

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

NORTHUMBERLAND COUNTY, VA

A regular monthly meeting of the Northumberland County Board of Supervisors was held in the New Courts Building, on Thursday, January 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

Acting as convener until the election of a chairman, the County Administrator called the meeting to order.

RE: INVOCATION

Pastor Lee Farmer, Coan Baptist Church led the invocation.

RE: PLEDGE OF ALLEGIANCE

Mr. Kenneth D. Eades, County Administrator led us in the pledge of Allegiance.

RE: ELECTION OF CHAIRMAN OF THE BOARD OF SUPERVISORS

Supervisor Haynie made a motion to re-elect Supervisor Jett as Chairman. The motion was seconded by Supervisor Self.

There were no further nominations and Supervisor Tomlin made a motion to close the nominations. The motion was seconded by Supervisor Self and unanimously carried.

A roll call vote was then taken on the motion for Chairman and the vote was as follows:

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

Supervisor Ronald L. Jett then took over as Chairman of the Board of Supervisors.

RE: ELECTION OF VICE-CHAIRMAN OF THE BOARD OF SUPERVISORS

A motion was made by Supervisor Self to re-elect Richard F. Haynie as Vice-Chairman of the Northumberland County Board of Supervisors. The motion was seconded by Supervisor Tomlin.

There being no further nominations, a motion to close the nominations was made by Supervisor Tomlin, seconded by Supervisor Self and unanimously carried by the Board.

A roll call vote was then taken for Supervisor Haynie as Vice-Chairman. The vote was as follows:

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

Supervisor Richard F. Haynie was elected Vice-Chairman of the Board of Supervisors.

RE: ADOPTION OF BY-LAWS

The County Attorney has reviewed the proposed By-Laws.

Upon motion by Richard F. Haynie, duly seconded by A Joseph Self, Sr., the Board voted unanimously to adopt the By-Laws with a minor change of the word “potential” to “probable” under the Closed Meeting section #6. The vote on the motion was as follows:

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

**BY-LAWS AND RULES OF ORDER
OF THE
BOARD OF SUPERVISORS OF NORTHUMBERLAND COUNTY, VIRGINIA**

1. By Laws and Rules of Order. In order to provide for the ease and manner in which the meetings of the Board of Supervisors of Northumberland County, Virginia, are conducted, the following by-laws and rules for internal organization and procedure are adopted. Reference is made to the Constitution of Virginia (1971), the Code of Virginia, 1950, as amended, and the Opinions of the Attorney General as they may apply. In matters of procedure, the current edition of Robert's Rules of Order Newly Revised shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Board may adopt. The following exceptions shall apply:

- a. The Chairman may make motions and vote on all questions.
- b. On a motion from the floor there is no need for a second prior to the vote.
- c. Citizens will follow the Public Hearing Rules of Conduct when addressing the Board at Public Hearings.
- d. Members need not rise when speaking.

- e. There is no limit to the number of times a member can speak to a question.
- f. Informal discussion of a subject is permitted while no motion is pending.
- g. The Chairman may speak in discussion without rising or relinquishing the Chair.

The by-laws and rules of order of this Board may be amended by a majority vote of the Board and shall be adopted and re-adopted at the organizational meeting of the Board annually.

2. Resolutions and Ordinances. The business and powers of the Board shall be exercised through resolutions and ordinances duly adopted by the Board in compliance with the provisions of the statutes of the Commonwealth of Virginia and paragraph 7 of these By-Laws and Rules of Order.

Resolutions, or orders, shall be used for all county business that is essentially administrative, including internal or housekeeping matters and temporary concerns of the Board. Resolutions shall not be required to meet any strict standards as to their form and content, but they shall be clear enough to establish the intent of the Board. In most cases a public hearing shall not be required prior to the adoption of a resolution. Ordinances, which are more formal enactments than resolutions, shall be used for most governmental or legislative matters that control the lives, liberties or property of citizens, that have a permanent effect, or that deal with subjects of county-wide concern.

The procedure for enacting an ordinance shall require compliance with strict statutory rules. Descriptive notice of the Board's intention to propose an ordinance shall be published once a week for two successive weeks prior to passage. Emergency ordinances may be adopted without notice, but they may not be enforced for more than 60 days unless re-adopted in the manner required by law. Land use controls and certain tax ordinances shall be subject to more stringent procedural requirements than other ordinances.

3. Chairman and Duties. A chairman and vice-chairman of the Board shall be elected by the affirmative majority vote of the Board at the annual organizational meeting of the Board. Their term shall be for one year or until a successor is elected. It shall be the duty of the chairman to preside over all meetings of the Board and to discharge any other duties as become necessary and are permitted. The vice-chairman shall act in the absence or disability of the chairman. The chairman shall be authorized to administer oaths to persons concerning any matters submitted to the Board or connected with its powers and duties. The chairman and/or the vice-chairman are permitted to make motions at their discretion. The chairman may sign all orders issued by the Board, but the Board assigns this duty to the County Administrator. The chairman, or the county administrator as designated, shall sign the records of proceedings of the Board's meetings and the monthly list of salaries/invoices.

