

**Board of Supervisors Meeting
June 12, 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, June 12, 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

Reverend Gayl Fowler, led the invocation.

RE: PLEDGE OF ALLEGIANCE

Mr. Allyn Gemerick led us in the Pledge of Allegiance.

RE: APPROVAL OF MINUTES FROM MAY 5, MAY 8 AND MAY 29, 2008

Upon motion by Thomas H. Tomlin duly seconded by A. Joseph Self, Sr. the Board voted unanimously to approve the minutes from the previous meetings on May 5, May 8 and May 29, 2008. A correction to the May 29, 2008 minutes which involved the code reference of animals was 15.2-1218 and should have been 15.2-1200. 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: APPROVAL OF AGENDA

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the Board voted unanimously to approve the agenda for today's meeting with one change. Supervisor Tomlin called a closed meeting to discuss a legal matter. 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: MR. CLIFTON BALDERSON, ASSISTANT RESIDENCY ADMINISTRATOR, VDOT

Mr. Balderson advised the board that mowing of the secondary roads will be finishing up soon. As soon as that is completed, the second mowing of the primary roads will begin the first of July. Mr. Balderson gave an update on the Ferry stating that it is being built in Deltaville and is expected to be completed in September or October.

Supervisor Long asked for a sign on Light Street to be checked.

Supervisor Self asked what would be discussed at the meeting on June 26, 2008. Mr. Balderson said Land Use would be discussed, along with Access Management that would affect Primary and Secondary roads.

Supervisor Self said there are some drainage problems beside Gregory Basye's driveway that need to be corrected.

RE: CAPTAIN MATT SCASSERO, NAVAL AIR WARFARE CENTER AIRCRAFT DIVISION VICE COMMANDER, PATUXANT RIVER NAVAL AIR STATION

Mr. Scassero thanked the Board for letting him come and speak. He said that the Naval Air Station has not been in close contact with this side of the river and he wanted to get familiar with this area. He stated they wanted to get in touch with matters in the Northern Neck as they are in Maryland. Increase exposure will let the people of Maryland know what this area is all about to help the tourism. Mr. Scassero also discussed the problems with unusual air activity and handed out contact numbers if there was any problem.

RE: MR. ALLYN GEMERICK, PRESIDENT, BAY AGING

Mr. Gemerick stated this visit is a repeat from last year. He requested Board's approval to apply for a grant in order to build apartments for senior citizens in the Reedville area. He said that he has a July 10th deadline to submit the application.

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

**RESOLUTION
BAY AGING HOUSING FOR THE ELDERLY
PROGRAM**

WHEREAS, Bay Aging is submitting an application to the U. S. Department of Housing and Urban Development Section 202 Supportive Housing for the Elderly Program for the purpose of building and operating up to **24** apartments in Northumberland County, Virginia, for persons age 62 years of age or older: and

WHEREAS, studies have substantiated the need for such housing in Northumberland County; and

WHEREAS, housing of this type will have a substantial positive impact upon the housing needs of the community; and

WHEREAS, it is a goal of the Northumberland Board of Supervisors to assure an adequate supply of affordable, appropriate housing for all citizens of the County.

NOW, THEREFORE, BE IT RESOLVED that the Northumberland County Board of Supervisors hereby endorses the application of Bay Aging for funding through the U.S. Department of Housing and Urban Development Section 202 Supportive Housing for the Elderly Program.

Supervisor Tomlin spoke up and asked if the grant is approved today, will it come back to the board to get approval for a conditional use? He is concerned with the density of a 24 apartment complex on 4.5 acres. He

stated it is a good program but doesn't want to be in a position where the Board is forced to approve this project. Mr. Gemerick stated that the resolution states up to 24 apartments and they are not necessarily tied to the land if they would like to find another piece of land to locate the complex. Supervisor Tomlin stated he supported this as long as the resolution states up to 24 apartments and we were just supporting the application for a grant at this point.

