

Board of Supervisors Meeting
July 10, 2008
5:00 P.M.

NORTHUMBERLAND COUNTY, VA

A regular monthly meeting of the Northumberland County Board of Supervisors was held in the Northumberland Courts Building, on Thursday, July 10, 2008

Present: Ronald L. Jett – Chairman
 Richard F. Haynie – Vice-Chairman
 A. 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

Mr. Sam Simonovich, Living Water Lutheran Church in Kilmarnock led the invocation.

RE: PLEDGE OF ALLEGIANCE

Supervisor A. Joseph Self, Sr. led us in the Pledge of Allegiance.

RE: APPROVAL OF MINUTES FROM JUNE 3RD, 5TH, 12TH AND 26TH.

Upon motion by A. Joseph Self, Sr. duly seconded by Richard F. Haynie, the Board voted unanimously to approve the minutes from the previous meetings on June 3rd, 5th, 12th and 26th 2008 with a correction to the June 5, 2008, on page 11 deleting last paragraph which adjourned the meeting prematurely, and on page 13, changing the motion to adjourn. A correction to the appropriation on June 12, 2008 (middle high school) was made (see below). The vote on the motion was as follows:

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

RE: APPROPRIATION CHANGE TO THE JUNE 12, 2008

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the board voted to add an addition \$0.12 to the appropriation for Fiscal Year 2008, making the amount \$19,678,192.12 to expenditure side line item, 9103-7024 and to the Revenue side “Bond Proceeds”. 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 unanimously to approve the agenda for today's meeting.

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

RE: MR. SEAN TRAPANI, RESIDENCY ADMINISTRATOR, VDOT

Mr. Trapani stated that the 2nd mowing of the primary roads will begin. They will be going from Heathsville towards Callao.

RE: REVENUE SHARING RESOLUTION

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

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	

**RESOLUTION
REVENUE SHARING FUNDS**

WHEREAS, The Northumberland County Board of Supervisors, supports the submission of a application through the Virginia Department of Transportation Revenue Sharing Program for a total project cost not to exceed One Hundred Twenty Thousand Dollars (\$120,000); and

WHEREAS, The Northumberland County Board of Supervisors desires to submit an application for an allocation of funds of up to Fifty Nine Thousand Nine Hundred Dollars (\$59,950.00) through the Virginia Department of Transportation Fiscal Year 2009, Revenue Sharing Program and Sixty Thousand One Hundred Dollars (\$60,050) in local match funds; and

WHEREAS, The Board desires to create a turning lane on Route 698 approximately 0.25 miles in length on Academic Lane;

NOW, THEREFORE, BE IT RESOLVED THAT: The Northumberland County Board of Supervisors hereby supports this application in a total amount not to exceed One Hundred Twenty Thousand Dollars (\$120,000), and matching funds through the Virginia Department of Transportation Revenue Sharing Program of up to Fifty Nine Thousand Nine Hundred Dollars (\$59,950).

RE: MR. MATT LEWIS, EXTENSION AGENT

Mr. Lewis came to introduce Ms. Julie Tritts as the new 4-H Extension agent. Mr. Lewis also introduced to the Board, Ms. Kathleen Watson who is the new science extension agent in consumer finance.

Chairman Jett stated to both of the ladies that they are looking forward to working with them.

RE: BUILDING PERMIT REPORT

	2008	2007
Total construction cost for the month	\$ 5,076,311.60	\$ 11,103,634.00
Total Bldg. Permit Cost for Month	\$ 6,817.64	\$ 8,679.90
Total Zoning Permit Cost for the Month	\$ 3,580.00	\$ 3,930.00
Total Levy Fee for the Month	\$ 119.75	\$ 152.34
<i>Total Construction cost year to date</i>	\$29,475,107.60	\$39,862,965.50

RE: FAIRPORT SEWER EXTENSION, LETTER RECEIVED

County Administrator Eades informed the board that he had received a letter from the United States Department of Agriculture; Rural Development which stated that the pre-engineering application for a sewer extension in the Fairport area was turned down.

