

**Board of Supervisors Meeting**  
**March 12, 2009**  
**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, March 12, 2009

Present:        Ronald L. Jett. – Supervisor  
                  Richard F. Haynie – Supervisor  
                  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: MOTION TO CLOSE PREVIOUS MEETING, FEBRUARY 12, 2009**

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr., the Board voted to close the previous meeting held on February 12, 2009. 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: INVOCATION**

Pastor Dwight Seawood, Mt. Olive Baptist Church led the invocation.

**RE: PLEDGE OF ALLEGIANCE**

Pastor Dwight Seawood led us in the Pledge of Allegiance.

**RE: APPROVAL OF AGENDA**

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted unanimously to approve the agenda for today's meeting with one change. A Closed Meeting after the public hearings will be added to discuss a personnel matter. The vote on the motion was as follows:

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

**RE: MR. CLINT STABLES, SUPERINTENDENT, NORTHUMBERLAND COUNTY SCHOOLS**

Mr. Stables started off by thanking the Virginia Department of Transportation crew for the snow removal.

**RE: SCHOOL BOARD APPROPRIATION**

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to approve the following appropriations.

\$ 24,017.18 – CPMT

\$ 2,323.47 - Over-payment to Vender

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 informed the Board that Northumberland High and Elementary each received the Board of Education Excellence award in performance. Mr. Stables noted some calendar changes. Originally the moving day into the new school were March 26<sup>th</sup> and 27<sup>th</sup>, but is now scheduled for April 8<sup>th</sup> and 9<sup>th</sup>.

Supervisor Tomlin questioned if they were considering placing the elementary and high school kids on the same bus. Mr. Stables stated it has been discussed but here were no plans right now to make that change.

**RE: MR. SEAN TRAPANI, RESIDENCY ADMINISTRATOR, NORTHERN NECK VDOT RESIDENCY**

Mr. Trapani reported to the Board that they had quite a bit of snow removal and are now in clean up. This is pot hole season and those repairs are being made now. Mr. Trapani also stated there will be a meeting to discuss the Sunnybank and Merry Point Ferry on March 31 at the Lancaster County Library. Chairman Jett asked why in Lancaster County? Mr. Trapani stated this location would be the most centralized for approximately 150 people.

Mr. Quinton Elliot, District Administrator of VDOT, explained more on the meetings and stated that meetings are taking place all over the state. They are being held to get comments on the restructuring that is being proposed due to the budget shortfall. The expected shortfall is about 2.6 Billion over the next 6 years. Mr. Elliot stated he personally invites everyone to provide input on the proposal.

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

Ms. Donna Thompson stated the process of planning the Light Street Project began in November 2008. Bay Aging started assisting and surveying the houses in the area and they received 32 applications from the residents. Mr. Doug Meredith then started doing the soil testing. The main concerns are the five that

are without plumbing and are overcrowded. She explained that they want to proceed with the planning grant process and the Improvement grant.

Chairman Jett asked if preparing a budget is part of the planning grant. Ms. Thompson stated it was and that it had been completed. Chairman Jett stated that they (the Board) have not seen it and would like a chance to review it. Mr. Eades stated he would like to have the final analysis of the planning study because nothing has been submitted about 16 houses, 3 subdivision lots, engineered septic systems, etc. that Ms. Thompson has described. Ms. Thompson stated she has the figures today.

Chairman Jett stated that Ms. Thompson has only been authorized to apply and complete a Planning Grant for Light Street and now we are talking about an Improvement Grant. Supervisor Tomlin asked how much money would be received from the Planning Grant. Mr. Eades stated \$25,000.00. Mr. Long stated this would be enough to pay Scenario Inc., Bay Aging and the Engineer. Mr. Eades stated he had not received the contract on the Planning Grant; therefore the State has not signed off on the project or grant. Mr. Eades explained that Ms. Thompson is a little bit ahead of DHCD and the process is trickling down from what is the normal process.

Chairman Jett and Mr. Eades inquired about the ownership of the land in that area and if Ms. Thompson has checked into any title issues. Ms. Thompson stated that every grant she has done, titles to land have been an issue and DHCD is aware of the issues. DHCD does not require that this be all cleared up and this is not an issue for them. Supervisor Tomlin questioned the amount of money that will have to go into getting the land ownership corrected in these situations. Ms. Thompson stated that \$10,500.00 is in the budget to cover the cost for legal services. Supervisor Long spoke up and said the residences that have issues with the ownership of the land have already started getting this straight. Mr. Eades was questioned by the Board concerning any documents that he had received from Ms. Thompson. He stated he received the Planning Grant Application but it didn't have a budget, issues with the houses or anything of that nature. Mr. Long then asked Ms. Thompson if she had the figures. She responded that she did have the figures.

