

**Board of Supervisors Meeting
October 8, 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, October 8, 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

Pastor Kornel Kiss, Bethany Baptist Church led us in the invocation.

RE: PLEDGE OF ALLEGIANCE

Supervisor Self led us in the Pledge of Allegiance.

RE: APPROVAL OF MINUTES FOR SEPTEMBER 10, 2015 MEETINGS

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the Board voted to approve the minutes from the September 10, 2015 Board 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.

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: DR. REBECCA GATES, SUPERINTENDENT OF SCHOOLS

Dr. Gates reported that the average daily attendance is 1,304 for all the schools and they budgeted 1,325 which is a reduction of \$63,798 in state funds. She also added that there are 548 students in the elementary school, 306 in the middle school and 450 in the high school. Supervisor Tomlin asked Dr. Gates approximately how many students attend Northumberland that are outside of our County. She responded that as of right now 59 students.

RE: APPROPRIATION – SCHOOL BOARD FY 2015-2016

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

- \$ 1,571.00 – Gifted Isobel Field Trip – This is for partial program costs for 14 students to attend the Chesapeake Bay Foundation Field Trip experience.
- \$ 5,300.00 - RCC Summer Youth Program
- \$ 2,153.00 – Project Graduation

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: RESOLUTION HONORING TEACHER OF THE YEAR STACEY LEE

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

**RESOLUTION
HONORING STACEY HELEAN RICE-LEE**

WHEREAS, Ms. Stacey Helean Rice-Lee has been teaching eighteen years with fifteen years in the Northumberland County Public Schools system; and

WHEREAS, Ms. Stacey Helean Rice-Lee was selected as Virginia’s Region 3 Teacher of the Year; and

WHEREAS, Ms. Rice-Lee has a passion for teaching and learning by presenting at various professional development activities and supporting teachers as a mentor; and

WHEREAS, Ms. Rice-Lee implemented *One School, One Book* reading program which promotes reading with an emphasis on community involvement; and

WHEREAS, Ms. Rice-Lee volunteers for various local organizations and is very active in her church,

NOW THEREFORE, BE IT RESOLVED, That the Northumberland County Board of Supervisors does hereby congratulate Ms. Stacey Helean Rice-Lee for becoming Region 3 Teacher of the Year and expresses their sincere appreciation for her caring nature, creativity in the classroom and her desire to educate the students of Northumberland County; and

BE IT FINALLY RESOLVED, that this resolution be given to the Ms. Stacey Helean Rice-Lee and commend her on being an essential part of teaching in Northumberland County Public Schools.

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: BUILDING PERMIT REPORT

Month of SEPTEMBER	2015	2014
Total construction cost for the month	\$ 2,220,282.90	\$ 5,221,508.90
Total Bldg. Permit Cost for Month	\$ 3,622.48	\$ 5,100.74
Total Zoning Permit Cost for the Month	\$ 2,870.00	\$ 2,270.00
Total Levy Fee for the Month	\$ 72.45	\$ 102.03
Total Construction cost year to date	\$ 19,057,246.29	\$ 24,420,859.44

RE: STORMWATER RESOLUTION OPT-OUT

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

**RESOLUTION
OPT-OUT STORMWATER PROVISIONS**

WHEREAS, many localities are increasingly concerned over the Commonwealth of Virginia’s expanding reliance upon localities for the administration, implementation and enforcement of regulations promulgated at the state level; and

WHEREAS, over the past several years, many changes have been made to the environmental laws in the Commonwealth of Virginia, including legislation imposing unfunded and underfunded mandatory local obligations regarding erosion and sediment control, the Chesapeake Bay Act and most recently, the significant expansion of the Virginia Storm water Management Program (VSMP); and

WHEREAS, many localities in Virginia expressed concern to their state government delegation about the reasonableness, efficacy and costs of implementing the Commonwealth's expanded Stormwater Management Program and other environmental regulations at the local level; and

WHEREAS, many localities in Virginia have expressed concern regarding the liability they incur by becoming the VSMP plan approving authority, as well as the inestimable costs and responsibilities of the perpetual maintenance of abandoned stormwater facilities required or implied through the expanded Stormwater Management Program; and

WHEREAS, the Senate of Virginia and the Virginia House of Delegates, in response to local government concerns, both passed by wide margins amendments to the Virginia Stormwater Management Program under House Bill 1173 / Senate Bill 423, which amendments allow local governments to choose either to manage their own Stormwater Management Programs or to "Opt Out", leaving the administration, implementation and enforcement of the Program to the Virginia Department of Environmental Quality (DEQ). These were both Omnibus Bills with broad and unequivocal support from DEQ, Environmental Groups and representatives from the Construction/Development community; and

WHEREAS, the Governor of the Commonwealth of Virginia signed House Bill 1173 / Senate Bill 423 on March 24, 2014, and the bill was enacted immediately with an emergency clause contained therein; and