4. Meetings. The Board shall hold a regular meeting at least monthly on a day and at a time to be set at the annual organizational meeting. The regular meeting of the Board may be adjourned from day to day, from time to time and from place to place, but not beyond the date set for the next regular meeting, until all business is completed. The regular meetings and public hearings of the Board shall be held in the Northumberland Courts Building in Heathsville. If the Board finds it necessary to hold a regular meeting at a time or public place different from the Courts Building, such new time and place may be designated by duly passed resolution posted on the door of the Courthouse, Courts Building and advertised in a newspaper having general circulation in the County once a week for two successive weeks before such meeting.

Special meetings of the Board may be called by the Chairman or requested by two or more of the members of the board of supervisors. The call or request shall be made to the county administrator

(clerk of the board) and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the county administrator, after consultation with the chairman of the board, shall immediately notify each member of the board of supervisors and the county attorney in writing delivered to his place of residence or business to attend such meeting at the time and place stated in the notice. Such notice shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting, unless all members are present. The notice may be waived if all members of the board of supervisors attend the special meeting or sign a waiver (§15.2-1418). The Northumberland Echo and Rappahannock Record will also be notified of any special meetings.

5. Open Meetings. All meetings of the Board shall be held pursuant to the provisions of the Virginia Freedom of Information Act, which provides explicit directions for holding open meetings. An "open meeting" or "public meeting" means a meeting at which the public may be present to observe the operations of government.

6. Closed Meetings. A "closed meeting" means a meeting from which the public is excluded.

A closed meeting of the Board may be held only for those purposes specifically provided by law, as follows or as specifically provided for in the Code of Virginia (1950), as amended:

(1) Discussion or consideration of specific personnel cases, that is, of the employment, appointment, disciplining, performance, salary, dismissal or other related matters of particular governmental officials or employees of the public body;

(2) Discussion or consideration of the condition, acquisition, or use of real property for public purpose, or the disposition of publicly held property;

(3) The protection of the privacy of individuals and personnel matters not related to public business;

(4) Discussion concerning the prospective location of a business or industry prior to any announcement of its interest in locating in the community;

(5) Consideration of the investment of public funds when publicity might adversely affect the financial interest of the governmental unit involved;

(6) Consultation, with or without legal counsel and staff, with respect to actual or probable litigation or other legal matters in the public body's jurisdiction;

(7) Discussion or consideration of tests or examinations used by a public body to evaluate employee qualifications or aptitude for employment, retention, or promotion and evaluate qualifications for any license or certificate issued by the public body.

The substantive and procedural requirements established for closed meetings shall be strictly observed. Prior to each closed meeting, the Board of Supervisors shall vote in open meeting to hold a closed meeting. That vote, as well as a statement specifying precisely the statutory basis for the closed meeting, shall be recorded in the minutes of the open meeting. When in a closed meeting, the Board may consider only those specified matters. For any action agreed to in an executive session to become effective, the Board of Supervisors shall reconvene in an open meeting and take a vote of its

membership on the particular action, the substance of which must be reasonably identified in the open meeting.

7. Quorum and Method of Voting. A majority of the members of the Board constitutes a quorum. Unless a greater requirement exists pursuant to the statutes of the Commonwealth, all questions submitted to the Board for decision shall be determined by a majority of the supervisors voting on a question by voice vote or by other method, which sufficiently identifies the matter upon which a vote is being taken. Individual votes of the Board members shall be recorded. A motion by a member of the Board shall not require a second. Abstention from voting shall not constitute a negative vote. The vote of a member of the Board shall become final once the decision of the question has been finally and conclusively pronounced by the chairman and cannot be changed except after adoption of a motion to reconsider the action. If one or more members of the Board are disqualified from voting under the provisions of the Virginia Conflict of Interest Act, leaving less than the number of Supervisors required for action, the remaining member or members may act by majority vote. A tie vote shall defeat the motion, resolution or issue voted upon.

8. Records. Minutes shall be taken of all actions taken during meetings of the Board of Supervisors, except during closed meetings, and shall be recorded in bound volumes. These minutes shall include a description of the issue being considered by the Board of Supervisors, any motion made regarding the issue and a record of the vote of each member of the Board of Supervisors. Incomplete volumes shall remain in the County Administrator's office; completed volumes shall be filed in the record room of the Clerk of the Circuit Court. Copies of the minutes shall be available to the public, at the normal charge for copying, after the minutes have been approved by the Board and signed by the County Administrator as the Clerk for the Board.

The books, records and accounts of the Board of Supervisors, except those excluded by the Virginia Freedom of Information Act, shall be open to the examination of all persons and at all reasonable times.

