

Board of Supervisors Meeting
MAY 14, 2015
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 14, 2015.

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

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

RE: INVOCATION

Supervisor Long led everyone in a moment of silence.

RE: PLEDGE OF ALLEGIANCE

Supervisor Long led us in the Pledge of Allegiance.

RE: APPROVAL OF MINUTES FOR APRIL 8, 9, 15 and 22, 2015

Upon motion by Joseph Self, Sr. duly seconded by James M. Long, the Board voted to approve the minutes from the April 8, 9, 15 and 22nd meetings. 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 asked to include the advertised Public Hearing for the following:

- 1) Deeding in fee simple to VDOT that portion of property needed to extend the center turn lane onto Academic Lane from Northumberland Highway.

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 with the end of school approaching, the Senior Class has many upcoming events. Dr. Gates also explained the SOL schedule for students as well as the new policy on accreditation.

She then informed the Board that they are looking into a policy for illegal substance to replace the old policy of no tolerance. She said this would help look at each case individually.

Supervisor Tomlin asked about getting the school system to pay for the GED tests that the students are taking. He said he thought this would help promote the program.

RE: BUILDING PERMIT REPORT

Month of APRIL	2015	2014
Total construction cost for the month	\$ 1,833,385.32	\$ 1,289,167.00
Total Bldg. Permit Cost for Month	\$ 4,751.80	\$ 3,279.84
Total Zoning Permit Cost for the Month	\$ 2,150.00	\$ 1,310.00
Total Levy Fee for the Month	\$ 95.04	\$ 65.60
Total Construction cost year to date	\$ 9,265,717.82	\$ 8,893,317.00

RE BUDGET FOR REGIONAL JAIL, FY 2015-2016

Mr. Eades gave out information to the Board concerning the adoption of the Regional Jail Budget. He said this includes a 2% raise for employees for January 1st. The health insurance rate increased 13.1% and it was decided that the staff and jail would split the cost of this increase. No local funds are needed for the upcoming budget.

Supervisor Tomlin asked about the reserve account. Mr. Eades explained that some of the money will be taken out of the reserve account to balance the budget. Mr. Eades added that the federal prison rate has dropped and with this the amount of money received is lower. Supervisor Tomlin asked what the project year is to cross the threshold of money that will be needed by the locality. Mr. Eades said at this rate, they project the year 2020. Chairman Jett added that the Superintendent is looking into ways to cut back and offset the federal government cut back.

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to adopt the FY 2015/2016 Budget in the amount of \$7,329,172.00.

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: AUDIT CONTRACT APPROVAL, ROBINSON, FARMER AND COX

Upon motion by Richard F. Haynie duly seconded by Thomas H. Tomlin, the Board voted to contract the County Audit with Robinson Farmer Cox for the FY 15 Audit in the amount of \$32,200.00. The vote on the motion is as follows:

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: ANIMAL SHELTER APPROPRIATION

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to appropriate \$15,000.00 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: MEMORANDUM OF UNDERSTANDING, NORTHUMBERLAND RESCUE SQUAD

Mr. Eades informed the Board that the MOU has been signed by Northumberland County Rescue Squad. There were changes to the original and asked the Board to approve the changes.

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to approve the changes to the MOU that Northumberland Rescue Squad signed and authorized the Chairman to sign the document. 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

**Memorandum of Understanding
Emergency Medical Services**

Parties to the Memorandum

This Memorandum of Understanding made and entered into this _____ day of _____, 2015 by and between the Northumberland Board of Supervisors, hereinafter

referred to as the “County”, the Northumberland County Rescue Squad, Inc., hereinafter referred to as the “Rescue Squad”.

Background Information

The County and the Rescue Squads have cooperated to provide emergency medical services to the citizens of Northumberland County for many years. Over the years there has been a decline in volunteerism in general, and, this decline, coupled with increased training requirements and increased regulation has adversely affected the Rescue Squads and their ability to deliver prompt emergency medical services to the citizens. The decline in volunteerism, coupled with a growth in requests for emergency medical services, has necessitated the formation by the County, a Department of Emergency Services as an agency of the County government. This department will work with the Rescue Squads to develop a strong combination volunteer and career Emergency Medical Services system for the county and its citizens.