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: MR. JOE MADEJ, EXECUTIVE DIRECTOR, ECONOMIC DEVELOPMENT COMMISSION

Mr. Madej briefly went over the progress the Economic Development Commission has made over the last quarter. He mentioned an expansion to an existing business in the area that will provide fish to a very large retailer. The fish farming operation sends approximately 1000 pounds a week to the market and will be labeled “organically grown in Northumberland County”. Mr. Madej's full report is filed with the papers of this meeting.

RE: BUILDING PERMIT REPORT

2008

2007

Total construction cost for the month	\$ 4,674,355.00	\$ 4,690,842.00
Total Bldg. Permit Cost for Month	\$ 6,533.96	\$ 7,770.12
Total Zoning Permit Cost for the Month	\$ 3,260.00	\$ 4,320.00
Total Levy Fee for the Month	\$ 109.43	\$ 136.49
<i>Total Construction cost year to date</i>	\$24,398,796.00	\$28,759,331.50

RE: RESOLUTION TRANSPORTATION FUNDING

Mr. Eades advised the board he had received a letter from Virginia Association of Counties requesting the County to send a resolution on the states transportation funding issue.

Supervisor Tomlin stated this is just asking the government to tax us more. We can send all the resolutions we want but it is a waste of time, nothing is going to happen. Chairman Jett agreed it was a waste of time

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

**RESOLUTION
 TRANSPORTATION FUNDING**

Whereas, an efficient transportation network is crucial to sustainable economic growth in the Commonwealth, a cleaner environment and enhanced public safety and quality of life; and

Whereas, the Commonwealth faces a documented transportation funding shortfall including a recurring and inflating road maintenance funding shortfall resulting in the Commonwealth Transportation Board eliminating

and reducing programmed project spending totaling \$1.1 billion in the new six-year transportation program; and

Whereas, the Virginia Department of Transportation is transferring almost \$400 million in Fiscal Year 2008 from road construction funds to support road maintenance activities; and

Whereas, the eliminated and stalled project monies include primary, urban, and secondary construction funding reductions to regions and localities of up to 44 percent for Fiscal Year 2009; and

Whereas, funding for new highway and bridge construction is diminished as the annual road maintenance shortfall continues to escalate and the estimate to repair the Commonwealth's 1,700 deficient bridges totals more than \$3 billion; and

Whereas, regions of economic importance to the Commonwealth, including Hampton Roads and Northern Virginia, confront major transportation funding challenges in addition to those shared by all other areas of the Commonwealth; and

Whereas, transferring state general funds to transportation neither adequately supports documented and recurring transportation infrastructure investment needs, nor serves to protect the Commonwealth's additional core services including public education, health care, mental health and retardation, and public safety; and

Whereas, Virginia has the nation's seventh lowest motor vehicle sales tax rate and the Commonwealth last enacted dedicated, new, significant and recurring annual statewide revenues for transportation in 1986, including the last increase in Virginia's modestly low gas tax rate of 17.5 cents per gallon; and

Whereas, since 2006 the Commonwealth has enacted significant reforms to improve the coordination between transportation and local land-use planning;

Now, therefore, be it resolved that, the Northumberland County Board of Supervisors hereby calls on the Governor of Virginia and the Virginia General Assembly during the forthcoming transportation special session to enact a significant transportation funding package to include dedicated, new, significant and recurring annual revenues to address the Commonwealth's documented transportation infrastructure needs.

And, be it further resolved, that the Governor of Virginia and the Virginia General Assembly are urged to enact dedicated, new, significant and recurring annual revenues to eliminate the road maintenance shortfall; increase funding directed to interstate and primary highways, urban and secondary roads, and transit projects; guard against the transfer of general funds to transportation; and address the unique transportation needs of specific regions of the Commonwealth including initially Hampton Roads and Northern Virginia.

The vote on the motion is as follows:

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

RE: INDOOR PLUMBING PROGRAM

Mr. Eades stated that the current administrator for the County's Indoor Plumbing Program needs to be renewed.

