of the County. The following is a compiled list of various requests from the 2013 calendar year, which were processed through this office.

Comparison of Construction Cost:

In 2013, the total estimated cost of construction was \$26,897,085.00 compared to \$20,992,554.54 for 2012. The total estimated cost of construction showed an increase of approximately 28% from 2012 to 2013.

Total Construction Cost (1982-2013)

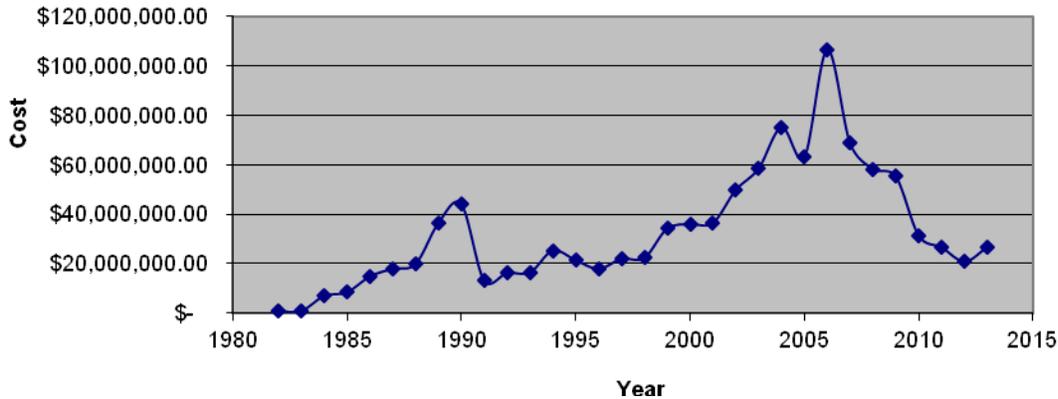


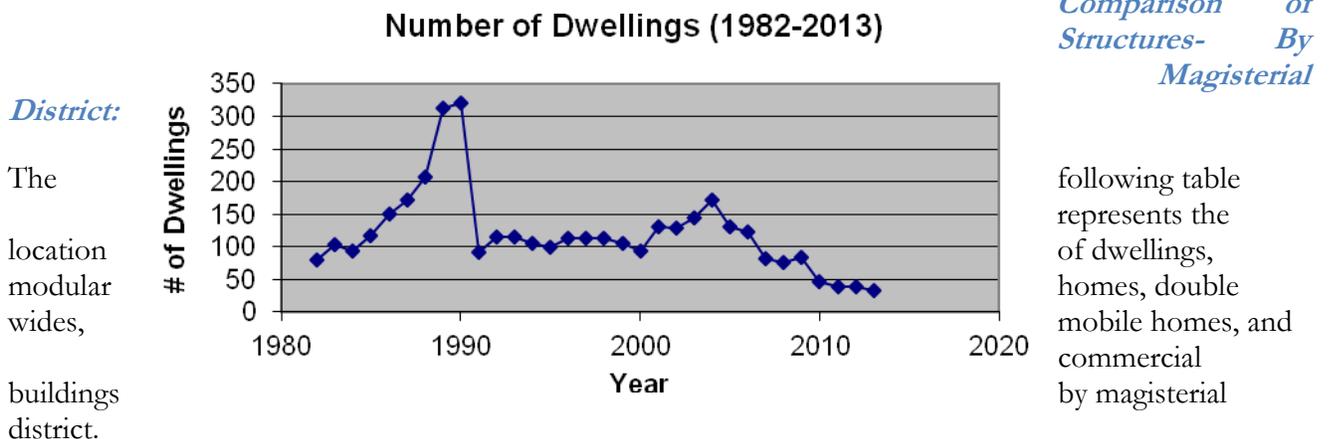
Figure 1 displays the Total Construction Cost from 1982 through 2013 for Northumberland County. These numbers are obtained from the December Building Permits Report Comparison Sheet of each year.