9. Order of Business and Agenda. The order of business at all regular meetings shall be as follows unless changed by Board action:

1. Call to order
2. Consideration Docket
3. Presentations
4. Board Reports
5. County Administrator Report
6. Board Comment Period
7. Closed Meetings
8. Public Hearings
9. Public Comments
10. Adjournment

A detailed agenda shall be distributed in advance of each regular meeting to the members of the Board. This shall include the minutes, check register and correspondence/reports for reading and review in advance of the meeting in an effort to conserve time during the meeting. A copy of the agenda shall be made available in the County Administrator's office for examination by the public and a copy shall be delivered to the local newspaper for publication whenever possible.

10. The Right to Require Information. The Board of Supervisors shall have the right to require monthly financial reports from any officer or office of the County or district thereof, may investigate bills and receipts thereof and may, for these purposes, require the production of books, papers and other evidence.

For the purpose of preparing and approving the County's annual budget, the Board of Supervisors may require the heads, or other responsible representatives, of all offices, departments, divisions, boards, commissions, agencies and all other recipients of County funds or appropriations to furnish financial reports and such other information as may be deemed necessary and in such form as may be required in relation to their affairs and activities.

The Board may subpoena witnesses and administer oaths for the purpose of acquiring information for making financial decisions in line with its function and duties as the governing body.

11. County Administrator. The Board of Supervisors shall appoint an executive secretary, who shall be designated County Administrator and such appointment shall be evidenced by a resolution. The County Administrator shall serve at the pleasure of the Board.

The County Administrator shall be the clerk to the Board and his/her duties shall be those as prescribed by law.

12. Legal Counsel. The Board of Supervisors may create the office of County Attorney and appoint an attorney to handle its legal affairs. The County Attorney shall serve at the pleasure of the Board and his/her salary shall be set by the Board. The County Attorney, when possible, shall attend all regular and special meetings of the Board.

His/her responsibility shall be in matters including but not limited to the following:

- (1) Advising and representing the Board of Supervisors and its boards, departments, agencies, officials and employees.
- (2) Drafting, preparing and reviewing county ordinances, contracts and agreements.
- (3) Defending or bringing actions in which the County or any of its boards, departments, agencies, officials, or employees is a party.
- (4) Prosecuting violations of orders of the Board of Supervisors, resolutions or ordinances.

In addition the Board may employ separate counsel when it deems it necessary in any suit against the County, in matters concerning County property, in collection of delinquent taxes, as well as in other matters concerning the County's interests.

RE: 2008 HOLIDAYS FOR COUNTY OFFICES

Upon motion by Richard F. Haynie., duly seconded by A. Joseph Self, Sr., the board voted to adopt the state holiday schedule approved and amended by the Governor of Virginia. The following holidays are added into the county calendar.

January 18	Lee-Jackson Day
January 21	Martin Luther King, Jr. Day
February 18	Presidents Day
May 26	Memorial Day
July 4	Independence Day
September 1	Labor Day
October 13	Columbus Day
November 11	Veterans Day (observed)
November 26	Thanksgiving (close at noon)
November 27	Thanksgiving
November 28	Day after Thanksgiving
December 24	Christmas Eve (close at noon)
December 25	Christmas
December 26	Christmas
January 1, 2009	New Years Day

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: SCHEDULE OF MEETING

Upon motion by Richard F. Haynie duly seconded by Thomas H. Tomlin, the board voted to use the Northumberland Courts Building for their meetings and adopt the following meeting dates.

January 10, 2008, 5 p.m.	July 10, 2008, 5 p.m.
February 14, 2008, 5 p.m.	August 14, 2008, 5 p.m.
March 13, 2008, 5 p.m.	September 11, 2008, 5 p.m.
April 10, 2008, 5 p.m.	October 9, 2008, 5 p.m.
May 8, 2008, 5 p.m.	November 13, 2008, 5 p.m.
June 12, 2008, 5 p.m.	December 11, 2008, 5 p.m.
	January 8, 2009, 5 p.m.

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 MINUTES FROM DECEMBER 12, 2007 AND DECEMBER 18, 2007 MEETING

Upon motion by A. Joseph Self, Sr. duly seconded by Richard F. Haynie., the Board voted unanimously to approve the minutes from the previous meeting on December 12, 2007 and December 18, 2007. 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 – ABSTAIN

RE: APPROVAL OF AGENDA

Upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin, the Board voted unanimously to approve the agenda for today’s meeting with one change to add a closed session to the end of the public hearings to discuss acquisition of property. 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. SEAN TRAPANI, RESIDENCY ADMINISTRATOR VDOT

Mr. Trapani reported on the new ferry stating that it is under contract with Miller Marine and should be here at the end of the year. The ferry should be able to operate with less maintenance.

Mr. Trapani will schedule the public hearing for the Six-Year plan in April 10, 2008 at 7:30 p.m. in the New Courts Building. VDOT will advertise and conduct this meeting.

Supervisor Tomlin asked about the Highway Access Management as far as what it will mean for business, subdivision etc. Mr. Trapani stated it wasn’t a policy yet. Mr. Tomlin said we need to know what is proposed because we might have to make changes in our ordinance.

