

**Board of Supervisors Meeting
November 13, 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, November 13, 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 Lee Farmer, Coan Baptist Church held the invocation.

RE: PLEDGE OF ALLEGIANCE

Reverend Farmer also led in the Pledge of Allegiance.

RE: APPROVAL OF MINUTES FROM OCTOBER 9, 2008.

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the Board voted unanimously to approve the minutes from the previous meetings on October 9, 2008. 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 Thomas H. Tomlin duly seconded by James M. Long, 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, VDOT RESIDENCY ADMINISTRATOR

Mr. Trapani briefed the Board on fixing potholes in the area as well as snow preparations.

A public hearing is scheduled for December 2, 2008 for the pipe replacement project on Rt. 201. Construction should start in the year 2010 and the reason for the hearing is to provide information on the detour around the Rt. 201 project.

Supervisor Tomlin asked if this was all state money used in this project. Mr. Trapani stated this has been funded for a long time and the pipe needs to be replaced soon.

RE: CLINT STABLES, SCHOOL SUPERINTENDENT

Mr. Stables stated they are taking a hard look at the budget numbers and the problem is going to be with the state funding. The state is anticipating less revenue due to the fewer sales therefore this will trickle down to the localities. The good news is that since fuel costs have dropped, this is saving the school system around \$100,000.

RE: SPECIAL APPROPRIATIONS

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

\$ 7,703.00 – Reimbursement for College Board Examinations & NSBA membership.

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	

Mr. Stables reported that High School's Fall Sports did very well and they will hold their sports banquet on December 3, 2008.

RE: NEW SCHOOL OPENING SCHEDULE

Mr. Stables stated they are planning the closing ceremony for the Old High School which will be on February 28, 2008 and the move into the new school will be on March 26th and 27th. Ms. Trudi Cassidy of the audience questioned the capacity of the school as well as various costs. Chairman Jett stated this has been an ongoing project for several years and now is not the time to go over all the aspects.

Supervisor Long asked how much would we see in state cuts from the state. Mr. Stables advised him that he does not know yet.

Mr. Manual Haynie, in the audience, asked why move to the new schools in March and not June? Mr. Stables explained that he has asked the Senior Class and they really want to be the first to graduate in the New School. Also, the decision was made due to the lack of air conditioning in the old Middle School and we will be paying for the utilities in the new building.

RE: MS. DONNA THOMPSON, EXECUTIVE DIRECTOR, SCENARIO, INC., LIGHT STREET PROJECT

Mr. Johnny Hawks stated that Ms. Thompson was unable to attend the meeting. Mr. Hawks stated that the Light Street Community had a meeting on October 7, 2008 to discuss getting grant assistance for a rehab project. The meeting consisted of 28 members of the community.

Mr. Will Harris, President of Scenario, stated they have had much success in the past with projects in King & Queen. He asked with the County's permission they would like to apply for a DHCD Planning Grant. The county would be responsible for a 25% match and the maximum that can be requested is \$1,000,000. The planning grant can be submitted at anytime but the project grant deadline is March 2009. The project will benefit low to moderate income families and involve new construction or rehab, new wells and septic systems.

Mr. Eades asked why would the county use Scenario, Inc. when we have used the Planning District Commission in the past? Mr. Harris did not have an answer and asked if the question could be directed to Mrs. Thompson at the Board's next meeting.

The Board advised Mr. Eades to talk to Ms. Thompson to obtain more specific information and address the questions to her.

RE: BUILDING PERMIT REPORT

	2008	2007
Total construction cost for the month	\$ 2,560,056.00	\$ 4,416,014.00
Total Bldg. Permit Cost for Month	\$ 5,430.08	\$ 8,663.13
Total Zoning Permit Cost for the Month	\$ 2,550.00	\$ 2,630.00
Total Levy Fee for the Month	\$ 130.28	\$ 4,720.00
<i>Total Construction cost year to date</i>	\$50,797,459.60	\$62,915,635.09

RE: APPOINTMENT OF MR. RUBIN THRIFT, WORKFORCE INVESTMENT BOARD

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to appoint Mr. Ruben Thrift of 249 Bay View Lane, Heathsville, Virginia 22473 to the Workforce Investment Board. Mr. Thrift works at the Bank of Essex in Burgess and will serve as Northumberland's Business Representative. This appointment is for a four year term. 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: EMERGENCY ORDINANCE; TWENTY FIVE DOLLAR JAIL PROCESSING FEE.

