

**Board of Supervisors Meeting
August 11, 2016
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, August 11, 2016.

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
Luttrell Tadlock – County Administrator

RE: INVOCATION

Mr. James Long led the invocation.

RE: PLEDGE OF ALLEGIANCE

Chairman Jett led in the Pledge of Allegiance.

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 with the following changes.

1. A representative from VDOT is unable to attend
2. Dr. Gates, Superintendent is unable to attend.
3. Mr. Lance Marston from the Marine Corp. League is here to talk about the celebration coming up on September 17th.

The vote on the motion is as follows:

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

RE: APPROVAL OF MINUTES FOR JUNE 23, JUNE 28, AND JULY 14, 2016

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to approve the minutes for the June 23, June 28 and July 14, 2016 meetings:

The vote on the motion is as follows:

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

A. Joseph Self, Sr. - AYE
Richard F. Haynie - AYE

RE: MR. LANCE MARSTON, MARINE CORP LEAGUE

Mr. Marston came today to tell the Board of Supervisors about the upcoming event, Law Enforcement Appreciation Day. The event will be held on September 17, 2016 at 10 am on the Old Courthouse steps.

RE: BUILDING PERMIT REPORT

Month of July	2016	2015
Total construction cost for the month	\$ 2,185,575.10	\$ 1,432,156.00
Total Bldg. Permit Cost for Month	\$ 2,530.00	\$ 3,676.76
Total Zoning Permit Cost for the Month	\$ 2,530.00	\$ 1,750.00
Total Levy Fee for the Month	\$ 77.47	\$ 73.55
Total Construction cost year to date	\$ 11,069,210.72	\$ 14,053,064.39

RE: RESOLUTION MT. OLOVE BAPTIST CHURCH

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the board voted to adopt the following resolution.

**RESOLUTION
CONGRATULATING MT. OLIVE BAPTIST CHURCH
FOR THEIR 143rd ANNIVERSARY**

WHEREAS; the Mt. Olive Baptist Church in Wicomico Church is celebrating their 143rd Anniversary of Christian Services, and

WHEREAS; Mt. Olive Baptist Church is also celebrating its 63rd Homecoming, and

WHEREAS; Mt. Olive Baptist Church is recognized for their contributions to the community,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors congratulates Mt. Olive Baptist Church on their 143rd Anniversary and for being an

outstanding example of a Community Church.

The vote on the motion is as follows:

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

A. Joseph Self, Sr. - AYE
Richard F. Haynie - AYE

RE: RESOLUTION- CALLAO VOL. RESCUE SQUAD ANNIVERSARY

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

**RESOLUTION
CALLAO VOLUNTEER RESCUE SQUAD
FIFTIETH ANNIVERSARY**

WHEREAS, The Callao Volunteer Rescue Squad was established in 1966 by a dedicated group of caring individuals; and

WHEREAS, Callao Volunteer Rescue Squad and Northumberland Rescue Squad served the County until 1987 when Mid-County was formed and all three volunteer squads served the County; and

WHEREAS, Callao Volunteer Rescue Squad was originally dispatched by Mary Rock from her home in Callao; and

WHEREAS, Callao Volunteer Rescue Squad took their patients to a local doctor's office but if necessary went to hospitals in Richmond; and

WHEREAS, Callao Volunteer Rescue Squad saw a need to modernize their facility in 2002 to better serve the community; and

WHEREAS, Callao Volunteer Rescue Squad currently has 2 rescue squad vehicles, and a first response vehicle to answer calls for help; and

NOW THEREFORE, BE IT RESOLVED, That the Northumberland County Board of Supervisors does hereby express their sincere appreciation to the many volunteers and congratulates Callao Volunteer Rescue Squad on its fiftieth anniversary; and

BE IT FINALLY RESOLVED, that this resolution be given to the President of Callao Volunteer Rescue Squad and commend them on being an essential part of Northumberland County's first responders.

The vote on the motion is as follows:

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

A. Joseph Self, Sr. - AYE
Richard F. Haynie - AYE

*Mr. Jimmy Brann, President of the Callao Rescue squad was present and stated that the 50th celebration will be held on August 20, 2016 from 10 a.m. to 3 p.m.

RE: APPROPRIATION – SCHOOL BOARD

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the board voted to appropriate the following for FY 2017

\$2,700.00 – Fox Island/Gift Port Isobel Field Trip – This is for partial program costs for students to attend the Chesapeake Bay Foundation Field Trip experience.