RE: FUEL BIDS FOR THE YEAR

The county fuel bids have been received and TCH Oil Company was the lowest bid with the following rates: Gasoline; \$3.428, Diesel; \$4.061, Heating Oil; \$4.0560. All bids are variable.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the board voted to approve the low bid, TCH Oil Company. 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: MILEAGE REIMBURSEMENT RATE

Mr. Eades informed the Board that the state mileage rate has had another increase and asked if the Board wanted to consider increasing the local reimbursement from what was adopted in the budget at \$0.505 to \$0.585.

Upon motion by James M. Long, and no second, the Board voted to increase the county mileage reimbursement to \$.585 effective July 10, 2008. The vote on the motion is as follows:

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

The vote passed 3 to 2

Chairman Jett stated he did not think there was a need to go so high and that this is excessive.

RE: RESIGNATION FROM PLANNING DISTRICT MEMBER, GERTHA BASEY

Mr. Eades informed the Board that he had received a letter of resignation from Northumberland County Planning Commission Member, Gertha Basey from District III.

RE: LITTLE WICOMICO RIVER DREDGING

Mr. Eades advised the Board that he was informed the Little Wicomico Dredging project has passed through the Congressional Committee and out of 4 different bodies of water in Virginia, only the Little Wicomico is moving forward.

RE: APPROVAL OF CHECK REGISTER

Upon motion by James M. Long, duly seconded by Thomas H. Tomlin the Board voted unanimously to approve the check register, as submitted. The vote on the motion was as follows:

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

RE: BOARD COMMENT PERIOD

Supervisor Tomlin commented that on July 1, 2008 a transaction through DMV would cost an additional \$5.00 but since our Treasurer's Office is a DMV Select they will not be charging this fee.

RE: BOARD MEMBERS VISIT NEW HIGH/MIDDLE SCHOOL

The Board Members left the Courts Building with the press to take a tour of the new school that is under construction.

Public Hearings

**RE: CARRYOVER – CONSIDERATION OF THE REQUEST BY PHYLLIS SWIFT
CARRIED OVER FROM JUNE 12, 2008 MEETING**

County Administrator Eades stated that this consideration is a carry-over from the Public Hearing last month pending a legal opinion. (See June 12, 2008 minutes)

County Attorney, Mr. Les Kilduff, Jr. stated that he has looked at the issue of the scaled drawing not being attached to the application and the ordinance does not require it to be submitted. He suggested having a scaled drawing but is not required.

Supervisor Long stated that he still holds the same opinion, it is too large of a facility and will have too much hardship on the neighbors.

Supervisor Self questioned the exact location of the facility at this time, the corn has grown and it is hard to see where everything would be located. Mr. Self stated that he didn't realize a decision on this would be made tonight, but doesn't want to hold it up any longer.

Mr. Mitchell Jett asked the Board what they needed to make their decision.

Supervisor Self asked if the back of the woods is flat enough for this building. Mr. Mitchell Jett stated that yes it was flat.

Mrs. Swift provided a sketch of approximately where the building would go, she stated that the Health Department will not come in there to let her know about where the drainfield would be until the corn is cut.

Upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin, the board voted to approve the request by Mitchell Jett, owner and Phyllis Swift, applicant, for a permit to operate a commercial boarding/breeding kennel at 38 Blundons road near Burgess with the following conditions:

1. The operator of the kennel must be in compliance with all federal, state and county statutes and shall adhere to Title 3.1 Chapter 27.4, "Comprehensive Animal Law", of the Code of Virginia;
2. No more than 40 units will be allowed;
3. All exterior lighting shall be shielded and directed downward as to not reflect on adjoining properties;
4. An evacuation plan to safeguard people and animals in case of an emergency must be submitted to the Zoning Administrator;
5. Smoke and carbon monoxide detectors as well as fire extinguishers shall be installed in the building in accordance with the Virginia state building code;
6. A site plan for the kennel and buildings is required and shall include:
 - a. Location to scale of all the existing and proposed buildings on the property;
 - b. Location to scale of all fenced-in enclosures;
 - c. Dimensions showing the distance of existing and proposed buildings from existing property boundaries;
 - d. Location of any underground containers, including any water wells or septic tanks within the vicinity of the kennel;
 - e. Source and location of water supply; and,
 - f. Sanitary maintenance, including provisions for collection and disposal of excrement and other waste material, and surface drainage;
7. Veterinary care as required by federal, state and local statutes must be provided and documented and the documentation open for inspection by the Animal Control Officer;
8. Adequate supervision and monitoring of the site must be continuously maintained;
9. Unannounced inspections of the site will be conducted by County Staff in order to check compliance with the Conditional Use Permit. County Staff includes the Northumberland County Zoning Administrator and the Animal Control Officer or their designees;
10. The Conditional Use Permit is valid for two years at which time the kennel must be completed no later than July 10, 2010 or the permit will expire and the applicant must re-apply for Board approval to continue.
11. The Conditional Use Permit is non-transferable.