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long and unanimously carried by the Board, it was voted to adopt the following emergency ordinance.

Processing Fee Imposed to Certain Individuals.

Pursuant to the authority of Section § 15.2-1613.1 of the Code of Virginia, there shall be a processing fee of \$25.00 assessed against any individual convicted to serve any time in jail by any court sitting in the County of Northumberland, Virginia. Said processing fee shall be collected by the Clerk of the Court that rendered the conviction and deposited into such account that the Treasurer of the County of Northumberland shall designate for the collection of the processing fee. Monies collected pursuant to this section shall be disbursed subject to the appropriation of the Northumberland County Board of Supervisors to the Sheriff of Northumberland County to defray the processing costs of admitting arrested persons to the local or regional jail. Effective date of this emergency ordinance is November 13, 2008.

The following vote was taken:

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

The Board directed Mr. Eades to advertise this ordinance for the next meeting.

RE: NO WAKE INFORMATION

Mr. Eades gave an update that he received from the Department of Game and Inland Fisheries on No Wake areas that will separate 2 areas in the Little Wicomico area. The Board directed Mr. Eades to get the areas mapped out in detail for the next meeting.

RE: HUNTLEY SEWER REQUEST

Mr. Eades stated that Ms. Rosie Huntley of Callao requested her sewer connection fees be waived or lowered due to the easement that she gave the County when the project was being constructed.

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to deny the request because the vast majority in Callao gave easements without compensation. 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: LETTER RECEIVED FROM CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT ON ROSA LIMA REQUEST

Mr. Eades stated he had received a letter from the Chesapeake Bay Local Assistance Department (CBLAD) on the Rosa Lima's request heard a few months ago. The letter cited the VIMS report that stated the bank could be stabilized without grading.

RE: VERIZON LETTER RECEIVED

Mr. Eades stated he receive a letter back from Verizon concerning the county's complaint to the State Corporation Commission for lack of services in the 580 and 453 exchanges. The letter received stated that they have no intention of improving services to these exchanges due to the low population density.

RE: KNIGHTS LANDING EASEMENT

Mr. Eades stated that he had received a request from John and Kimberly Roberson to vacate an existing drainage easement in Knights Landing Subdivision because the recorded easement went through the dwelling that was located on the property. The change would put the easement adjacent to the property line.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to approve to vacate an easement in Knights Landing Subdivision. The following vote was taken:

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

RE: ABSTRACT VOTES

Mr. Eades read the following votes from the Election that took place on November 4, 2008 in Northumberland.

President and Vice-President

Barack Obama and Joe Biden	3,312
John McCain and Sarah Palin	4,041
Chuck Baldwin and Darrell L. Castle	6
Bob Barr and Wayne A. Root	15
Cynthia McKinney and Rosa Clemente	1
Ralph Nader and Matt Gonzalez	19
Write In	12

United States Senate

Mark R. Warner	4,285
James S. "Jim" Gilmore III	2,928
Glenda Gail Parker	35
	34

William B. Redpath	
Write In	5

Member of the House of Representative

Bill S. Day, Jr.	2,381
Robert J. "Rob" Wittman	4,727
Nathan D. Larson	42
Write In	1

RE: REQUEST FOR A LEASH LAW AT SMITH POINT MARINA AND LITTLE RIVER CAMP GROUND.

Mr. Eades stated he had received a request for a leash law at Smith Point Marina and Little River Campground area. Supervisor Tomlin asked if this was two businesses. Mr. Eades stated that this request was from the marina business and campground.

Mr. Eades was directed to speak with the persons making the request and inform them this is a property control issue and they can control this issue.