Chairman Jett asked what the next step is to this process. He stated that a vote on this cannot be taken without any budget figures or information. Mr. Jett stated to Ms. Thompson that back some months ago, she asked them (the Board) to apply for the Planning Grant and that is what was authorized. Ms. Thompson said that was correct and proceeded to say she has the budget for them. The Board members were given the budget and took a moment to look over it. Supervisor Self questioned the "in kind" money for legal. She said this was a \$1,000.00 dollars that she intended for County Attorney, Kilduff. Supervisor Self stated that Mr. Kilduff might not allow his services for free. He then referred to other cases that Mr. Kilduff has done for the County and was paid. Supervisor Long asked Mr. Kilduff if he had any "in kind" for the Blackberry Project. Mr. Kilduff said not that he could think of.

Supervisor Long stated that the work has been done for this project and we need to ask questions in a positive way. Chairman Jett stated that Ms. Thompson has gone further into this process than what she was authorized to do. The Board then briefly went over the budget and asked various questions. Mr. Eades stated that he is concerned with not knowing what the County's financial responsibility would be in this project because the figures have not been reviewed by the Management Team. Ms. Thompson reiterated that it's not cash, it's "in kind". Mr. Eades commented that any cost overruns are the responsibility of the county.

Supervisor Self asked Ms. Thompson exactly how much will this cost the county. She stated it is no cost to the County. The “In kind” from the county is \$29,200.00 and Bay Aging has agreed to cover \$10,000.00 “in kind” for the locally. Therefore the total is \$39,200.00. Ms. Thompson stated that the work will not be put on Mr. Eades and his staff. Supervisor Self stated this is the first time we have seen this budget or any information concerning this project and will need more time to review the project once we receive everything. The Board doesn't need to make a hasty decision; this project needs to be done right and thought through. Mr. Long asked Ms. Thompson how long it will take her to put this all together. She said it just needed to be put in the binders. The Board asked Ms. Thompson for the draft of the Improvement Grant Application, final planning study summary and maps of the properties that will be affected before proceeding. Then after review of the information it will be discussed further.

| <b>RE: BUILDING PERMIT REPORT:</b>          |                         |                        |
|---|-------------------------|------------------------|
|   | <b>2009</b>             | <b>2008</b>            |
| Total construction cost for the month       | \$ 6,532,922.60         | \$ 5,384,797.00        |
| Total Bldg. Permit Cost for Month           | \$ 9,460.67             | \$ 7,908.35            |
| Total Zoning Permit Cost for the Month      | \$ 3,600.00             | \$ 2,820.00            |
| Total Levy Fee for the Month                | \$ 165.87               | \$ 138.85              |
| <i>Total Construction cost year to date</i> | <i>\$ 10,826,044.60</i> | <i>\$ 9,776,712.00</i> |

**RE: TRI-RIVER ASAP APPOINTMENT, WALLER**

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long the Board voted to appoint Mr. Peyton Waller to the Tri-River ASAP Board of Directors representing Northumberland County. Mr. Waller’s appointment will expire on December 31, 2011. 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: HEALTH INSURANCE RENEWAL**

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board voted to approve the rate increase of 4.9% and to stay with Local Choice as the County's health insurance carrier. 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: BETZ LANDING, ADVERTISEMENT FOR “NO WAKE” MARKER**

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the Board voted to advertise a “Shallow Channel” marker to signify a navigational hazard on both Crabbe Mill Stream and Bush Mill Stream at the headwaters of the Great Wicomico River near Betz Landing Subdivision off Indian Valley Road. 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: HAZARDOUS WASTE COLLECTION DAY SCHEDULED**

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board voted to schedule a Hazardous Waste Collection Day on June 13, 2009 and on October 17, 2009. The cost is \$1500 set up on each date and \$1.03/lb for waste. 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

**RE: MICROPHONE SYSTEM FOR COURTROOM**

Mr. Eades handed out a quote they had received from Computer Telephone Technologies. Due to the high costs from the two companies he was authorized to get additional quotes from other vendors.

**RE: ADVERTISING FOR DIRECTOR OF ECONOMIC DEVELOPMENT**

Mr. Eades informed the Board that, due to the resignation of Mr. Joe Madej, he has advertised for the Executive Director position for the Economic Development Commission.

**RE: REQUEST FOR PROPOSAL FOR FIRE SUB STATION**

Mr. Eades stated he had received a resolution from the Republican Party requesting to proceed with a Fire Substation in the Heathsville area.

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the Board voted to advertise the Request for Proposals to conduct a fire services resource study that will develop a long range strategic plan for station improvements and/or a Sub-Fire Station location or relocation strategy. 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

**RE: UPDATE ON DREDGING LITTLE WICOMICO RIVER**

Mr. Eades stated he had received an update on the dredging of the Little Wicomico River and the Corps of Engineers has public noticed the project.