Upon motion by Richard F. Haynie, duly seconded by James M. Long the Board voted to renew the Indoor Plumbing Program with Bay Aging. 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: NORTHERN NECK RURAL DEVELOPMENT COALITION MONEY

Mr. Eades stated that he has been informed about an organization called the Northern Neck Rural Development Coalition which was established in 70's or 80's. He stated he can not find a lot of information about it but there has not been a meeting since 1994. The Coalition was established to promote farming operations and there is a bank account that contains about \$40,000. We have been requested to dissolve the Coalition and forward the money to a non-profit organization that promotes farming. There needs to be an appointment so there can be a Coalition meeting to dissolve it and make a decision on where to allocate the money. Mr. Eades said that, since the Northern Neck County Administrators meet on a regular basis it would be proper to appoint himself to the Coalition and there could be a meeting called when the Administrators get together again.

Upon motion by A. Joseph Self, Sr. duly seconded by Richard F. Haynie, the Board voted to suggest the money goes to the Northern Neck Farm Museum and appoint Kenneth Eades to the Coalition. 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: APPROPRIATION FOR FISCAL YEAR 2008, MIDDLE/HIGH SCHOOL PROJECT

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to appropriate \$19,678,192 to the expenditure side line item 9103-7024 and to the Revenue side "Bond Proceeds" 30-2200-110000. This appropriation is for the FY 08 payments made to the Contractor by Regions Bank, who holds the 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 – NAY	

Supervisor Tomlin's vote was due to the financing as stated before.

RE: APPROPRIATIONS FOR SHERIFF OFFICE

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

- 1) \$30,000 to line item 3102-5408 to cover the cost of fuel for the police cruisers, due to increased cost of gas not budgeted in FY 07-08.
- 2) \$6,232.64 to line number 3102-1001 for supplemental pay to the Sheriff for handling the Animal Control operations.
- 3) \$1,982.00 for Anthony Darby for being promoted to Sergeant
- 4) \$2,271.00 for Ed Burgess for being promoted to Dispatch Supervisor.

- 5) Jim Bruce - \$3,358.00 – was promoted from an L9 to L12
- 6) Greg Keyser - \$3,253.00 – for assignment of extra duties
- 7) Libbie DeGaetani - \$2,582.00 – promoted from SEC I to SEC II

*Amounts come from the Compensation Board turnover funds from Employee changes that took effect on January 1, 2008

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	

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the board voted to appropriate the following:

- 1) Claim Reimbursement for 2007 Ford Crown Victoria-accident damage

3102-3012 - \$13,543.17
3102-7004 <u>250.00</u>
\$13,653.17
- 2) Claim Reimbursement for 2007 Ford Crown Victoria – accident damage

3102-3012 \$4,672.44

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: DOGS ON HIGHWAYS

The board discussed other options with the problems brought to their attentions at last months meeting with dogs on the highways.

RE: ASSIGN A HIGHWAY DISCUSSION

Mr. Eades advised the Board that he gets a report from the Assign a Highway Program where probationers pick up litter along the roads as part of their community service. Mr. Eades asked if there was a road that any of the Board members wanted picked up to let him know. Supervisor Long suggested Light Street.

RE: APPROVAL OF CHECK REGISTER

Upon motion by James M. Long, duly seconded by Richard F. Haynie 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

The Board Members didn't have any comments.

RE: CLOSED MEETING

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr., the Board voted unanimously to convene into closed meeting to discuss the pending case with Ree Ellis as permitted by Virginia Code Section 2.2-3711 (A) (7). 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 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 the pending case with Ree Ellis.

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

Upon motion by Thomas H. Tomlin, duly seconded by Richard F. Haynie, the Board voted unanimously to seek an order to have the signs removed and allow people to have unrestricted use of the boat ramp and pier on Cranes Creek. The vote on the motion was:

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

Public Hearings

RE: REQUEST BY JOHN H. LEE FOR A PERMIT TO LOCATE A DWELLING UNITY IN A BUILDING ZONED B-1; BUSINESS GENERAL AT 5125 JESSIE DUPONT MEMORIAL HIGHWAY IN WICOMICO CHURCH

Zoning Administrator W. H. Shirley described the request. He received one letter in support from the Economic Development Commission. The request was tabled last December for Mr. Lee to get all the permits and licenses he needed.