RE: APPROVAL OF CHECK REGISTER

Upon motion by James M. Long duly seconded by Richard F. Haynie the Board voted unanimously approved 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	

Public Hearings

RE: VDOT ENHANCEMENT GRANT APPLICATION BY THE NORTHUMBERLAND COUNTY HISTORICAL SOCIETY TO RESTORE THE COUNTY’S OLD JAIL BUILDING.

County Administrator Eades described the request.

Ms. Jane Towner with the jail restoration group thanked the Board for their kick-off gift that was given last year. She said it was an inspiration to raise the \$30,000.00 to restore this building.

Mr. Jerry Davis was also present to discuss the application in detail and said that the Historical Society will put up the 20% match funds.

Public Hearing Open

No comments were given.

Public Hearing Closed

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr., the Board voted to approve the request to apply for the VDOT Enhancement Grant to restore the County's old jail building. 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

RESOLUTION HISTORICAL NORTHUMBERLAND COUNTY JAIL RESTORATION

Whereas, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program consider an enhancement project in Northumberland County;

Now, Therefore, Be It Resolved, that Northumberland County requests the Commonwealth Transportation Board to establish a project for the improvement of Northumberland County's Historical Jail.

Be It Further Resolved, that Northumberland County hereby agrees to pay a minimum 20 percent of the total cost for planning and design, right of way, and construction of this project, and that, if Northumberland County subsequently elects to cancel this project, the County hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

RE: REQUEST BY LEON EDWARDS FOR A PERMIT TO ESTABLISH A SERVICE AND REPAIR SHOP AT 635 BLUNDON ROAD NEAR FAIRPORT

Zoning Administrator W.H. Shirley described the request. He stated that he received 2 written objections.

Mr. Edwards stated he just wanted to repair 2 to 3 boats at a time. He said he had 72 signatures from area people that signed a petition in his favor. Mr. Edwards stated he had paid to clean up the area and his family has owned the land since 1901. He said one mile down the road from this site, was an owner that has a similar permit.

Supervisor Tomlin asked when was all the material was removed. Mr. Edwards said a year to a year and a half ago. He explained that he does have metal there that he plans to use to put up a fence. He also has 3 outdoor motors that he wants to donate to the museum.

Public Hearing Open

Mr. Mike Baughan spoke on behalf of Mr. Edwards stating he is a good teacher and is very open minded. He said he helped Mr. Edwards clean up the property. If someone is willing to work he needs to be helped out and it is his land.

Mrs. Tammy Gould stated she lives next door to the property and does not want to look at a junk yard and doesn't think a business belongs in a residential area.

Mr. Donald Gould stated he has known Mr. Edwards all of his life and knows he will junk the property back up.

Mr. Frank Fletcher said he doesn't envy the Board on making a decision. He questioned if Mr. Edwards has a legal right to do this type of business on the property since boat building is a permitted use. He said if this is a matter of public health, or is it a matter of being a nuisance.

Mr. William Spencer stated he came out to show his support to Mr. Edwards. He is a good guy and doesn't see what the fuss is all about.

Mr. Wallace Redmond spoke in support of the request stating he knows Leon and he has helped him with his boats and thinks people can use his skills.

Mr. Ron Herring said he met Leon when he first came down here and his marine repair business is what he is good at. He stated that, "the area was here when (you) got here and he hopes it is here when (you) leave".

Public Hearing Closed

Zoning Administrator, Shirley read the recommended conditions.

Upon motion by Ronald L. Jett duly seconded by James M. Long, the Board voted to approve the request.

Supervisor Tomlin questioned one of the conditions, (neat and free of debris) which were recommended by Staff. Mr. Shirley stated he hopes that condition will keep away from what was there before the area was cleaned. Supervisor Tomlin stated he is concerned with not having a good definition of neat and free of debris. County Attorney, Les Kilduff stated that anything that is unusable or unrelated to boats should be removed. Mr. Shirley explained that one of the conditions was not to put up a fence because the fence would look worse than what is there now.

Mr. Edwards stated his problem with the neighbors.

Chairman Jett asked Mr. Edwards how many boats are needed on the property at one time. Mr. Edwards stated 3 to 4.