Supervisor Long inquired about a traffic device on Bean’s Road. VDOT stated that part of the road is in Lancaster County and they will be checking on the device.

Supervisor Self asked about the speed sign in Lottsburg that has been requested to be moved. Mr. Clifton Balderson, Assistant Residency Administrator stated they are still trying to get it changed. Mr. Trapani stated that Henry who is his boss in the Central Region did not agree and said he would try to get him to come down here to take a look.

RE: MR. D. CLINT STABLES, SUPERINTENDENT OF SCHOOLS

RE: APPROPRIATIONS TO THE SCHOOL BOARD

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie., the Board voted unanimously to approve a special appropriation for the following:

\$ 13,401.18 – CPMT reimbursement for Aide Services.

\$ 13,812.42 – Medical Assistance Services April 1- June 30, 2007

The vote on the motion was:

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

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

Mr. Stables reported on a student that has been tested for Rubeola (red measles). The child has been excluded from school and that all children in the school system had been vaccinated including the child that is being tested. A letter was sent home with students about the situation. The Health Department is looking closely into the matter.

Mr. Stables reported briefly on the 2008-2009 school budget. The Composite Index change from .6517 to .7314, equates to an estimated drop in State funding of \$762,008. Virginia Retirement contribution increase from 15.3% to 16.84% will increase local cost by an estimated \$165,000.

MR. DANNY L. JOBE GENERAL MANAGER, AND STEVE MURDOUGH, VICE PRESIDENT OF OPERATION FOR METROCAST COMMUNICATIONS – TRANSFER OF FIRST COMMONWEALTH CABLEVISION, LTD. FRANCHISE

Mr. Danny Jobe and Mr. Bill Newborg attended to explain about the transfer of First Commonwealth Cable to Metrocast Cable and request a transfer agreement. Mr. Jobe said they would like to extend the fiber optic services throughout the Northern Neck.

County Attorney Les Kilduff stated the agreement looked acceptable.
(A copy is being kept in the board papers for this month)

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long the board voted to approve to the Transfer of First Commonwealth Agreement to Metrocast Communications. The vote on the motion is as follows:

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

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

RESOLUTION OF THE COUNTY OF NORTHUMBERLAND, VIRGINIA APPROVING THE TRANSFER OF THE CABLE FRANCHISEE

WHEREAS, First Commonwealth Cablevision, Ltd. (“Franchisee”) owns, operates and maintains a cable television system (the “System”) in the County of Northumberland, Virginia (“Franchise Authority”) pursuant to a franchise agreement (the “Franchise”) between Franchisee and the Franchise Authority and Franchisee is the duly authorized holder of the Franchise granted by the Franchise Authority; and

WHEREAS, Gans Communications, L.P. d/b/a MetroCast Communications, a Delaware limited partnership (“Buyer”), has entered into an Asset Purchase Agreement with Franchisee (the “Agreement”), pursuant to which the System and the Franchise will be transferred (the “Transfer”) to Buyer upon the closing of the transactions contemplated under the Agreement (the “Closing Date”); and

WHEREAS, Franchisee and Buyer have requested that the Franchise Authority consent to the Transfer in accordance with the requirements of the Franchise to the extent that such consent is required and have filed an FCC Form 394 with the Franchise Authority, and have provided all information required by applicable law (collectively, the “Transfer Application”); and

WHEREAS, the Franchise Authority has reviewed the Transfer Application, examined the legal, technical and financial qualifications of Buyer and finds it to be a suitable transferee.

NOW THEREFORE, BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:

SECTION 1. The Franchise Authority hereby consents to the Transfer, to the extent required by the terms of the Franchise and applicable law.

SECTION 2. The Franchise Authority confirms that (a) the Franchise is validly existing and is currently in full force and effect and the Franchisee is the duly authorized holder of the Franchise; (b) the Franchise represents the entire understanding of the parties and the Franchisee has no obligations to the Franchise Authority other than those specifically stated in the Franchise; and (c) the Franchisee is materially in compliance with the provisions of the Franchise and applicable law and there exists no fact or circumstance known to the Franchise Authority which constitutes or which, with the passage of time or the giving of notice or both, would constitute a material default or breach under the Franchise or applicable law or would allow the Franchise Authority to cancel or terminate the Franchisee's rights hereunder.

SECTION 3. The Franchise Authority hereby consents to and approves the assignment, mortgage, pledge or other encumbrance, if any, of the Franchise, System or assets relating thereto, or of the interests in the permitted holder thereof, as collateral for a loan.

SECTION 4. This Resolution shall be deemed effective for purpose of the Transfer on the Closing Date and Buyer taking ownership and control of the System ("Effective Date").

SECTION 5. The Franchise Authority releases the Franchisee, effective upon the Effective Date, from all obligations and liabilities under the Franchise and applicable law that accrue on and after the Effective Date; provided that Buyer shall be responsible for any obligations and liabilities under the Franchise and applicable law that accrue on and after the Effective Date.