\$1,356.17 – VDOT Right of Way-NMS Memorial

\$4,135.22 - PBIS Carryover FY 2016

The vote on the motion is as follows:

Ronald L. Jett – AYE

A. Joseph Self, Sr. – AYE

James M. Long – AYE

Thomas H. Tomlin – AYE

Richard F. Haynie – AYE

RE: APPROPRIATION – JUDGE TALIAFERRO CLOSING OUT OF FUNDS

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the board voted to appropriate the following.

2100-5203 \$1,521.54 (Telephone)

2100-5401 \$1,521.54 (Office Supplies)

2100-5201 \$1,521.54 (Postal Services)

2100-5411 \$1,521.54 (Books & Subscriptions)

The vote on the motion is as follows:

Ronald L. Jett – AYE

A. Joseph Self, Sr. – AYE

James M. Long – AYE

Thomas H. Tomlin – AYE

Richard F. Haynie – AYE

RE: APPROPRIATION – CALLAO REVITALIZATION GRANT

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr., the board voted to appropriate \$15,000.00 to line item 8105-5605 for the Callao Revitalization project in the FY17 budget.

The vote on the motion is as follows:

Ronald L. Jett – AYE

A. Joseph Self, Sr. – AYE

James M. Long – AYE

Thomas H. Tomlin – AYE

Richard F. Haynie – AYE

RE: APPROPRIATION, FENCE REPAIR REIMBURSEMENT (DITCHLY TRASHSITE)

Upon motion by Richard F. Haynie, duly seconded by A. Joseph Self, Sr. the board voted to appropriate \$ 2,210.00 to line item 4203-3004 for reimbursement check from Vacorp for a fence that was damaged at the Ditchly Trash Site.

The vote on the motion is as follows:

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

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

RE: APPROPRIATION, EMERGENCY SERVICES

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the board voted to appropriate \$6,000.00 into the Rental line item to cover the cost of the monthly rental space at Mid-County. This isn't any new money, just moving from one line item to another.

The vote on the motion is as follows:

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

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

RE: AREA AGENCY ON YOUTH APPROPRIATION

County Administrator Tadlock stated that he had received information from Mr. Mike MacNamara from the Area Youth requesting an additional \$1,246.00 to cover the cost of equipment upgrade that they need. The other counties will share in this cost and are contributing the same amount.

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the board voted to appropriate \$1,246.00 to the Area Agency on Youth for this fiscal year 2017 budget.

The vote on the motion is as follows:

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

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

RE: UPCOMING PLANNING COMMISSION MEETING ON COMPREHENSIVE PLAN

Mr. Tadlock informed the board that the Planning Commission will hold a public hearing on the updated comprehensive plan next Thursday, August 18, 2016.

RE: NORTHERN NECK REGIONAL JAIL PUBLIC HEARING ON GLOUCESTER COUNTY AGREEMENT.

The Board of Supervisors scheduled a public hearing to be advertised for Thursday, August 25, 2016 at 7 p.m. on the agreement to allow Gloucester County to enter into agreement with our County and the other participating counties in the Northern Neck Regional Jail.

RE: HEALTH DEPARTMENT, INFORMATION RECEIVED CONCERNING REDUCED OFFICE HOURS

County Administrator Tadlock stated he had met with Dr. Tweel from the Three Rivers Health District concerning reduced hours and reduced staff at the local Health Department due to reduced funding. Mr. Tadlock said he hoped to receive more information on this matter.

RE: INFORMATION MEETINGS ON UPCOMING EMS BILLING

Mr. Tadlock said he has talked with Chief McClure and they have discussed having informational meetings set to talk about the EMS billing that is scheduled to begin on October 1.

RE: LOCAL WORKFORCE INVESTMENT APPOINTMENT – DAVID MANN

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the board voted to appoint Mr. David Mann as Northumberland's representative on the Workforce Investment Board. The vote on the motion is as follows:

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

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

RE: BOARD OF SUPERVISORS COMMENT PERIOD

Supervisor Long asked about the old EVB office. Mr. Tadlock said he hasn't talked with Mr. Davis but hopes to soon. Chairman Jett suggested sending out an RFP to see what the best way is to design the offices.

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the board voted to approve to send out a Request for Proposals and move forward with finding out the office needs for the old EVB building.