**RE: APPROVAL OF CHECK REGISTER**

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

Ronald L. Jett – YEA  
James M. Long – YEA

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

Thomas H. Tomlin – YEA

**RE: BOARD COMMENT PERIOD**

Supervisor Tomlin as if the Board would consider sending a letter to VDOT concerning the commercial entrance requirements for small businesses. The requirements are too costly and extreme in some cases. Mr. Eades was directed to address this issue with Quinton Elliott, District Administrator, of VDOT.

**RE: REQUEST BY C.W. O'BIER AND SONS, INC. FOR A SPECIAL EXCEPTIONS PERMIT TO ESTABLISH A FENCED AREA TO GARAGE TRUCK, SEMI-TRACTORS AND TRAILERS AT 2890 MUNDY POINT ROAD**

Due to a clerical error on the address, the public hearing had to be rescheduled for next month, April 9, 2009 at 7p.m.

**RE: REQUEST BY ALVA JACKSON BARNETTE, FOR A SPECIAL EXCEPTIONS PERMIT TO OPERATE A BED AND BREAKFAST AT 249 GREENFIELD ROAD.**

Ms. Susan Gregor, attorney representing Ms. Barnette stated that she has been impressed with the way the house looks and said it is a place anyone would be proud to visit. The house has been named "Ma Margaret's House". Mrs. Gregor presented pictures to the Board.

***Public Hearing Open***

Mr. Ricky Haynie, adjoining property owner stated he supports this request.

Reverend Jackson of Heathsville also spoke in support of his niece's request.

***Public Hearing Closed***

Upon motion by James M. Long duly seconded by A. Joseph Self, Sr., the Board voted to approve the request with the following conditions:

1. The permit will be valid for one (1) year and will expire on March 12, 2010, if the Bed and Breakfast has not opened for business;
2. The facility must comply with all regulations, including but not limited to the Northumberland County Health Department;
3. Signage is limited to an unlighted sign no larger than 4' x 4' in size to be placed on the applicant's property no closer than 10' to any property line; and,
4. The county Building Official must inspect and approve the structure for safety concerns dealing with overnight guests.

The vote was as follows:

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

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

**RE: PUBLIC COMMENT PERIOD**

Ms. Mary Evans spoke on the behalf of NAMI (National Assistance of the Mentally Ill) and the CSB (Community Services Board) asking the Board for their consideration to allow them to have some space at the old High School once it becomes vacant. She asked for two classrooms, the ROTC building and one of the mobile classrooms.

Reverend Ken Rioland from Macedonia Baptist Church spoke on behalf of the residents of Light Street. He said this situation is unfortunate and the residents only want to see it get done. He commended everyone for the work that has been done and said they are living in deplorable conditions. The citizens living there came looking for progress tonight and are frustrated because they are not sure what happened. He stated he knows that all want to see it get done but the message was missed. Chairman Jett stated he wants to see the project become a reality but it needs to be done right.

**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 a personnel matter as permitted by Virginia Code Section 2.2-3711 (A) (1). 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 Richard F. Haynie., 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. – 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 Richard F. Haynie, duly seconded by A. Joseph Self, Sr., 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 personnel matters.

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: COURTROOM SECURITY FUND, APPROPRIATION**

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to transfer \$22,500.00 from the Courtroom security fund to the General Fund and appropriate it into the Sheriff's part-time line item 3102-1002. 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: PAY DOWN OF COMPENSATION TIME IN SHERIFF'S OFFICE**

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to compensate all the deputies and dispatchers who have more than 40 hours of compensation time in the total amount of \$16,572.77. This one-time payout is to bring everyone in line with the Sheriff's Department Personnel Policy that an employee cannot carry over more than 40 hours of compensation time. Included in the motion was the payout of Major and Chief Investigator, Bruce, in the amount of \$23,530.00, paid over 4 years for the accumulated annual leave and a payout for Sheriff Wilkins in the amount of \$14,726.00, paid over 3 years for accumulated annual leave which was obtained prior to being Sheriff. The Board further moved that the payouts for the deputies and dispatchers would come from the \$16,572.77 that is appropriated to the part-time funds, line item 3102-1002 and to set up a new line item for Bruce, 3102-1402 and Wilkins, 3102-1403. The vote on the motion is as follows:

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

**RE: PURCHASE OF VEHICLES**

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to authorize the Sheriff, Board Chairman and County Administrator to meet and decide if there was enough benefit to purchase up to 5 vehicles for the Sheriff's Department in the FY 09 year rather than next fiscal year and to purchase those vehicles if there were enough savings. 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: IDA HALL APPOINTMENT TO RC&D COUNCIL**

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr. the Board voted unanimously to appoint Ida Hall to the Resource Conservation and Development Council as the County's representative. The vote on the motion was:

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

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

**RE: ADJOURNMENT**

Upon motion by Thomas H. Tomlin, the Board voted unanimously to keep the meeting open in anticipation that there will need to be action on the Light Street Project. The vote on the motion was:

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

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

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Kenneth D. Eades, Clerk