SECTION 6. This Resolution shall have the force of a continuing agreement with the Franchisee and Buyer, and the Franchise Authority shall not amend or otherwise alter this Resolution without the consent of Franchisee and Buyer.

RE: BUILDING PERMIT REPORT:

	2006	2007
Total construction cost for the month	\$2,823,671.00	\$2,700,797.00
Total Bldg. Permit Cost for Month	\$ 6,127.36	\$ 5,952.12
Total Zoning Permit Cost for the Month	\$ 2,900.00	\$ 1,990.00
Total Levy Fee for the Month	\$ 104.94	\$ 104.64
<i>Total Construction cost year to date</i>	<i>\$68,574,394.09</i>	<i>\$10,679,556.32</i>

APPOINTMENTS

The following appointments were made.

Upon motion by A. Joseph Self, Sr. duly seconded by Richard F. Haynie the board voted to request the reappointment of Mr. David Fisher to the Board of Zoning Appeals, in the District II position. The request will be sent to the Honorable Judge Taliaferro for reappointment. The vote on the motion was:

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

Upon motion by A. Joseph Self, Sr. duly seconded by Richard F. Haynie, the board voted to appoint Sheriff Charles A. Wilkins to the Community Criminal Justice Board. The vote on the motion was:

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 reappoint Mr. A. Joseph Self, Sr. to the Disabilities Services Board. The vote on the motion was:

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

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the board voted to appoint Mr. Thomas H. Tomlin to the Social Services Board. The vote on the motion was:

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

Upon motion by Richard F. Haynie, duly seconded by A. Joseph Self, Sr. the board voted to appoint Mr. William Kling to the District II Planning Commission to take the place of Mr. Allen Webb who has resigned from the position. The vote on the motion was:

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 Thomas H. Tomlin, the board voted to reappoint A. Joseph Self, Sr. to the Northern Neck Partnership. The vote on the motion was:

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

Upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin, the board voted to reappoint Ronald L. Jett to the Northern Neck Regional Jail Board. The vote on the motion was:

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

Upon motion by Thomas H. Tomlin duly seconded by A. Joseph Self, Sr., the board voted to appoint Richard F. Haynie to the Northumberland County Planning Commission. The vote on the motion was:

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

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the board voted to appoint Supervisor Thomas H. Tomlin as Northumberland County’s Legislative Liaison. The vote on the motion was:

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

RE: MENHADEN RESOLUTION

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

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

**RESOLUTION
ATLANTIC MENHADEN**

WHEREAS, Northumberland County has an enormous tradition and heritage of commercial fishing in the Chesapeake Bay; and

WHEREAS, Efforts have been made to restrict commercial menhaden fishing in the Chesapeake Bay through H.R. 3840 and H.R. 3841; and

WHEREAS, The Menhaden Industry is the largest employer of Northumberland County residents; and

WHEREAS, The Menhaden Industry is an asset to our community, our way of life and there is no scientific evidence that there needs to be restrictions on the commercial fishing of menhaden,

NOW, THEREFORE, BE IT RESOLVED the Northumberland County Board of Supervisors believes that recreational fishing and commercial fishing can co-exist in the Chesapeake Bay based on the scientific facts and opposes H.R. 3840 and H.R. 3841, which prohibits commercial fishing of Atlantic menhaden for reduction purposes in inland, State, and Federal waters along the Atlantic coast of the United States.

BE IT FURTHER RESOLVED, that the Northumberland County Board of Supervisors does not support any additional legislation involving the commercial menhaden fishing industry and desires that consideration only be given to the science as the controlling factor in determining the need for menhaden restrictions and not legislation.

RE: RESOLUTION ON HOUSE BILL 303

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr. the board voted on the following resolution.

WHEREAS, Northumberland County has an enormous tradition and heritage of commercial fishing in the Chesapeake Bay; and

WHEREAS, efforts have been made to restrict commercial fishing in the Chesapeake Bay in the past and limits on the purse seine fishery have already been established through § 28.2-1000.2 of the Code of Virginia, 1950, as amended, effective until December 31, 2010; and

WHEREAS, the menhaden industry is the largest employer of Northumberland County residents; and

WHEREAS, the menhaden industry is an asset to our community, our way of life and there is no current scientific evidence that there needs to be further restrictions on the commercial fishing of menhaden; and

WHEREAS, House Bill 303 would place a “[m]oratorium on the Chesapeake Bay commercial fishery for the Atlantic menhaden” in 2013 and “[c]ommerical fishery for Atlantic menhaden” means vessels that harvest menhaden for any commercial purpose” and would further reduce the harvest cap of the commercial fishery until a moratorium in 2013.

NOW, THEREFORE **BE IT RESOLVED**, that the Northumberland County Board of Supervisors believes that recreational fishing and commercial fishing can co-exist in the Chesapeake Bay and Virginia’s territorial waters based upon the current scientific evidence and opposes House Bill 303.