The head of Northumberland County Department of Emergency Services will be known as the Chief, of Emergency Services, hereinafter known as Chief. The Chief shall represent the County’s interests on Emergency Medical Services issues and will work with the Rescue Squads to develop a coordinated, effective response to calls for service. In addition, the Chief will perform other duties and responsibilities noted in the job description.

The County remains committed to maintaining a strong and viable volunteer complement to deliver emergency medical services. The County intends to hire career employees to supplement the volunteer efforts. These employees will be deployed in a manner to ensure that Emergency Medical Services are reliably available and around the clock. This Memorandum of Understanding is intended to further enhance the existing partnerships that exist between the Rescue Squads and the County and to provide clarification of the responsibilities of each party.

Purpose of the MOU

The purpose of this MOU is to provide a clear understanding between the Rescue Squads and the County regarding their mutual obligations to deliver prompt, effective Emergency Medical Services to the citizens.

Conditions of the MOU

Each party to this agreement has a primary role and responsibility in providing Emergency Medical Services to the citizens of Northumberland County. It is agreed that the relationship between the Rescue Squads and the County shall reflect an attitude of cooperation. Each party understands and respects the need for policies and procedures to deliver these services. It is understood that periodic adjustments to this MOU may be necessary.

General Provisions

A. Service Commitment

1. It is the responsibility of the Rescue Squads and the County to deliver Emergency Medical Services to the citizens and visitors of Northumberland County.
2. The Rescue Squads and the County agree to provide mutual aid assistance to each other, pending availability, according to existing Mutual Aid agreements.
3. The Rescue Squads shall maintain their efforts to recruit, train, and maintain a viable organization in accordance with all applicable laws, rules, and regulations of the Commonwealth of Virginia and Northumberland County. The County will provide reasonable assistance to the Rescue Squads to accomplish recruitment objectives.
4. The Rescue Squads shall be responsible for providing and maintaining the stations, vehicles and equipment in accordance with generally accepted principles and customs. Any problems with the stations, vehicles, and equipment are to be reported to the 1st Lieutenant immediately.
5. The County is committed to a combination system to provide needed services in a cost efficient manner. The County shall provide career employees to supplement the staffing needs of the Rescue Squads, as required.
6. The County shall provide billing and accounting services for the revenue recovery program to the Rescue Squads in fulfilling objectives of this agreement.

B. Station Staffing

1. Volunteer personnel of the Rescue Squads will provide around the clock coverage. The Rescue Squad shall provide the Chief with a duty roster.
2. The County will provide coverage based on the needs of the system to ensure adequate coverage.

C. Selection and Assignment of Career Personnel

1. The County shall have the sole responsibility for the recruitment, selection, and management of the career personnel of the Department of Emergency Services. All Northumberland County Emergency Services personnel will follow the rules of each Rescue Squad related to conduct and actions as it applies to their members. Driving records and certifications of career personnel will be provided upon request.
2. The employees of the county shall be covered by the personnel policies of the county, also including being responsible for the infection control of the career personnel. The County Infection Control Officer shall inform the Infection Control Officer of the Rescue Squad of any incidents occurring while the vehicles, buildings and equipment are being utilized by the Department of Emergency Services.
3. Any complaints regarding county personnel shall be submitted in writing to the Chief of the Department of Emergency Services.

D. Facilities and Work Environment

1. Volunteer and career personnel have the right and expectation to an adequate, clean, and safe work environment that is conducive to productive performance and good morale. As the party responsible to provide and maintain the station, it is the Rescue Squads' responsibility to provide and maintain a structurally safe and healthy workplace that meets all applicable code requirements for occupancy.

2. Station maintenance and major repair is the responsibility of the Rescue Squads. Career personnel will participate in light cleaning, minor repairs and/or maintenance of the stations and grounds so as to maintain good order. Volunteer and career personnel share general custodial duties.