Chairman Jett amended his motion, to include no more than 5 boats on the property at one time and Mr. Long concurred. The conditions are as follows:

1. The site must be kept neat and free of debris and trash; and,
2. No more than 5 boats may be kept on the lot at any one time.

The vote on the motion is as follows:

Ronald L. Jett – YEA
A. Joseph Self, Sr. – YEA

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

James M. Long –YEA

RE: REQUEST BY KENNETH EVERY FOR A PERMIT TO CONSTRUCT A 13' X 30' X 22.5' OPEN-SIDED BOATHOUSE AT 167 LAWRENCE COVE LANE IN LAWRENCE COVE NEAR DITCHLEY

Zoning Administrator, Shirley described the request. He stated he had received 26 objections.

Mr. Every spoke to the Board and said that all the adjoining neighbors have agreed to support this request.

Public Hearing Open

Ms. Tammy Saunders stated she didn't see the problem if all neighbors have agreed with the boathouse.

Mr. Maurice Martin stated he is opposed to any boathouse on Lawrence Cove and added they are an eye sore.

Mr. William Foote stated there are fine houses on the Cove with high values and this will reduce the values. He said there is no need for boathouses.

Pat Reamy is concerned because it is a small Cove and questions what will happen to the boathouse over the years.

Mr. Douglas Cotter of 176 Little Cove Lane stated this will be a visual obstruction. If approved their will be a precedent set since there is no other boathouses on the Cove.

Mr. Ben Burton stated he lives near and is opposed to boathouses. He said this boathouse exceeds height of what the ordinance says encroaching on the rights of adjacent owners.

Public Hearing Closed

Upon motion by Thomas H. Tomlin duly seconded by A. Joseph Self, Sr., the Board voted to deny the request. 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 CONCEPCION ROCKSON, OWNER AND RICHARD MITCHELL, APPLICANT FOR A PERMIT TO CONSTRUCT A DUPLEX ON FLEETON ROAD AT TIBITHA

Zoning Administrator, Shirley described the request. He had not received any comments.

Mr. Ricky Mitchell stated he is a Class A contractor and has been here for 7 years and has bought various properties and renovated them on Fleeton Road. He said this specific piece of property would be maintained to a similar renovation to one on Airport Road in Tappahannock, Virginia.

Public Hearing Open

Mr. Charles Newland stated he boards the west side of the property and wants to make sure the property is kept up and clean.

Mr. Ron Herring stated his opinion on the other houses Mr. Mitchell has remodeled and they look okay. He is glad to see something positive like rental property.

Public Hearing Closed

Upon motion by Ronald L. Jett duly seconded by James M. Long the Board voted to approve the request with the following conditions:

1. The structure must be located on the property as shown on the site plan submitted with the application;
2. Off-street parking must be provided for a minimum of two (2) vehicles per unit; and,
3. The site must be kept neat and free of debris and trash once construction is completed.

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 CALLAO LLC. AND DAVID DEAN FOR A PERMIT TO ADD TWO (2) ADDITIONAL APARTMENTS AT 138 HARRYHOGAN ROAD IN THE OLD CALLAO SCHOOL BUILDING IN CALLAO

Zoning Administrator Shirley described the request. He did not receive any comments on this matter.

David Dean thanked the Board for the Callao Sewer project. He then explained his project by saying he has two spaces that were left vacant by a business and he would like to remodel them to apartments.

Public Hearing Open

Mr. Ben Jones stated he would like to see him add these apartments.

Ms. Bonnie Judash in support stated she is in favor because it is hard to get housing for low income.

Ms. Tammy Gould supports the project. She goes by there delivering mail and the tenants were helpful when her car broke down.

Ms. Trudi Cassaday questioned if the tenants were illegal aliens. She said we need to stop illegal aliens and questioned Mr. Dean about renting to illegal aliens. She also said the dwellings look like a ghetto and are unattractive.

Mr. Derick Jones, officer for the Northumberland County Sheriff's department stated he is a security officer part time for the apartment complex and the amount of calls from the apartments has significantly decreased from 50-60 to 10-20 calls per month.

