

**Board of Supervisors Meeting
October 13, 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, September 8, 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

Pastor Lee Farmer, Coan Baptist Church, led the invocation.

RE: PLEDGE OF ALLEGIANCE

Chairman Jett led in the Pledge of Allegiance.

RE: APPROVAL OF MINUTES FOR SEPTEMBER 8, 2016

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to approve the minutes for the September 8, 2016 meetings:

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 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.

The decision on the request for a CUP in order to allow a small commercial kennel at 445 Fountain Gate Road has been withdrawn by the applicant Dawn B. Mahaffey.

The representatives from the Virginia Department of Transportation were unable to attend.

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: DR. REBECCA GATES, SUPERINTENDENT OF SCHOOLS

Dr. Gates informed the board that Mr. Bob Gilbert who is the Information Technologist for the school system has researched and is looking into a new phone system through the internet that will not be any additional cost to the county.

She also added that the homecoming events will be this Friday and continue in to Saturday.

RE: BUILDING PERMIT REPORT

Month of September 2016		
	2016	2015
Total construction cost for the month	\$ 2,014,850.00	\$ 2,783,899.00
Total Bldg. Permit Cost for Month	\$ 4,712.36	\$ 3,802.00
Total Zoning Permit Cost for the Month	\$ 1,720.00	\$ 2,660.00
Total Levy Fee for the Month	\$ 94.25	\$ 76.03
Total Construction cost year to date	\$ 13,084,060.72	\$ 16,836,963.39

RE: VIRGINIA ASSOCIATION OF COUNTIES CONFERENCE VOTING PROXY FOR ANNUAL BUSINESS MEETING

Upon motion by Thomas H. Tomlin, duly seconded by Richard F. Haynie, the board voted to elect Supervisor 1, Mr. A. Joseph Self, Sr. as the voting delegate for the County as well as the Westmoreland County.

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: REQUEST BY WHITE SAND HARBOR FOR DOGS RUNNING AT LARGE

Mr. Tadlock stated that he had received a request by the homeowners association in White Sand Harbor for consideration of an ordinance to be passed for Dogs Running At Large. The public hearing will be held on November 10, 2016.

RE: APPROPRIATION-SHERIFF OFFICE REIMBURSEMENT VIN#1376 2012 DODGE DURANGO

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the board voted to appropriate \$2,845.65 for the reimbursement for repairs from VACorp for a 2012 Dodge Durango VIN #1376, which was struck by another vehicle. 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: ANIMAL SHELTER APPROPRIATION

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the board voted to appropriate \$5,403.00 to line item 10-3501-1004 for funds received from animal shelter yard sale to cover additional funds to animal shelter employees.

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: TALL GRASS ISSUE

Mr. Tadlock stated that our Compliance Office/Building Official stated that he had received many complaints on tall grass at residents within the county. He has sent a letter with no response. The owners do live away from here. He wanted to let the board aware. The board asked for Mr. Knight to send a letter again to see if he receives any response from the owners again.

RE: HURRICANE MATHEW REPORT

Mr. Tadlock reported on the recent storm that hit the East Coast named Hurricane Mathew. He stated that the storm caused a few down trees and approximately 5-8 inches of rain for our area. Two homes were damaged by trees within the County, one on Ridge Road and the other on Sampson's Wharf Road. He thanked the Virginia Department of Transportation and the Volunteer Fire Departments for their work on keeping the roads clear. Supervisor Tomlin noted that the area that in the past in Wicomico Church has been an issue with down pours of rain did not appear to be an issue this time.

RE: REQUEST FOR PROPOSALS- OLD EVB BUILDING UPDATE

Mr. Tadlock noted that the Request for Proposals was advertised recently and he put a deadline of November 4th for the proposals to be received. He added that he has received 5 or 6 correspondence on the advertisement.

RE: EMS BILLING MEETING UPDATE

Mr. Tadlock reported that the meetings concerning EMS billing have concluded. The meeting that was held at the Northumberland County Community Center was the most attended. He also noted that Frequently Asked Questions concerning billing has been placed on our website.

RE: 911 MAPPING PROGRAM REPLACED

County Administrator Tadlock stated the County has received the Virginia Wireless Board grant for \$150,000. After reviewing several mapping companies, staff would like to move forward with GeoComm. Since this mapping company has a GSA contract, no request for bids will required. He noted that Richmond County followed the same process. The total cost for GeoComm is \$139,745, however, additional hardware will need to be obtained at approximately \$20,000. All costs would be covered by the grant except about \$9,000 to \$10,000, which can be absorbed by the current IT budget if needed.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the board voted to approve the mapping project cost at \$159,821 and to move forward with a contract with GeoComm for the new mapping system.

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: EMS RESPONSE TIMES

County Administrator Tadlock said he is looking into the response times for the paid EMS department and he will be getting information to the Board on this.

RE: BOARD OF SUPERVISORS COMMENT PERIOD

The board decided that the December board meeting will be changed to Thursday, December 15th.

Supervisor Tomlin questioned the status of one of the squad units.

Mr. Tadlock reported that the Mid-County Building has not yet installed the ventilation system. Supervisor Tomlin is concerned with the beginning months of frost on the units outside.

Supervisor Tomlin asked about the land clearing on Harryhogan Road.

Supervisor Long asked about the Old EVB Building, Mr. Tadlock said the RFP has been advertised.