WHEREAS, upon enactment, the Commonwealth of Virginia's lead environmental regulatory agency, the DEQ was established as the Commonwealth's VSMP Authority. The DEQ is the stormwater permitting authority and has the responsibility to implement, administer, and enforce the Commonwealth's environmental regulations in a uniform, consistent, efficient and timely manner across the Commonwealth; and

WHEREAS, the Board of Supervisors of Northumberland County, along with 54 other localities in Virginia, voted in 2014 to "Opt Out" of administering their own stormwater management program, leaving the administration of the Program to DEQ; and

WHEREAS, following the 2014 legislation, a Stormwater Advisory Group was convened and charged with making recommendations regarding consolidation and implementation of the Virginia's Water Regulations, including Stormwater and Erosion and Sediment Control, to the 2016 General Assembly; and

WHEREAS, the Stormwater Advisory Group is largely comprised of representatives from the environmental community, engineers and DEQ staff and lacks sufficient representation from Virginia's "Opt Out" localities and Chesapeake Bay Act localities; and

WHEREAS, while the Stormwater Advisory Group should be commended for their months of hard work, and in particular for the work on consolidating various environmental programs into one program under DEQ administration, the Group has focused a significant amount of time recently and has become sidetracked of late with a discussion on the benefits to DEQ of repealing the statutory right to "Opt Out" provided by the 2014 legislative amendments to the Virginia Stormwater

Management Program and thereby returning to localities the responsibility of plan implementation, administration, and enforcement; and

WHEREAS, a recommendation to repeal the statutory “Opt Out” constitutes nothing less than nullification by committee of the legislative action clearly embodied in the 2014 Omnibus legislation, nullification of a right guaranteed by both houses of the General Assembly and the Governor, and would require that each and every locality in the Commonwealth administer a separate version of the Virginia Stormwater Management Program, thus resulting in inconsistency, inefficacy and a cumulative burden that will increase both in size and cost each year, constituting nothing short of a significantly expensive and burdensome **unfunded or underfunded mandate**; and

WHEREAS, DEQ has opined that Chesapeake Bay localities who exercise the statutory right to “Opt Out” receive an additional burden not shared by other localities by being forced to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre; and

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Supervisors of Northumberland County **STRONGLY OPPOSES** any recommendation or effort to reverse or amend the action taken by the 2014 General Assembly in affording to Virginia’s counties and cities the statutory right to “Opt Out” of administering the Virginia Stormwater Management Program, and further respectfully requests that the Stormwater Advisory Group support and seek implementation of the current law; and

The Board of Supervisors of Northumberland County/City respectfully requests that the Stormwater Advisory Group recognize and recommend that the statutory right to “Opt Out” be applied to all localities equally such that the Chesapeake Bay localities are not required to administer a local Stormwater Program for land disturbance projects between 2,500 square feet and 1 acre.

BE IT FURTHER RESOLVED THAT:

The Board of Supervisors of Northumberland County/City **strongly recommends** that DEQ and the General Assembly impanel an additional stakeholder group, more representative of rural and Chesapeake Bay localities, to conduct a comprehensive review of the efficiency and efficacy of the implementation and delivery of state environmental regulations and programs, to make recommendation for revisions on the delivery and implementation of these programs, and, if appropriate, draft the subsequent statutory and regulatory revisions, especially where the objective is to grant “Opt Out” alternatives to all localities equally.

The vote on the motion was 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	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie – YEA
Thomas H. Tomlin – YEA	

RE: DEPARTMENT OF SOCIAL SERVICES RE-APPOINTMENT, NANCY VANLANDINGHAM

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to re-appoint Nancy S. VanLandingham of Lottsburg to the Department of Social Services Board. Mrs. VanLandingham’s appointment will expire on November 10, 2019.

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

RE: WETLANDS BOARD MEMBER NEEDED

Mr. Eades stated that a Wetlands Board Member is needed in District 3.

RE: RECENT NOR’EASTER STORM DISCUSSION

Mr. Eades reported to the Board concerning the recent Nor’easter storm the County dealt with over the weekend. He stated that no shelter was opened for the event and water level was approximately 4.6 feet above normal. The winds recorded were about 25 mph sustained with 40 mph gusts. There was considerable damage to the northeast direction of properties along the Potomac River within the County. There is no grant money available and the burden is put on the homeowners to take care of their properties.

RE EMS BILLING RESOLUTION, NEXT MONTH

Mr. Eades stated that if no objections, he will have an Emergency Medical Billing Resolutions for the Board next month to discuss. There were no objections.

RE: OLD EVB BANK BULDING PROPOSAL

Mr. Eades asked for direction from the Board of Supervisors on the plan for the Old EVB building that the County purchased. Board members will discuss further and provide ideas next month.