E. Ambulances, Vehicles and Equipment

1. As the registered owner of the station's ambulances, vehicles and equipment, the Rescue Squads agree to authorize career personnel of the county to drive, operate, and utilize the same ambulances, vehicles and equipment, providing the use is in accordance with established policies and procedures of the Rescue Squads. The Rescue Squads may be required to provide orientation training to career personnel assigned to the stations. The Rescue Squad's vehicles shall only be used for official EMS purposes and garaged at their respective locations. The Rescue Squad reserves the right to designate which ambulance shall be used by the Department of Emergency Services personnel when responding to calls.
2. It is the responsibility of the Rescue Squads to maintain all ambulances, vehicles and equipment. Career personnel will participate in light cleaning of both the building and vehicles and report any maintenance issues.
3. Career personnel shall perform daily equipment inspections when assigned to the Rescue Squad. Any noted deficiencies shall be reported to the responsible person designated by the Rescue Squad and shall be copied to the Chief.
4. In the event the County Department of Emergency Services personnel respond to a call, and joins the Rescue Squad crew as the sole or ALS provider, an EVOC certified Rescue Squad member may drive the County emergency response vehicle to a destination agreeable to the Department of Emergency Services personnel for easier pickup upon returning.

F. Funding

1. The County shall, subject to annual appropriations, contribute funds to the Rescue Squads. The County shall administer the revenue recovery or insurance billing according to respective ordinances and statutory requirements.
2. The County will retain all funds received for calls answered by career personnel to offset the County's cost of providing career personnel.
3. The County will provide billing services for calls answered by the volunteer rescue squads. Funds will be credited to an individual account for each Rescue Squad. The amount credited will be that paid by insurance/health coverage minus the actual administrative costs for billing.
The Rescue Squad will be paid their insurance billing amount on a quarterly basis from the Treasurer's Office. In the case of a call answered by utilizing mutual aid staffing from the other Rescue Squads, funding will be deposited in the account of the Rescue Squad whose ambulance provides the transport.
4. The County agrees to pay for costs associated with fuel purchases during hours covered by career personnel.
5. The County is required to assure that public funds disbursed are expended properly and for the intended purposes. The Rescue Squad shall maintain records of receipts

and expenditures of funds so as to document the proper use of these funds. The Rescue Squads shall submit to an annual public audit by the County's auditors and at County expense.

6. Receipt of public funds by a Rescue Squad shall not affect their right to solicit or raise private funds from the community or to utilize any available grant opportunity.
7. In the event that the Department of Emergency Services personnel join the Rescue Squad crew as the sole or ALS provider, where the patient is transported, then the Rescue Squad will be credited with the Ambulance Transport Fee and the Department of Emergency Services will be credited with the medical fee.

G. Insurance and Liability

The County shall be responsible to maintain General Liability and Public Officials Liability insurance with a minimum limit of \$1,000,000. The Rescue Squad shall be responsible to maintain General Liability, Automobile Liability and Physical Damage and Errors and Omissions insurance with a minimum limit of \$1,000,000 and a physical damage deductible no greater than \$1,000. All limits can be satisfied by a primary policy, excess policy or combination thereof. Any damage to property of the Rescue Squad resulting from the negligence of Northumberland County and its employees shall require the County to reimburse the Rescue Squad for the amount of the deductible not to exceed \$1,000 per occurrence.

H. Modification and Termination of this Memorandum of Understanding

1. This agreement supersedes all previous oral and/or written agreements.
2. This agreement can only be modified or amended in writing. All such written modifications or amendments shall be endorsed by all parties hereto.
3. This agreement may be terminated by either party with just cause only upon six months written notification, and must be agreeable to each party involved.

RE: CHANGE "COORDINATOR" TO "CHIEF" FOR EMS

Supervisor Tomlin said that when we hired the Coordinator for Emergency Services the title got changed and we need to correct that before it becomes an issue. The contract and resolution both have the Chief, Emergency Services.