The vote on the motion is as follows:

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

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

RE: CHECK REGISTER

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

The vote on the motion is as follows:

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

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

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 a personnel matter and discussion of a contractual matter as permitted by Virginia Code Section 2.2-3711 (A) (1) and (7). The vote on the motion was as follows:

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

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

RE: OPEN MEETING

The Board convened back into open session upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr., 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. – AYE
Richard F. Haynie – AYE
Thomas H. Tomlin – AYE

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

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, use of public property and a contract matter.

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

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

A. Joseph Self, Sr. - AYE
Richard F. Haynie - AYE

RE: ACTION TAKEN

No action was taken as a result of the closed meeting.

**PUBLIC HEARING
7 P.M.**

RE: REQUEST BY MICHAEL T. AND MELISSA ROTH, OWNERS FOR A CONDITIONAL USE PERMIT TO ALLOW TWO (2) PIERS ON ONE PARCEL. THE PROPERTY IS SHOWN AS TAX MAP PARCEL #29-(1)-82 AND IS LOCATED AT 273 OAK LANE.

Zoning Administrator Marston described the request for the conditional use permit for 2 piers at 273 Oak Lane.

Public Hearing Open

Ms. Linda Morris stated this property has been like this for 30 some years and supports it.

Public Hearing Closed

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the board voted to approve the request with the following condition:

1. All permits shall be obtained from all regulatory agencies.

The vote on the motion is as follows:

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

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

Supervisor Tomlin stated that normally he would vote against this but he feels this is a different scenario with the salt pond and he will support.

RE: REQUEST BY CALLAO MOOSE LODGE NO. 917, OWNER, FOR A CONDITIONAL USE PERMIT TO ALLOW A PRIVATE RECREATIONAL CAMPGROUND AT 968 NORTHUMBERLAND HWY.

Zoning Administrator Marston described the request for the conditional use permit.

Mr. Eddie Rest attended the meeting and represented the Callao Moose Lodge.

Public Hearing Open

No comments were given

Public Hearing Closed

Upon motion by Richard F. Haynie, duly seconded by A. Joseph Self, Sr., the board voted to approve the request with the following conditions:

1. All permits shall be obtained from all regulatory agencies.
2. The travel trailers shall be tied into an approved Health Department sewerage system or have an approved dumping station.

The vote on the motion is as follows:

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

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

RE: EXTENDED LEASE AGREEMENT WITH CELLCO PARTNERSHIP DBA VERIZON WIRELESS, FOR THE TOWER LOCATED AT 529 ACADEMIC LANE. CHANGES INCLUDE EXTENDING THE LEASE BY 30 YEARS (SIX FIVE-YEAR RENEWAL PERIODS) AND GIVING CELLCO PARTNERSHIP THE LIMITED RIGHT OF FIRST REFUSAL.

County Administrator Tadlock gave information about the lease and the changes presented for the lease.

Supervisor Tomlin asked if there was any new information about the tower that Verizon has been approved for in the Reedville area. Mr. Tadlock said he did receive information that permits have been pulled.

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 extension of the lease by 30 years (six five year renewal periods) and giving Cellco Partnership the Limited Right of First Refusal.

The vote on the motion is as follows:

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

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

RE: REQUEST BY ROBERT A. ROBINSON, MICHAEL J. CORCORAN AND SUZANNE M. SAUNDERS, OWNERS, AND DAWN B. MAHAFFEY, APPLICANT, FOR A CONDITIONAL USE PERMIT IN ORDER TO ALLOW A SMALL COMMERCIAL KENNEL. THE PROPERTY IS LOCATED AT 445 FOUNTAIN GATE ROAD.

Zoning Administrator Marston described the request for the conditional use permit to allow a small commercial kennel. Mr. Marston read the following suggested conditions if approved.

1. *Request for a Conditional Use Permit to operate a small commercial kennel*

1. This operation, classified under the Zoning Ordinance as a commercial kennel, shall only be used for the limited purposes of training dogs for compensation. There shall be no boarding or grooming of outside animals for compensation.

2. Any proposed outdoor training facility shall be enclosed with fencing approved by the Animal Control Officer.

3. Any proposed training facility shall not be located any closer to state roads than the existing structures located on the property.

4. Dogs not owned by the property owner shall be leashed at all times while outside approved fenced area.

5. The facility and any proposed fenced areas shall be kept clean and free of any offensive odors that may carry to adjoining properties.