Comparison of Structures:

Type of Structure	2013 Number of Structures	2012 Number of Structures	% Difference	2013 Avg. Square Ft	2012 Avg. Square Ft	2013 Avg. Cost	2012 Avg. Cost
Single Family Dwelling	33	38	-13%	3,084	2,774	\$247,545.27	\$232,280.26
Modular	24	13	85%	2219	2,400	\$174,342.58	\$161,653.85
Double Wide	5	5	0%	-	-	\$80,978.80	\$79,500.00
Mobile Home	6	10	-40%	-	-	\$11,666.67	\$18,744.40
Commercial	0*	0*	0%	0	0	\$0	\$0

Table 2 compares structures for 2012 and 2013. The (*) denotes there were no new commercial buildings constructed, this figure does not include any remodel repair commercial work performed.

Figure 2 shows the total number of Single Family Dwellings permitted from 1982 through 2013.



Comparison of Structures- By Magisterial

following table represents the comparison of structures by magisterial district.

	<i>Fairfield</i>	<i>Heathsville</i>	<i>Lottsburg</i>	<i>Wicomico</i>	TOTAL
Dwelling	12	3	7	11	33
Modular Home	8	7	4	5	24
Double Wide	1	1	1	2	5
Mobile Homes	1	3	2	0	6
Commercial	0	0	0	0	0
TOTAL	22	14	14	18	68

Table 3: Numbers of each type of structure are given to show the magisterial district in which construction took place for the year 2013.

Comparison of Structures- By Zoning District:

	<i>Dwelling</i>	<i>Modular Home</i>	<i>Double Wide</i>	<i>Mobile Home</i>	<i>Commercial</i>	TOTAL
Agricultural; A-1	10	10	4	4	0	28
Residential General; R-1	1	0	0	0	0	1
Residential Waterfront; R-2	19	11	0	1	0	31
Residential Restricted; R-3	2	2	1	1	0	6
Residential Recreational; R-4	0	0	0	0	0	0
Conservation; C-1	1	1	0	0	0	2
Business General; B-1	0	0	0	0	0	0
Industrial Light; M-1	0	0	0	0	0	0
TOTAL	33	24	5	6	0	68

Table 4: The following table shows the number of new structures from 2013 within each zoning district classification.

Permits and Inspections:

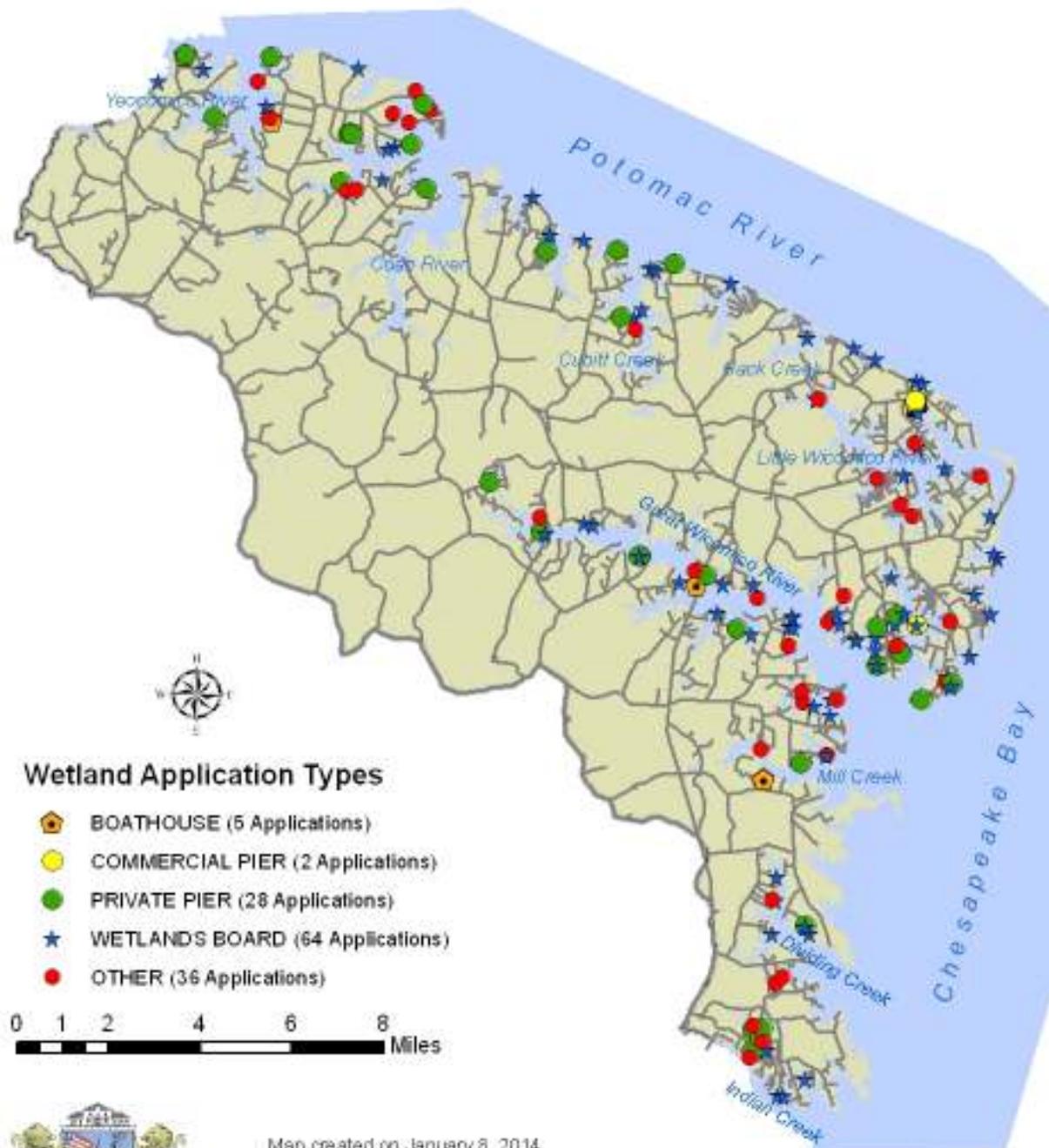
The Building & Zoning Office handles an assortment of permits. A total of 319 building permits, 195 mechanical permits, 311 electrical permits, and 127 plumbing permits were issued in 2013. There were approximately 1,595 building inspections conducted during the 2013 calendar year.