RE: FIRE PREVENTION WEEK RESOLUTION

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

FIRE PREVENTION WEEK

WHEREAS, Each year since 1922, Fire Prevention Week is observed across the nation to remind people of fire dangers in homes and in their communities; and

WHEREAS, The importance of public education about simple fire prevention steps is vital in keeping everyone safer; and

WHEREAS, Recognizing the efforts of all firefighters, fire service agencies, and other first responders aids in preventing and combating fire dangers; and

WHEREAS, Working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, The theme for National Fire Prevention Week 2015 is a working smoke detector in every bedroom,

NOW THEREFORE BE IT RESOLVED, that the Northumberland County Board of Supervisors hereby designates the week of October 4 through 10, 2015, as “National Fire Prevention Week;” and

BE IT FURTHER RESOLVED, that the Northumberland County Board of Supervisors would like to thank Callao Volunteer Fire Department and Fairfields Volunteer Fire Department for their service as first responders for Northumberland County.

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: RESOLUTION HONORING HERBERT HAMMOCK

The Board asked Mr. Eades to write up a resolution Honoring Herbert Hammock for 50 years of service.

RESOLUTION HONORING HERBERT B. HAMMOCK

WHEREAS, The Fairfields Volunteer Fire Department began on January 30, 1947; and

WHEREAS, Fairfields Volunteer Fire Department houses fire trucks in a station at Reedville and in a substation at Glebe Point; and

WHEREAS, Mr. Herbert B. Hammock began with the Fairfields Volunteer Fire Department in 1965; and

WHEREAS, Mr. Herbert B. Hammock has provided five decades of dedicated service to Fairfields Volunteer Fire Department and has greatly contributed to the quality and success of the Department; and

WHEREAS, Mr. Hammock has shown great leadership as well as a good friend and mentor to many who have worked with him throughout his years of service with the Fire Department,

NOW THEREFORE, BE IT RESOLVED, That the Northumberland County Board of Supervisors does hereby express their sincere appreciation to Mr. Herbert B. Hammock and congratulates him on his fiftieth anniversary with Fairfields Volunteer Fire Department; and

BE IT FINALLY RESOLVED, that this resolution be given to the Mr. Herbert B. Hammock and commend him on being an essential part of Northumberland County's first responders

RE: BOARD COMMENT PERIOD

Supervisor Long asked if the County was working on acquiring any reservoirs. Mr. Eades stated that it has been discussed at the Planning Commission level but the County does not own any at this time. Mr. Eades said further that we are in a ground management area regulated by the state and we have a water plan through the Planning District Commission.

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

RE: CLOSED MEETING

Upon motion by James M. Long, duly seconded by, Richard F. Haynie, the Board voted unanimously to convene into closed meeting to discuss a personnel matter as permitted by Virginia Code Section 2.2-3711 (A) (1) and (4). 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	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 to discuss a personnel 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: SALARY FOR VICTIM/WITNESS POSITION

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to approve to increase the salary of the Victim/Witness position by \$2,000 which will bring the annual salary to \$33,000.00.

The vote on the motion was:

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

PUBLIC HEARING

RE: REQUEST BY SARAH PATTON FOR A CONDITIONAL USE PERMIT TO OPERATE A BED AND BREAKFAST AT 328 MAIN STREET IN REEDVILLE

Zoning Administrator Marston described request for a conditional use permit. He has received one emailed comment regarding the Bed and Breakfast from the adjoining property which asked for the same conditions as the last approval at this location.

Mr. Patton speaking on behalf of Mrs. Sarah Patton was present for the meeting. He stated that they liked the town and the area. The house that they bought in Reedville came with a Bed and Breakfast approval and they would like to continue this use.

Chairman Jett asked if they would be running it themselves. He said yes they would. Supervisor Long asked if they were new to the area. Mr. Patton said yes they were but they would be coming here from Norfolk on a regular basis.

Public Hearing Open

No comments were given.

Public Hearing Closed

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

1. The permit is valid for one year and will expire October 8, 2016, if the bed and breakfast has not opened for business.
2. This facility must fully comply with all regulations, including but not limited to the regulations of the Northumberland County Health Department.
3. All vehicles owned by guests must be parked on the street only, with signage that on-street parking is required for all guests.
4. Signage is limited to an unlighted sign no larger than 2'X4' in size to be placed on the applicant's property no closer than 10' to all property lines.
5. The Northumberland County Building Official must inspect and approve the structure for safety concerns dealing with overnight guests.
6. The applicant must maintain the driveway in its current condition.

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: BED AND BREAKFAST SENT TO PLANNING COMMISSION

Upon motion by Thomas H. Tomlin duly seconded by A. Joseph Self, Sr. the Board voted to send “Bed and Breakfasts” to the Northumberland County Planning Commission since we are allowing Vacation Rentals as a by-right use.

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

None

RE: ADJOURN

Upon motion by Richard F. Haynie, seconded by Thomas H. Tomlin, 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