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.**

**** THE REQUEST BY DAWN B. MAHAFFEY, APPLICANT, FOR A CONDITIONAL USE PERMIT IN ORDER TO ALLOW A SMALL COMMERCIAL KENNEL HAS BEEN WITHDRAWN***

RE: *CARRY-OVER* -REQUEST BY ROGER AND ELIZABETH GRUBEN, OWNERS, FOR A CONDITIONAL USE PERMIT TO INSTALL A 100' WIND TURBINE. THE PROPERTY IS LOCATED AT THE CORNER OF APPLE GROVE ROAD AND COBBS HALL LANE

Zoning Administrator Marston read the suggested conditions if the request is approved.

County Administrator Luttrell Tadlock stated that since the public hearing on the request last month, the board members had a few questions on the matter. One of the questions concerning the archeological survey Mr. Tadlock explained that after talking with the Historical Resources, a survey is not required unless this is a government funded project.

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

1. All necessary permits shall be obtained from all regulatory agencies.
2. The tower shall be constructed within one year or this permit will expire on October 13, 2017.
3. The tower shall be setback at least 100 feet from all adjacent property lines and state roads.
4. In the event that human remains are found, construction shall stop and the appropriate authorities shall be contacted along with the County.
5. The County and Mr. Tom Wolfe with Northumberland County's Historical Society shall have the right to inspect the property during construction.

6. The applicant shall notify the County when construction of the site begins.

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 noted that he talked with the adjacent property owner and they do not have any objection to the request and with all things factored in he is in favor of the turbine.

RE: REQUEST BY SMITH POINT SEA RESCUE, INC., OWNER, AND RUSSELL A. BERTINO, APPLICANT, FOR A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF A 24' X 83' X 24' BOATHOUSE ALONGSIDE A PROPOSED 6' X 63' PIER USED FOR SEA RESCUE PURPOSES. THE PROPERTY IS LOCATED AT 53 EDWARDS LANE.

Zoning Administrator Marston described the request for the conditional use permit. Mr. Bertino was present for the meeting and stated that they will be replacing the existing boathouse with the same foot prints as the old one there which has been there 30 plus years.

Mr. Marston was asked why this request was even coming to the Board of Supervisors. He said it was because it was never permitted and they are taking down the construction 100%.

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 request.

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 NNK PROPERTIES, LLC, OWNER, AND LEN DAMERON, APPLICANT, FOR A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF 2 SINGLE FAMILY DWELLINGS ON PROPERTY ZONED M-1, LIGHT INDUSTRIAL. THE PROPERTY IS LOCATED ON HARRYHOGAN ROAD.

Zoning Administrator Marston described the request by NNK Properties, LLC and Len Dameron Applicant for a construction of 2 single family dwellings on property zoned M-1, Light Industrial.

Mr. Len Dameron was present for the meeting.

Chairman Jett questioned the dwellings on the property. Mr. Dameron explained that he bought the old sawmill property and developed 3 lots and the previous Zoning Administrator advised him that the best and easiest solution would be to divide the 3 lots and get a conditional use permit. The problem was the CUP expired and one of the lots have been sold. Since the previous Zoning Administrator retired, Mr. Marston suggested getting another CUP with no expiration date. He asked for a permanent solution for the 3 lots to help the controversy.

Supervisor Tomlin asked about rezoning. Mr. Dameron said he was advised not to go with rezoning because it was "spot zoning".

County Attorney Kilduff questioned the septic status on the other 2 lots. Mr. Dameron said that is being looked in to. Supervisor Self asked Mr. Kilduff where we as a board stood with this if the other two lots did not have septic. Mr. Kilduff said that could be a condition within the permit.

Public Hearing Open

No comments were given.

Public Comments Closed

Supervisor Self motioned to approve as requested with all 3 suggested conditions as Mr. Marston read them. Richard Haynie seconded the motion.

Upon further discussion, Supervisor Tomlin questioned if the CUP is for each individual lot and if this protected the property owners. Mr. Kilduff said this protects them if the changes are allowed for another use on the second lot. Supervisor Self asked if the non-residential could be taken out all together because the intent is to have it as a residential. County Administrator Tadlock said the uses on those lots fall in the M-1 zoning category.

Chairman Jett said his concern is the rights of the property owners. Supervisor Self said he does not want to make this more complicated. Mr. Dameron spoke up and said that these lots have covenants to protect it. Mr. Tadlock said that since a CUP was done before, Staff felt like this would be the cleanest way to deal with the request again. Supervisor Self said he just would like clarity.

Supervisor Tomlin said he would like to amend Mr. Self's motion to have condition # 1 state that "This permit shall not expire" and drop other language in that sentence.

With further discussion the board noted that with this being M-1 zoned property, how would the individual be protected for just building a residence. Mr. Kilduff suggested that the Board place a condition that no other M-1 use be allowed.

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

1. This permit shall not expire.

2. A Health department approved septic permit shall be provided prior to the issuance of a building permit.
3. The granting of the permit shall not be construed as a warranty against the existence of environmental matters which could result in liability to the owners of the property or adversely affect the use for which the permit is granted.
4. There shall be no M-1 zoned uses on the property.

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: SUPERVISOR TOMLIN MOTIONED FOR COUNTY RESIDENTS NOT TO BE BILLED A CO-PAY

Supervisor Tomlin motioned to not bill County Residence a co-pay for EMS services. Chairman Jett said he would like to see Mr. Tadlock look more in to this. Supervisor Tomlin said he would withdraw his motion.

RE: PUBLIC COMMENT PERIOD

No comments were given.

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

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

E. Luttrell Tadlock, Clerk