Mr. John Hendrickson stated that Mr. Lee is a friend of his and wanted to say that Mr. Lee bought the building that was zoned B-1 with the plan to have an office building downstairs and an apartment in the upstairs. This goes along with the Village Concept of the Comprehensive Plan.

Public Hearing Open

Mr. John Hendrickson spoke again to say that Mr. Lee is a fellow business man and a good business man. This will bring in more tax money.

Mr. Gerard Belinger stated that the renovations completed thus far look good.

Public Hearing Closed

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board voted to approve the request as presented as a one family unit. 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

Supervisor Tomlin commented that the project is consistent with the 3 other buildings that have dwelling units above businesses and this is an improvement to the property.

RE: 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

Zoning Administrator Shirley described the request.

Phyllis Swift thanked everyone for coming out to support her. She said this started out as a hobby and now is a small business on 14.5 acres of land, she said she wanted to make it better by building a shelter building. She stated that the pens are cleaned twice daily and surpass anything in the area. In the field behind the house she keeps dogs, cats, box turtles and birds, she has never received a complaint before December 2007 after the first advertisement appeared in the paper. She asked not to be called a “puppy mill” and invited anyone to visit.

Mr. Mitchell Jett owner of the property said that he is speaking on Phyllis’ behalf. She is a good employee, and has a good dog breeding facility which is her life long dream. He is helping her to start this business. Mr. Jett told a story of a dog named “Honey” that Phyllis helped and stayed with to have 16 puppies.

Public Hearing Open

Ms. Stephanie Dodson stated that she had bought a puppy from Ms. Swift and that it was covered in fleas and ticks and needed to be de-wormed. She requested papers for the dog and never received them including the health records.

Ms. Jenny Ritter stated that she has boarded her spaniel there off and on for 3 years and is very pleased with the facility, Phyllis has a true love for animals.

Mr. Ritter stated his support for Ms. Swift.

Mr. Jim Sinclair representing the 4 adjoining property owners said he has reviewed the land use ordinances of the County and within the zoning guidelines there are factors to consider 1) the noise factor, the barking is constant. 2) If request is granted, then it will change the character of the residential area. He said the guidelines require a scaled drawing for the location of the building.

Mr. Don Lee, neighbor stated that the barking is a problem and has called the dog warden 52 times. He referenced another neighbor's complaint, Mr. Funn, who also said the barking is a problem. Mr. Lee said Supervisor Long had visited with him at 6 p.m. and listened to the barking of the dogs. Mr. Lee questioned Chairman Jett's blood relationship with the owner of the property Mitchell Jett. Chairman Jett stated he is a distant kin and asked County Attorney, Les Kilduff if this was a conflict and should he remove himself. Mr. Kilduff stated it was not a conflict and he did not have to remove himself from the discussion. Mr. Lee proceeded to say that he breed dogs for 30 years in New Jersey and questioned the breeding of the dogs.

Mrs. Churchhill of 288 Blundons Road stated that the dogs do not bark all the time and that she keeps a nice place.

Mr. Bill Delevern has boarded his dog many times at Ms. Swifts and his dog is well treated. The dogs do bark but quiet down. He supports her request.

Denise Jett stated that her daughter helps Phyllis out with cleaning the pens and watering the animals. She said this is a clean place and that she has bought two dogs herself from Phyllis.

Mr. Luther Welch said he has lived here for 76 years and has 20 cows and asked if he increased his herd does he have to come before the board too? Dogs were put on this earth and Phyllis will take care of the animals.

Mr. John Cole said that he takes his lab there to be boarded and Phyllis takes good care of our dog. He recommends that request should be approved.

Mr. Allen Thomas told a story about boarding his cats at Ms. Swift's and is in support of her.

Mr. William Shultz stated he has seen a lot of things but has never seen anyone love animals like Phyllis. Dogs bark, which is there nature and there is no barking law in Northumberland County, this is the country.

Mr. Don and Nancy Roman stated that they got one of the puppies of the dog "Honey". She said they drive by the place everyday and never hear any barking.