6. Training classes shall be limited to no more than 5 classes a week with a maximum of 10 dogs per class.

7. This permit is non-transferable.

2. *Request for a Conditional Use Permit to construct two (2) piers on one parcel*

1. All necessary permits shall be obtained from all regulatory agencies.

3. *Request for a Conditional Use Permit to allow a private recreational campground*

1. All necessary permits shall be obtained from all regulatory agencies.

2. The travel trailers shall be tied into an approved Health Department sewerage system or have an approved dumping station.

Ms. Dawn Mahaffey explained the request and she said she regrets stirring this up but is here to address concerns. She said she feels this is not commercial as she raises show dogs and only one litter every 2 years. She said she has had no complaints in the past. Also, her dogs would not be running at large and she does have respect for her neighbors' rights. The property will be fenced and clean. She plans to train 4 students each week and instruct owners as well as work with therapy search and rescue dogs.

Public Hearing Open

Mr. Williams Rogers questioned the small commercial kennel and said only thing he can think of is puppy mill.

Mr. Dan McGlasson said he is from the community next to Fountain Gate at Sands on the Potomac. He sees a problem with noise from the kennel and added that we don't need this kind of business.

Mr. Glen Gooping is opposed and questioned the review of small scale and asked about grooming services. He also has a problem with noise and referenced the comprehensive plan of 2006.

Ms. Ellie Schmitt said she has been a property owner a couple of years and this is a residential area and It will increase traffic, noise and pest.

Mr. Leonard Bashinski at 92 Cardinal Pt., is President of the Association. The additional noise, wild life will create a negative impact on property buyers. Mr. Bashinski commented that the property will be rezoned. Chairman Jett stated that this has nothing to do with rezoning.

Ms. Valerie Barton on Sandy Beach Drive said the property value will be an issue and there will be an increase in noise.

Mr. Wayne Evans who is President of Sands on the Potomac stated that he is concerned with traffic in that area as well as the noise.

Mr. Rawleigh Simmons, Attorney representing Ms. Mahaffey was present.

Mr. Peter Benda stated that property values will go down if this is approved.

Ms. Kitty Creeth stated she was here to get an answer from Mr. Haynie regarding his business which was not related to the public hearing currently being heard or County business (see July 14, 2016 meeting).

Mr. Constantino from Pleasant Point questioned the noise this will have.

Mr. Steve Muransky said that if this is allowed it is infringing on their life in a residential area. He suggested finding a different property instead of changing their lifestyle.

Ms. Jenny Creath asked for Chairman Jett to apologize to her mother. She then questioned if anyone had listened to what the lady (Mahaffey) had said.

Mr. Jay Spraw asked for who was opposed to this request to stand.

Mr. Ray Suchan at 582 Sandy Beach Road said the quality of life could change. He questioned if this could be noise proofed.

Ms. Dawn Mahaffey explained that the definition of the commercial kennel is very broad and she is going about this permit in an honest way and said this is not a commercial kennel in that way. She has family dogs, pets and it is just her dogs there. She will only be training 4 or 5 people/dogs, 1 or 2 nights a week and it is no big kennel. She works full time for Lancaster County and this is just her dogs and it is a benefit to the community. She continued to say that she was just trying to do the right thing and this is what conditional use permits are designed for.

Supervisor Long made a motion to grant the Conditional Use Permit with the conditions that staff recommended. There was no second to the motion.

Supervisor Tomlin said there was a difference in what is presented tonight and what is on the application. He said wording is critical and he hopes that something can be worked out.

Supervisor Haynie said he agreed and he does think there is confusion with the application and what is presented and said he would like this to be carried over for 30 days.

Supervisor Long withdrew his motion to approve the request.

Upon motion by Richard F. Haynie, duly seconded by Thomas H. Tomlin, the board voted to carry this decision over until the September 8, 2016 board meeting. No public hearing will be on this at that meeting. The board also asked for a meeting to be set up between the applicant and the homeowners associations to get information out there as to what is being presented.

The vote on the motion is as follows:

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

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

RE: PUBLIC COMMENT PERIOD

Several audience members spoke on their opposition to the previous public hearing for a conditional use permit to allow a small commercial kennel at 445 Fountain Gate Road.

RE: ADJOURN

Upon motion by Richard F. Haynie, seconded by James M. Long, the Board voted to adjourn. The vote on the motion is as follows:

Ronald L. Jett – AYE

Thomas H. Tomlin – AYE

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

Richard F. Haynie – AYE

E. Luttrell Tadlock, Clerk