12. The kennel must be located no more than 100 feet from the edge of the woods at the farthest point of the woods on the northeast side of the dwelling.

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 – NAY

RE: REQUEST BY WILLIAM L. BURGESS FOR A SPECIAL EXCEPTIONS PERMIT TO MAINTAIN A JUNKYARD/AUTOMOBILE GRAVEYARD ON RT. 200, AT 3450 JESSIE DUPONT MEMORIAL HIGHWAY NEAR GLEBE POINT

County Administrator Eades described the request.

Mr. Billy Burgess, applicant stated that cars have been stored on this property since 1959. He would like to keep the same operation as it is now and even downsizing it some. He stated he tows for the Sheriff's Office sometimes and various others that need him.

Public Hearing Open

Mr. Ron Herring stated he speaks on Mr. Burgess's behalf. He said back in 1958 his family did business with him when they needed a part for the car. Mr. Burgess stores old classics.

Mr. David Jett, Pastor at Lighthouse Baptist Church who is new to the area stated that Mr. Burgess is letting him live at the house adjoining the automotive graveyard and it is not an eyesore. This should be grandfathered from regulations.

Mr. Paul Jones stated he does not see any real problem. His wife has a business across the street and doesn't see it as a problem.

Mrs. Peggy Jones stated that the property stays clean and neat.

Mr. Lynn Young said he is not for it, nor against it. He is concerned who will regulate it.

Mr. Gordon Burgess from Reedville stated that fluids from the cars could be a hazard and needed to be considered.

Ms. Ginny Estelle inquired about the ground water contamination.

Public Hearing Closed

Chairman Jett asked Mr. Burgess if he would have set office hours. Mr. Burgess stated he wouldn't.

Supervisor Long questioned the Laws regulating this operation. Mr. Burgess explained the Environmental Protection Agency continuously monitors him.

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

1. The site must be completely screened from view from the highway and from adjoining dwellings

The vote on the motion is as follows:

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

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

PUBLIC COMMENT PERIOD

Mr. Jeffery Tarlton stated that Ms. Tarlton has been the Choir teacher at Northumberland County Middle School for 13 years and wanted the Board to know that the School Board removed her this year. Mr. Tarlton acknowledged her accomplishments at Kings Dominion competitions where they have competed. The people in the community have supported her as the choir teacher and this year she has been re-assigned to the pre-school teaching position. He stated she was told that they are seeking other methods to keep the program. He asked the Board members to request the School Board to keep her as the choir teacher.

Chairman Jett stated they are not in control of the School Board. Mr. Tarleton thanked the Board for listening.

Mr. Lee spoke concerning the decision to allow Ms. Swift's dog kennel license. He said it was a disappointing night and he has a legal team that will challenge the decision. Mr. Lee questioned the amount of dogs that were allowed. He said this has changed the community, and has lowered the property values. He said there should be a law that if the property value is lowered, the Government should reimburse. He stated this issue is discriminating and the Board had a chance to do the right thing.

Mr. Lyn Young appreciates the blacktop that has been put down and the county needs to think about Ditchley.

Mr. Dick Saxor stated that sometime ago the Board voted to get an expensive sound system and that they needed to speak into the microphones. He also suggested having feedback from the public if a subject is tabled with no public hearing advertised.

RE: ADJOURNMENT

Upon motion by A. Joseph Self, Sr., the Board voted unanimously to carry the meeting over to August 14, 2008 at 5:00 p.m. 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