Ms. Tonya Creasy stated she is not against a well managed place but her concern is with all the puppies.

Mrs. Betts stated that the issue is the location and dogs are going to bark and they need to find a commercial location.

Mr. Mike Worsham states that he has confidence that the dogs are treated well and that this is a rural area.

Mr. Roland Rice stated that his neighbor has 4 dogs and they keep him awake, he is annoyed by dogs.

Mr. Kenny Vanlandingham who lives in Sunnybank stated that his neighbor has dogs and he has dogs and they bark too but there is nothing you can do. He takes his dogs to Phyllis' and she takes good care of them.

Mr. Tom Donahue said he had been around dogs all of his life and Phyllis is number one with dogs.

Public Hearing Closed

Phyllis Swift spoke on the zoning of the land, stating that the land is Zoned Agriculture, not residential. This will be 40 dog runs under a roof and it will be screened properly.

Supervisor Long stated he knows Ms. Swift and its not about the love and care of the animals but its about the impact it has on the neighbors because of the constant noise and it will decrease land value, he cannot support this.

Chairman Jett asked County Attorney Kilduff if he agreed that the scaled plan is required. Mr. Kilduff stated it can be read either way.

Ms. Swift spoke up and said she could not do a scaled drawing because it will depend on where the septic tank will go and she doesn't know that yet.

Upon motion by Richard F. Haynie, duly seconded by A. Joseph Self, Sr., the Board voted to postpone the request until we can clarify the location and settle some of the concerns.

Mr. Kilduff stated that the location is a material factor and if it's the location, then we would need to hold another hearing.

Supervisor Self suggested getting a legal opinion.

Supervisor Haynie withdrew his motion and Supervisor A. Joseph Self withdrew his second to the motion.

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie the Board voted to continue the matter until they get further legal opinion on the application requirements and if a scaled drawing is required. A decision will be scheduled next month.

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

Supervisor Tomlin stated he supports the motion that they need legal advice, he also does support request with conditions.

Supervisor Long stated a decision should be made and he can not support the request.

RE: MOTION TO LOOKING INTO APPLICATION PROCESS

Upon motion by Thomas H. Tomlin, duly seconded by Richard F. Haynie, the board voted to get the Planning Commission to look into their application process. 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 – YEA	

**RESOLUTION
PLANNING COMMISSION**

WHEREAS, the Northumberland County Board of Supervisors recognizes that the original zoning ordinance has never had a defined application process; and

WHEREAS, the same Board would like to update the zoning ordinance to have an application process; and

WHEREAS, the first step in this process is to ask the Planning Commission to review the zoning ordinance and develop an application process;

NOW, THEREFORE, BE IT RESOLVED that the Northumberland County Board of Supervisors would like for the Northumberland County Planning Commission to review the Northumberland County Zoning Ordinance and develop an application process and further report this information back to the Supervisors for a discussion.

RE: REQUEST BY RICHARD AND LOUISE CZWARTACKI FOR A PERMIT TO CONSTRUCT A PRIVATE STORAGE BUILDING ON AN UNDEVELOPED LOT OFF WHAYS CREEK COVE LAND NEAR HAYNIE POINT

Zoning Administrator Shirley described the request. He received no comments to the request.

Mr. Czwartacki stated that he was restricted on places to put a house and has decided to build a structure before the home.

Public Hearing Open

No comments made

Public Hearing Closed

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the board voted to approve the request with the following conditions: 1. The building must be located on the property as shown on the site plan submitted with the application; and 2. The building may not be used for any commercial purpose.

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: REQUEST BY MARY ALICE EUBANK, OWNER AND LIVING WATER LUTHERAN CHURCH, APPLICANT FOR A PERMIT TO ESTABLISH A CHURCH IN MRS. EUBANK'S BUILDING AT 83 BLUFF POINT ROAD NEAR KILMARNOCK

Zoning Administrator Shirley described the request. He received one comment in support.

Mr. Sam Simonavich representing Living Water described the project and they would use the building for Sunday Services. He stated they are currently in need of space and they have been worshipping together for 6 years.