BE IT FURTHER RESOLVED, that a copy of this Resolution be delivered to Governor Kaine, Senator Richard Stuart, the two candidates for the special election for the 99th House of Delegates seat and other interested parties as deemed proper by the County Administrator.

Ronald L. Jett – YEA

A. Joseph Self, Sr. - YEA

James M. Long – YEA

Richard F. Haynie - YEA

Thomas H. Tomlin – YEA

RE: SEXUAL ORIENTED BUSINESS

County Administrator Kenneth Eades asked the board if they wanted to advertise the language in a proposed ordinance that described a Sexual Oriented Business. He stated he had received one phone call by a local minister.

County Attorney Les Kilduff, Jr. stated that it contained a lot of grammar but thinks it is okay. Mr. Eades was asked if he had received an opinion from our Commonwealth Attorney, Mike McKenney. Mr. Eades said he had not asked for an opinion from him.

Supervisor Self asked to wait on any decision until we receive an opinion from our Commonwealth Attorney, Mike McKenney.

Supervisor Tomlin asked if it was going to the Planning Commission. County Attorney Kilduff said he thought it should go to the Planning Commission.

Supervisor Self stated to get the Commonwealth Attorney and the County Attorney to deal with the issue.

RE: HOUSEHOLD WASTE CLEAN UP

County Administrator Eades stated that for the past 4 years, Northumberland and Lancaster has held a Hazardous Household Waste Clean up day. This year the event is scheduled to take place on June 14, 2008 and basically be the same as last year as far as sharing the costs with Lancaster. The cost per pound has gone up but it is estimated to run about \$2,000.

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the board voted to hold the Hazardous Household Waste Clean up with Lancaster County at a cost of \$1500 and \$1.03 a pound. 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: DANCE PERMIT APPLICATION REQUEST

Mr. Eades described three dance permit applications that he had received. All three of the applications were to be held at Northumberland Lodge #220. The first application submitted was one for Mr. Wayne Hooper to be held on February 16, 2008. The other two were submitted were by Mr. William Carter, on Mothers Day and one on Fathers Day. The reason these application were considered by the Board is due to the law enforcement intervention at this site previously.

Supervisor Self stated the problem is with these permits are the events at the Lodge have had problems.

Mr. Eades stated that the Commonwealth Attorney is concerned about the events and that an event that was not permitted and by “invitation only” got out of hand a few weeks ago.

Supervisor Self said he would not support any dance permit until we can get some order.

Supervisor Long said he didn't think they would be unruly and that there is a lot of security at this Lodge.

Supervisor Self stated he is not in favor until our Commonwealth Attorney gives us some direction.

The applicant for the two events stated that they have not had any trouble in the past and the persons attending are usually 25 years and older. He added that they are non profit and donate the money back. They needed to know in order to get the ABC license approved.

Mr. Samuel Keeve of the Lodge said he told Mr. Wayne Hooper (applicant) to be present at this meeting and he did not show up.

Chairman Jett asked the applicant William Carter and the other members of the Lodge if it was okay if they did not get a decision on the request tonight. They said it would be okay but needed a decision soon to get everything straight.

Supervisor Long suggested the board still go ahead and approve tonight with conditions of what Commonwealth Attorney McKenney suggests. Mr. Long stated these are good citizens of the county.

Supervisor Long then asked how soon Mike will know.

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr. the board voted to carry over the 3 requests until next month. 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: SHERWOOD FOREST NO WAKE SIGN REQUEST

Mr. Eades stated he had received a letter requesting a “no wake” sign in Sherwood Forest. He needs to know if we need to advertise the 'no wake' marker".

Supervisor Self stated there is a commercial boat issue in that area.

Chairman Jett suggested we do like some other counties and not accept the requests for “no wake” signs.

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the board voted to send all "no wake" requests to the Department of Game and Inland Fisheries for their consideration and the county will not be involved. 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: CORNILIUS PALMER, TRAILER REQUEST

The discussion is continued from the November 2007 meeting.

Chairman Jett asked if Mr. Palmer had ever tied the trailer down. Mr. Eades she he hadn't the last time Mr. Knight (Building Official) looked.

Mr. Eades said Mr. Palmer was using a Kerosene heater. Supervisor Haynie said that is one violation already.

Supervisor Long said he (Palmer) needed somewhere to live.

Supervisor Haynie said he was afraid he'd burn himself up.

Supervisor Self asked when someone was last down there. Mr. Eades stated the last time was the first part of December.

Supervisor Self directed Mr. Eades to get Bill Knight (Building Official) to go back down to the location and report on the condition next month.

RE: GRANT UPDATE

Mr. Eades reported on grants that the county's grant administrator Carol Seymour is working on. The following projects were noted

- Indian Creek Sewer
- Heathsville Sewer
- The Tavern Management Agreement

Mr. Eades also reported that Mrs. Seymour is working with the Economic Development Commission. He also informed the Board that the USDA wants the county to make application now for the Heathsville Fire Substation funding and if it is approved then decide what action to take. It was decided not to proceed but to get the fire departments together and discuss a plan for action.