Public Hearing Closed

Mr. Dean stated he can not discriminate his tenants. He said each apartment has its own bathroom and offered to show anyone around the apartments.

Ms. Janet Olshom gave her understanding of the requirements for when a person goes to sell or buy a home.

Supervisor Self made a motion to continue the request to give staff time to review the building and make specific recommendations on the request.

Mr. Dean requested a decision be made tonight.

Supervisor Self stated that the officer stated that the calls have dropped to 10-15 calls and that is unacceptable. Mr. Dean insisted on the Board acting on the request now rather than later.

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to deny the request. 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: AMENDMENT TO THE ZONING ORDINANCE IN ORDER TO ADD COMMERCIAL AND PRIVATE KENNELS, DEFINE THEM AND SPECIFY REQUIREMENTS FOR SUCH A FACILITY

Assistant County Administrator Luttrell Tadlock described the amendment and said that the Planning Commission worked on this wording for several months before recommending it to the Board. He stated that he received seven objections to this amendment.

Public Hearing Open

Mr. Anthony Sicka, 1445 Harding Dr., President of Harmony Hall Subdivision is opposed to have any commercial kennels in the R-2 Zoning District. He is also concerned with the definition of “private kennels”. Mr. Sicka referenced the City of Chesapeake whom has a noise provision for kennels. He said the sound will travel over the water. He recommends taking it out of the R-2 District as a use.

Ms. Phyllis Swift stated she feels like she has caused this amendment. She stated she thought this was restrictive and is concerned with the impact it will have because the public is not aware of what is going on.

Mr. Sicka spoke up again reinstated the noise that this will cause across the creeks.

Mr. Lee Olsan stated he lives in a residential area and this amendment conflicts with the protections of the Bay. It is a nuisance and is not defined. He said he cares about the land use issues and asked the Board not to vote on this today.

Mr. Randy Neale stated he can not believe that this type of operation could be in a residential area.

Mr. Charles Kramb asked to take it out of the R-2 District. He said the Department of Environmental Quality has declared that the primary concern on a lot of these rivers is pet waste.

Public Hearing Closed

Chairman Jett stated he could not support this with the present wording and it needs to be sent back to the Planning Commission. If an owner has 6 pets they will need a kennel license and that is not what was intended.

Upon motion by Ronald L. Jett, duly seconded by James M. Long, the Board voted to send this back to the Planning Commission. 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 expressed his concerns with the kennels not in B-1 but in R-2. He said he does not want to see a sliding scale either.

RE: AMENDMENT TO THE COUNTY CODE IN ORDER TO ADD A NEW SECTION DESIGNED TO REQUIRE OWNERS TO KEEP THREATENING DOGS UNDER CONTROL

County Administrator Eades described the amendment in detail.

Public Hearing Open

Mr. John Kelly stated he has faced terror in Prentice Point with a dog. The Police cannot respond fast enough and an ordinance is necessary to provide protection.

Mr. Charles Kramb stated it is a dangerous situation and you cannot walk on the roads because of the dogs. This ordinance is in the right direction and people should be able to walk on the roads.

Mr. Gram Marshall stated something needs to be done and this is a good suggestion.

Ms. Sheila Millette stated she is a member of the Northern Neck Kennel Club and we need to give the officers more authority and stop owner ignorance.

Ms. Phyllis Swift stated there is no need for an aggressive dog and the owner should be held responsible.

Mr. Ronnie Daniels questioned who will enforce this and stated he didn't want to see anyone gets bitten.

Public Hearing Closed

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the board voted to adopt the Amendment to the County Code in order to add a new section designed to require owners to keep threatening dogs under control as stated below:

THREATENING DOGS

Be it ordained by the Board of Supervisors of Northumberland County, Virginia, pursuant to and under the authority conferred by § 15.2-1200 and § 3.2-6538 through § 3.2-6554 of the Code of Virginia, 1950, as amended, as follows:

THREATENING DOG-A canine or canine crossbreed whose actions and/or behaviors places a person in reasonable apprehension of bodily injury.