	2009	2010	2011	2012	2013
Boathouse Applications	8	7	7	5	5
Double Wide	10	8	6	5	5
Electrical Permits	383	338	304	331	311
Land Disturbing Inspections	354	261	227	232	210
Land Disturbing Permits	163	126	106	106	90
Mechanical Permits	274	213	202	189	195

Mobile Home Permits	12	10	6	10	6
Modular Homes	25	21	14	13	24
Private Pier Applications	54	30	42	35	28
Plumbing Permits	175	154	137	96	127
Single Family Dwellings	83	46	38	38	33
Zoning Permits	484	372	337	337	340

Piers, Wetland Projects, and Boathouses:

Northumberland County, Virginia 2013 Wetland Applications



Map created on January 8, 2014
Data Sources:
Northumberland County Wetlands Database

RE: VDOT SOUTHGATE RESOLUTION

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Sr., the Board voted to approve bringing the remainder of the roads into the Virginia Department of Transportation Secondary System.

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: BUILDING PERMIT REPORT

Month of January	2014	2013
Total construction cost for the month	\$ 2,755,217.15	\$ 1,978,431.30
Total Bldg. Permit Cost for Month	\$ 3,339.68	\$ 4,641.52
Total Zoning Permit Cost for the Month	\$ 1,050.00	\$ 1,630.00
Total Levy Fee for the Month	\$ 66.79	\$ 92.83
Total Construction cost year to date	\$ 2,755,217.15	\$ 1,978,431.00

RE: APPROPRIATION – SHERIFF OFFICE BUILDING LINE ITEM

Upon motion by A. Joseph Self, Sr. duly seconded by Richard F. Haynie, the Board voted to create a new line item in the budget described as 9103-7026 Sheriff’s Office Construction and place \$205,000.00 to carry us through the remainder of this 2014 fiscal year.

The vote on the motion is as follows:

Ronald L. Jett – YEA
A. Joseph Self, Sr. – YEA
James M. Long – YEA

Thomas H. Tomlin – NAY
Richard F. Haynie – YEA

RE: LIGHT STREET PROJECT

Mr. Eades explained that in our audit report from Robinson, Farmer, Cox they listed an overage in expenditures in the amount of \$58,075 in FY 2013. Mr. Eades added this is because the money was spent but not received in the same fiscal year and was split between the two fiscal years.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to appropriate \$58, 0753.00 back to last fiscal year 2013 for the Light Street Project.