Upon motion by A. Joseph Serf, Sr., duly seconded by James M. Long, the Board voted to change the title from Coordinator of Emergency Services to Chief of Emergency Services.

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

RE: HAZARDOUS WASTE COLLECTION SUCCESSFUL

Mr. Eades informed the Board that the collection of hazardous waste and e waste was once again successful. He did note that the poundage was down about 2,000 pounds.

RE: BERTINA WILSON, UNSAFE STRUCTURE

After a discussion last month, Mr. Eades said he had more information concerning Bertina Wilson's property across from Jetty's Reach Subdivision. He has talked with Building Official, Bill Knight and he explained that the Building Code does not address unsafe structure if it doesn't have a current building permit.

The Board asked our County Attorney Les Kilduff to look into this situation to see what can be done.

RE: BUDGET MEETINGS SCHEDULED

The Board decided to set a meeting to discuss the County budget on Tuesday, May 26th at 7 a.m. and the preliminary public hearing is set for June 11, 2015 with an expected adoption date of June 18, 2015.

RE: BOARD COMMENT PERIOD

Supervisor Long said the Children at Play signs look great on Light Street.

Supervisor Long then asked about the pier at Rose Landing.

RE: APPROVAL OF CHECK REGISTER

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to approve the check register.

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

PUBLIC HEARING

RE: DEEDING IN FEE SIMPLE TO VDOT THAT PORTION OF PROPERTY NEEDED TO EXTEND THE CENTER TURN LANE ONTO ACADEMIC LANE FROM NORTHUMBERLAND HWY.

County Administrator Eades described the public hearing for the extension of the center turn lane on Northumberland Hwy into Academic Lane. Mr. Eades stated that he has not received any comments on the hearing.

Public Hearing Open

Ms. Ginny Estell asked why VDOT is going to disturb the property where the nice garden is and the monuments. Mr. Brown responded that the other side has the utilities for the school so this side would have fewer items that need to be moved.

Mr. Dale Landman, who has land that will be affected by the turn lane, questioned the negotiation process with Mr. Brown. Mr. Brown and Mr. Landman decided to set up a meeting to settle his questions.

Public Hearing Closed

Upon motion by A. Joseph Self, Sr. duly seconded by James M. Long, the Board voted to approve the deeding in fee simple to VDOT that portion of property needed to extend the center turn lane onto Academic Lane from Northumberland Highway.

The vote on the motion is as follows:

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

*The motion passed 3 to 2

Supervisor Haynie stated that he is not satisfied with the process of this negotiation. Chairman Jett questioned Mr. Brown on how they came up with the budget amount of the compensation to the land owners. He said the amount is \$243,000, yet the amount paid out is nowhere near this amount. Mr. Brown said in response that the value is based upon previous work done. Chairman Jett stated that the State should be held more responsible when deciding these values.

Supervisor Tomlin said he thought it was a disgusting insult to the landowner. Chairman Jett agreed and said it was a “slap in the face”. Supervisor Tomlin said the “Just Compensation” needs to be reinforced.

Supervisor Self asked the consequences of a re-vote and how it would affect the property. Supervisor Tomlin stated that if we ever wanted a light would need expansion.

NOTE – SEE BELOW FOR RECONSIDERATION OF THIS MOTION

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION SIX YEAR SECONDARY ROAD PLAN.

Mr. Dave Brown from Virginia Department of Transportation was present to describe the public hearing on the six year plan for the secondary road improvement. He said this is for the years 2016-2021. He said to keep in mind that this is for new construction, when adding and deleting projects. He noted that the Board may want to consider adding Harding Wharf Drive to be paved.

Mr. Brown gave a summary out to the Board of Supervisors.

Public Hearing Open

Supervisor Tomlin asked the question to Mr. Brown, if Fleeton Road's pipes were to collapse and the road need repaired what would happen. Mr. Brown said the work would be done right away and the road would still have traffic flow.