A. Determination of threatening.

1. Notwithstanding the provisions of this section, an Animal Control Officer, or county law enforcement officer, may determine, after investigation, when a dog is a threatening dog. Factors to be used to make this determination shall include, but not be limited, to the following: (1) proximity of the dog to the person at the time of the actions and/or behaviors; (2) barking; (3) snarling; (4) growling; (5) raised hackles (6) the bearing of teeth and/or snapping of the teeth (7) attempting to bite and/or the grabbing of the clothes of the person without skin contact and (8) chasing the person.

2. If the animal's owner disagrees with the Animal Control Officer's determination, he may appeal the determination for a trial on the merits.

3. Any person, Animal Control Officer, or county law enforcement officer, who has reason to believe that a canine or canine crossbreed within his jurisdiction is a threatening dog, shall apply to a Magistrate of the jurisdiction for the issuance of a summons requiring the owner or custodian, if known, to appear before a General District Court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue. The Animal Control Officer, or county law enforcement officer, shall confine the animal until such time as evidence shall be heard and a verdict rendered. If the Animal Control Officer, or county law enforcement officer, determines that the owner or custodian can confine the animal in a manner that protects the public safety, he may permit the owner or custodian to confine the animal until such time as evidence shall be heard and a verdict rendered. The court, through, its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing the evidence, the court finds the animal is a threatening animal, the court shall order the animal's owner to comply with the provisions of this article.

B. Exceptions to being determined threatening.

No canine or canine crossbreed shall be found to be threatening solely because it is a particular breed, nor shall the local governing body prohibit the ownership of a particular breed of canine or canine crossbreed. No animal shall be found to be threatening to a non-invitee when such animal remains on its owner's property. No animal shall be found to be threatening if the threat sustained by a person who was committing, at the time, a crime upon the premises occupied by the animal's owner or custodian; committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian; or provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a threatening dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner's or owner's property, shall be found to be threatening dog.

C. Threatening dog registration certificate; fee; identification tag required.

The owner of an animal found to be a threatening dog shall, within 10 days of such finding, obtain a threatening dog registration certificate from Treasurer's Office for a fee of \$50.00 in addition to other fees that may be authorized by law. The local Animal Control Officer shall also provide the owner with a uniformly designed tag that identifies the animal as a threatening dog. The owner shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this subdivision shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained.

D. Control of threatening dogs.

While on the property of its owner, an animal found to be a threatening dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off the owner's property, an animal found to be a threatening dog, shall be kept on a leash.

E. When the owner is a minor.

If the owner of an animal found to be threatening is a minor, the custodial parent or legal guardian shall be responsible for complying with all the requirements of the article.

F. Notification of animal control authority.

After an animal has been found to be a threatening dog, the animal's owner shall immediately, upon learning the same, notify the Sheriff's Office if the animal is loose or unconfined; threatens a person, bites a person or attacks another animal; is sold, given away, or dies; or has been moved to a different address.

G. Violations and penalties.

Violation of this article shall be punishable as a Class 3 misdemeanor for the first offense and any subsequent violation shall be punishable as a Class 1 misdemeanor.

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 made mention that public safety is the first concern.

PUBLIC COMMENT PERIOD

Mr. Lynn Young asked if a light could be put around the new county signs to shine on them.

Mr. Ron Herring stated he had been to the Economic Development meetings and thinks Northumberland County is not doing anything. He is a contractor and all of his work is in other counties. Chairman Jett stated he disagreed and the Economic Development Commission did not agree with his statements.

RE: LETTER TO LEGISLATION TO CHANGE LAW FOR SPECIAL ELECTION

Upon motion by Thomas H. Tomlin duly seconded by James M. Long the Board voted to ask for a Code change pertaining to elections to fill a vacancy in a constitutional office in order to allow a special election to be held during the regular election in November. 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	

Mr. Eades will send a letter to our Delegate and State Senator requesting this Code of Virginia change.

RE: ADJOURNMENT

Upon motion by A. Joseph Self, Sr., the Board voted unanimously to adjourn the meeting. 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