RE: BOARD COMMENT PERIOD

Supervisor Long inquired on plans for recycling in the county. Mr. Eades stated the grants administrator applied for a grant for recycling purposes and it was turned down. Mr. Long also inquired about property deeded to the YMCA, and about the Northumberland County signs.

Supervisor Tomlin stated he would like to see the minutes more descriptive. He also requested the minutes be placed on the website after they are approved. Mr. Tomlin then motioned the county should post the action from the Board's meeting on the website.

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the board voted to place the minutes online and post any action by the board on the agenda items. The vote on the motion was:

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

Supervisor Tomlin handed out an example from the VMRC website on the posted action that their Board puts on its website.

RE: BOARD OF SUPERVISORS, PLANNING COMMISSION MEMBER RESOLUTION

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the board voted to adopt the following resolution.

RESOLUTION

BOARD OF SUPERVISORS MEMBER SERVING ON PLANNING COMMISSION

WHEREAS, Northumberland County is granted authority pursuant to §15.2-2212 of the code of Virginia, 1950, as amended, to appoint a member of the Board of Supervisors to the Northumberland County Planning Commission; and

WHEREAS, Northumberland County has exercised this authority in the past but there has been some confusion as to whether to Board of Supervisor's member should vote and be considered for quorum determinations; and

WHEREAS, the Northumberland County Board of Supervisors wishes to continue to exercise this practice and also wishes to resolve this confusion.

NOW, THEREFORE BE IT RESOLVED, that the Northumberland County Board of Supervisors does exercise the authority granted to it by §15.2-2212 and does hereby appoint one of its members to the Northumberland County Planning Commission.

BE IT FURTHER RESOLVED, that the member of the Northumberland County Board of Supervisors hereby appointed, is appointed as an *ex officio member* without voting powers and whose presence shall not be considered in the determination of a quorum.

AND BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Northumberland County Planning and that this Resolution shall remain in full force and effect until rescinded or modified.

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: REQUESTED RESOLUTION

Supervisor Tomlin requested that the Board consider a resolution to move all the Special Exceptions Permits into the various zoning districts so that a person will know what exactly is allowed within their district.

Supervisor Tomlin, made a motion to move all the Special Exceptions Uses to the various zoning districts. There was no seconded.

Supervisor Self stated that he was not ready at this time to make a decision.

Mr. Tomlin then removed his motion from the floor.

RE: CARRY OVER REQUEST BY TED R. LEWIS, JR. FOR A PERMIT TO OPERATE A GRAVEL/SAND PIT ON PROPERTY OFF LAKE ROAD NEAR LOTTSBURG.

Sheila Chesnutt spoke in opposition of the request saying that it is mostly residential and agricultural area and needed to keep its tranquility.

Jan Neff 156 Coan Harbour Drive stated they built their home in 2005 and is in opposition noting that the sand and gravel pit that will be in operation will not be earning the county taxes because the applicant lives in Richmond County. She said that the application is for 1.5 acres, after approval could go to 70 acres. It is bad enough living day to day with the hunting dogs barking all night.

Keith Neff of the same address noted illegal dumping in the area. He also was concerned with the dust problems because of his son's respiratory problems. He asked the board to put its best interest into the decision and if it is approved we will be disappointed in Northumberland County. It will be an eye sore.

Carol Bezek, 202 Coan Harbour Drive, stated that it is 400-600 feet from her back door and that she has worked hard on her land. She said if Mr. Lewis cared he would have taken his dogs and kennel with him when he moved.

Andy Bezek, of the same address, handed out a sheet from the DEQ concerning the dumping.

Carolyn Shaw of 116 Holly Court, stated she knows the board has received letters and urges them to read them. She is against the request.

Reggie Shaw is also against the request.

Gloria Denaldo is opposed and is concerned about him hitting groundwater.

Joyce Greer is concerned about the county and the "come here's"

Mr. William Sanford stated he knows it's an issue for some but doesn't see it as a problem. He said he had gone down to the area and it's further away than he even expected. Where else are you going to buy gravel? Mr. Sanford noted mostly the ones in the room don't remember but that years ago there was a grain bin in Bundick and trucks were lined up during the months of June, July, August and more carrying 60 loads a day, so traffic won't be a problem. He noted again he doesn't see the problem with the pit.

Mark Ricky, President of Coan Harbour said he had received numerous phone calls and e-mails against the pit.

John Spear, 131 Sunrise Ct. is concerned with the extent of the operation

Mr. Lee Allain says the creek that he lives on is growing oysters and he is worried about the run off. Mr. Allain suggested giving Mr. Lewis 5 years of operation with the pit and make it a condition that no material comes back into the pit.

Amy Bartlett Beynon - 136 Holly Ct. recommended denying the request.