Public Hearing Closed

Upon motion by James M. Long duly seconded by Richard F. Haynie the Board voted to adopt the proposed Virginia Department of Transportation Six-Year Secondary Road Plan for 2016-2021 with the amendment to add Harding's Wharf Drive to the secondary plan. The vote on the motion is as follows:

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

RE: CONTINUATION OF PUBLIC HEARING FOR THE DEEDING IN FEE SIMPLE TO VDOT THAT PORTION NEEDED TO EXTEND THE CENTER TURN LANE ONTO ACADEMIC LANE FROM NORTHUMBERLAND HIGHWAY

Supervisor Self stated that he wanted to re-motion his decision on the turning lane because of the effect it may have on Mr. Dale Landman's property.

Upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin, the Board voted to rescind the action on the turn lane for a later time or after the meeting of VDOT and Mr. Landman.

The vote on the motion is as follows:

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

RE: REQUEST BY RYAN ROGERS, AND PHILLIP WHITE, APPLICANT, FOR A CONDITIONAL USE PERMIT TO OPERATE A SERVICE STATION LOCATED AT 16694 NORTHUMBERLAND HWY. NEAR BURGESS

Zoning Administrator Philip Marston described the request for the conditional use permit to operate a service station.

Mr. Rogers and Mr. White were both present for the meeting.

Public Hearing Open

Ms. Jennifer Evans stated she is opposed to the request. She said she is retired and moved here for the beauty of the area. She doesn't want to see "city" type of stuff and this is what it is. She also stated a terrible experience with a car she has had with them.

Public Hearing Closed

Upon motion by A. Joseph Self, Sr. duly seconded by Thomas H. Tomlin the Board voted to approve the request for a conditional use permit to operate a service station located at 16694 Northumberland Highway near Burgess with the following conditions:

The vote on the motion is as follows:

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

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

RE: REQUEST BY McKENSEY ZAIMES, FOR A CONDITIONAL USE PERMIT TO OPERATE A COMMERCIAL KENNEL LOCATED AT 1906 WALMSLEY ROAD NEAR LOTTSBURG

Zoning Administrator Marston described the request for a conditional use permit to operate a commercial kennel at 1906 Walmsley Road near Lottsburg.

Ms. Zaimes was present for the hearing.

Public Hearing Open

Ms. Rosina Hopkins who lives right next door expressed her concerned and stated she thinks it could be a nuisance.

Public Hearing Closed

Supervisor Haynie asked if there is a site plan. Mr. Marston stated that no there is no site plan for this. He then questioned the second planned septic field on the property and stated he was concerned with the size of the land. Ms. Zaimes said she has not yet contacted the Health Department. Supervisor Tomlin also expressed his concern with the property size and reiterated that the septic field cannot be placed where the kennel will be.

Ms. Zaimes in response to the noise nuisance stated that a type of fencing will be put up to help with that.

Upon motion by Richard F. Haynie, duly seconded by Thomas H. Tomlin, the Board voted to carry over the meeting to see what the Health Department can determine with the septic field.

Supervisor Self stated that this is an awful small piece of property and he hates to see a lot of money be put in to this for the drain field not to work. He said he is trying to be helpful and not hurtful.

Supervisor Long suggested talking with her neighbor on their differences.

The vote on the motion is as follows:

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

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

RE: PUBLIC COMMENT PERIOD

Ms. Ginny Estelle questioned what the Board of Supervisors has planned for the EVB building. The Board stated that no decisions have been made regarding the building.

Ms. Sandra Scripture came before the Board to thank the Board for the great athletic facility at the school and to let them know that they are hosting on May 21 the Rappahannock River Conference in Track and Field. She described how the volunteers will be giving out food and water for the event. She asked the officials to dig into their pockets to help cover some of the cost. Chairman Jett said that the ice will be taken care of.

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to donate \$50.00 to the event.

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

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

RE: CARRY-OVER

Upon motion by A. Joseph Self, Sr., seconded by James M. Long, the Board voted carry over the meeting until May 26th.

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