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: SHERIFF DEPARTMENT APPROPRIATION FOR REMIBURSEMENT OF VEHICLE

Upon motion by Richard F. Haynie duly seconded by A. Joseph Self, Sr., the Board voted to appropriate \$7,048.50 to line item 3102-7005 for reimbursement from our insurance company on a deputy car that was totaled.

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: APPOINTMENT TO PLANNING COMMISSION – WELLINGTON H. SHIRLEY

Upon motion by Richard F. Haynie, duly seconded by Thomas H. Tomlin, the Board voted to appoint Mr. Wellington H. Shirley as the District 2 Planning Commission Member. Mr. Shirley's term will end on February 13, 2018.

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: BOY SCOUT PROJECT DISCUSSION AT LODGE LANDING

Mr. Eades wanted to make the Board aware of an issue that the Department of Game and Inland Fisheries has with a project that one of our local Boy Scouts wants to complete at Lodge Landing in Callao.

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 from December 2013 and January 2014.

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: BOARD COMMENT PERIOD

Supervisor Long requested the Director at Social Services come before the Board at the March meeting.

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 acquisition of property and the disposal of property as permitted by Virginia Code Section 2.2-3711 (A) (3). 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 Thomas H. Tomlin, 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 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 acquisition of property and the disposal of property.

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 TRANSFER OF PROPERTY TO YMCA

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long the Board voted to deed the old Northumberland County High School Property to the Northumberland 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: REQUEST BY PRITCHARD AND FALLIN PROPERTIES, LLC, OWNER AND MERTHIA HAYNIE, APPLICANT, FOR A CONDITIONAL USE PERMIT TO OPERATE A HEALTH CARE FACILITY FOR PHYSICAL THERAPY LOCATED AT 765 NORTHUMBERLAND HIGHWAY IN CALLAO.

Zoning Administrator Philip Marsten described the request for the conditional use permit along with one suggested condition if approved.

Merthia Haynie, applicant, was present for the hearing and explained that she has been doing physical therapy work for 8 ½ years and has decided to come back to this area for her practice.

Public Hearing Open

No comments were given

Public Hearing Closed

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to approve the request for the conditional use permit to operate a health care facility for physical therapy at 765 Northumberland Hwy. in Callao with one condition:

1. All necessary building and zoning permits will need to be obtained.

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: CARRYOVER – AN AMENDMENT TO THE ZONING ORDINANCE TO ALLOW THE TERM “TOURIST HOME” AS A PERMITTED USE IN THE VARIOUS ZONING DISTRICTS AND TO LIST 12 RESTRICTIONS THAT IT MUST MEET BEFORE IT CAN BE PERMITTED.

County Administrator Eades stated that the public hearing took place on November 14, 2013 for an amendment to the Zoning Ordinance to allow Tourist Homes as a permitted use in certain zoning districts. He also stated that the public hearing had been closed in November.

Upon motion by James M. Long, duly seconded by Thomas H. Tomlin, the Board voted not to amend the ordinance at this time and continue with the requirements in the current ordinance which requires a condition use permit. 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

Mr. Eades asked if the Board wanted to consider the amendment that was tabled on Tourist Homes which would amend the definition of a Tourist Home and add to the existing definition “defined hereunder as individuals who will occupy the dwelling for less than 30 days.”

Supervisor Self questioned the benefits of the 30 days. County Attorney Kilduff stated if a lease is 30 days or under, then it makes it different and clearer on what is a tourist home.

Supervisor Self said he had concerns with rentals that are not tourist homes.

Chairman Jett said he agreed and they have received a lot of information and this is not the end of it and would like to see it considered further.

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted not to amend the amendment at this time. 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. Maurice Johnson thanked the Board.

RE: ADJOURNMENT

Upon motion by A. Joseph Self, Sr., seconded by James M. Long, the Board voted to adjourn. The vote on the motion was:

Ronald L. Jett – YEA
A. Joseph Self, Sr. – YEA
James M. Long – YEA

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

Kenneth D. Eades, Clerk