Patricia Fossie who moved here from Chicago is worried about the noise and the water quality.

Robert McChancey commented on Mr. Sanford saying that it wasn't that visible.

Marion Gude questioned the regulations on noise in reference to the hunting dogs.

Sam Simonovich stated there are 10 operational gravel pits in Northumberland County. He will be disappointed in board if approves because it will put business before a child (referencing the Neff child).

Christine Brunner said it will affect the environment, water tables and wells. It will also affect the land values and the quality of life. She said last month a kennel was refused and there is more here in opposition than was in objection for that.

Ed Gothart said he came here for the nice area. Need to support people in the area.

John Kelley from the Soil and Water Conservation Board stated he is in opposition.

Kim Lewis, wife of applicant wanted to clear some issues up. She stated the dogs are not theirs and they belong to a boy that has cystic fibrosis. This will be a small operation. She said that they moved because this was Ted's family's home and they wanted their own.

Public Session Closed

Mr. Paul Grizzle of the Department of Mines and Minerals stated there are 11 pits in Northumberland County and that the Division of Mines regulates everything except coal. He said Mr. Lewis has not submitted final application but it will be 20 ft. deep and 10-12 feet below ground elevations. Mr. Grizzle said he can not go below the water table. He explained that the pit will be enforced with the bond.

Supervisor Self questioned the back fill. Mr. Grizzle explained what can be put back into the pit as far as what they regulate.

Mr. Grizzle was asked how many inspections would take place the first year. He responded saying that they are required to do at least 7 the first year and 3 the next years. He noted that more than 7 would take place though.

Mr. Grizzle said the pit would approximately generate 100 loads a year.

Mr. Grizzle described the staff of inspectors. He covers the area. Mr. Grizzle then went into detail concerning what happens when a complaint is received. He stated they have 5 days to start an investigation and to supply a report.

Supervisor Tomlin questioned violations on a mining report.

Supervisor Self asked what the load amount a year would come to from the pit. Mr. Grizzle said the estimate was 2 trucks per week.

Mr. Grizzle reiterated that he will be visiting the site 12-15 times for the first year.

Supervisor Long questioned how many times does he (Grizzle) visit area pits. Mr. Grizzle said by law he has to visit them 3 times a year after the first year. Mr. Grizzle noted though there are some he visits 50-60 times a year.

Supervisor Long asked Mr. Grizzle the size of the staff. Mr. Grizzle responded saying there are about 11 inspectors for 450 permits which is 40 per inspector.

Supervisor Haynie asked what kind of things are looked for as far as health and safety. Mr. Grizzle noted the check points.

Supervisor Self asked what type of gravel Mr. Lewis would be getting out of the pit. Mr. Grizzle stated that it would be pea gravel.

Supervisor Self then asked if approved what kind of conditions would be addressed with the site. Mr. Grizzle went into detail on what would be expected to restore the property.

Supervisor Long asked if any waste would get into the water. Mr. Grizzle said that there would be no escape into the drainage way.

Mr. Grizzle was then questioned again about if a complaint is placed. He said he usually gets to the site where the complaint was made the same day. They have to answer each and every complaint and can not close the case until it is addressed.

Mr. Lewis was asked by a lady in the audience how much he makes off of one load of gravel. Mr. Lewis stated about \$75.00.

Supervisor Self stated that this pit is in his district and that he might have a conflict of interest, He consulted with the County Attorney.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, 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	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

RE: MR. LUTHER WELCH

Mr. Welch asked to talk to the board about several things. The first issue was that we need to keep hunting with dogs in the area. The deer population is exceeding and need to keep on hunting with them. Another issue he brought to the board is the mandatory pumping of septic systems. He said if it isn't broke don't fix it. Mr. Welch then stated that the chicken litter on the fields is being blamed for polluting the waters. Mr. Welch explained that it isn't fair to be blaming the farmers. This practice has been done for many, many years. He backed up his research by bringing in a crop that he spread chicken litter on. The crop was very green. He went on to say that just a few feet from where this was picked on a slope he planted the same crop. Though he did not spread chicken litter and picked that, he explained that it didn't look nearly as well and that the chicken litter did not spread down the slope. It stayed exactly where it was put so that it was not the cause of the pollution. He said that Washington is dumping into the Potomac.

RE: PUBLIC COMMENT PERIOD

Mr. John Brunner had a question about the cell towers in the area.

Mrs. Lee Allain thanked the board for their vote tonight.

Mr. Spud Parker asked about the zoning ordinance update.

RE: APPROVAL OF CHECK REGISTER

Upon motion by A. Joseph Self, Sr., 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: CLOSED MEETING

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted unanimously to convene into closed meeting to discuss the acquisition of property as permitted by Virginia Code Section 2.2-3711 (A) (3). 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 Thomas H. Tomlin, 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 matters of acquisition of property.

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: ADJOURNMENT

Upon motion by Thomas H. Tomlin, the Board voted unanimously to adjourn. 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