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the board voted to approve the request with the following condition: The building must be inspected and approved by Building Official for the proposed use as a church.

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: REQUEST BY JAMES L. DUNN FOR A CHANGE IN ZONING DISTRICT CLASSIFICATION TO REZONE TAX MAP PARCEL 36A-(1)67 FROM BUSINESS; B-1 TO WATERFRONT RESIDENTIAL; R-2 FOR THE PURPOSE OF CONSTRUCTION 28 CONDOMINIUMS

Assistant County Administrator Luttrell Tadlock described the request.

Mr. Dunn stated that the change from B-1 to R-2 is the only change. The building will stay the same and if the zoning stays B-1 the mechanical units will be on the roof, and if it is rezoned to R-2 they will not be on the roof.

Public Hearing Open

Ms. Francis Ashburn stated that she wishes Mr. Dunn well but asked about parking and stated she hoped it would be enough. Mr. Dunn stated that parking had been platted and complies with the zoning ordinance.

Ms. Ann Belinger stated she is opposed because it is overbuilt for the property.

Ms. Sandi Harris agreed with Ms. Belinger and is concerned because it is inconsistent with the business concept in the Comprehensive Plan.

Mr. Gerard Belinger stated the building is out of character for the neighborhood.

Mr. Joe Madej stated it doesn't appear to him that there is a market for condos in this area.

Mr. Lee Allain is opposed and stated that this is the type of business we don't want in the area.

Ms. Paula Hudson lives three doors down and asked about the Bay Act Exception whether or not the building is already grandfathered. Mr. Shirley responded by stating that it was grandfathered.

Public Hearing Closed

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long the Board voted to deny the request.

Supervisor Tomlin stated that this is a "Bad Penny" and it keeps showing up with Mr. Dunn. He said Mr. Dunn had made a business decision and it is not the

Board's job to bail people out of any decision. The density is excessive and if it were approved, this type of request would be creeping up everywhere. I don't want to see high rises everywhere.

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 – YEA	

Mr. Dunn wanted to clear up some comments and stated that he owned that property free and clear and he did not make a poor business decision.

Supervisor Tomlin stated to Mr. Dunn that there are people that do make bad business decisions and he isn't implying that to Mr. Dunn.

RE: CONSIDERATION FOR AN AMENDMENT TO THE ZONING ORDINANCE TO INCLUDE PROVISIONS FOR “ADULT BUSINESS”

Assistant County Administrator Tadlock described the request and stated the Planning Commission recommends the amendment.

No comments were made in the Public Hearing.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to approve the request with the violation deleted out of the section (Violation section deleted because it will be within the zoning ordinance and there are provisions there already). 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 – YEA	

RE: SIGNAGE RESOLUTION TO BE SENT TO PLANNING COMMISSION

Upon motion by Ronald L. Jett, duly seconded by James M. Long, the board voted to send a resolution to the Planning Commission to review the signage rules and regulation in the County.

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 – YEA	

**RESOLUTION
PLANNING COMMISSION**

WHEREAS, the Northumberland County Board of Supervisors recognizes that the original zoning ordinance has not been updated on signage regulations since its adoption; and

WHEREAS, the same Board would like to update the zoning ordinance on signage regulations; and

WHEREAS, the first step in this process is to ask the Planning Commission to review the zoning ordinance to recommend an amendment to the ordinance for signage regulations;

NOW, THEREFORE, BE IT RESOLVED that the Northumberland County Board of Supervisors would like for the Northumberland County

Planning Commission to review the Northumberland County Zoning Ordinance and recommend updated signage regulations.

PUBLIC COMMENT PERIOD

Mr. Spud Parker asked about the microphone problems during the Board Hearings. He then commented on the kennel problem.

Ms. Ginny Estell made a comment on how nice the welcome signs look in the county.

End Public Comment Period

RE: ADJOURNMENT

Upon motion by A. Joseph Self, Sr., the Board voted unanimously to carry the meeting over to June 26, 2008 at 6p.m. 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

Kenneth D. Eades, Clerk