

**Board of Supervisors Meeting  
August 14, 2008  
5:00 P.M.**

**NORTHUMBERLAND COUNTY, VA**

A regular monthly meeting of the Northumberland County Board of Supervisors was held in the Northumberland Courts Building, on Thursday, August 14, 2008

Present:        Ronald L. Jett – Chairman  
                  Richard F. Haynie – Vice-Chairman  
                  A. Joseph Self, Sr. – Supervisor – Entered at 5:30 p.m.  
                  Thomas H. Tomlin – Supervisor  
                  James M. Long – Supervisor

W. Leslie Kilduff, Jr. – County Attorney  
Kenneth D. Eades – County Administrator  
Luttrell Tadlock – Assistant County Administrator

**RE: INVOCATION**

Pastor David Jett, Lighthouse Baptist Church led the invocation.

**RE: PLEDGE OF ALLEGIANCE**

Chairman Ronald L. Jett led us in the Pledge of Allegiance.

**RE: APPROVAL OF AGENDA**

Upon motion by Richard F. Haynie duly seconded by Thomas H. Tomlin, the Board voted unanimously to approve the agenda for today's meeting.

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

**RE: MR. TODD VANLANDINGHAM, VDOT SUPERVISOR LOTTSBURG AREA HEAD  
QUARTERS**

Mr. VanLandingham stated mowing had been completed for this round in the year.

**RE: RESOLUTION GREAT WICOMICO HARBOR SUBDIVISION**

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Jr., the Board unanimously adopted the following:

**RESOLUTION  
REFERENCE: GREAT WICOMICO HARBOR SUBDIVISION**

The Board of Supervisors has this day decided to establish as part of the State Secondary System of Highways the following road in the Great Wicomico Harbor Subdivision in the Wicomico Magisterial District.

Street Name: Creekside Drive  
From: Route 200  
To: End of State Maint. (Dead End)  
Length: 0.36 miles  
Right of Way: 50'

Street Name: Glenside Terrace  
From: Creekside Drive  
To: End of State Maint. (Dead End)  
Length: 0.18 miles  
Right of Way: 50'

WHEREAS, the plats conveying the necessary clear and unencumbered 50' right of way along with the required drainage easements were duly recorded in the Clerk's Office of Northumberland on June 29, 1992 in Deed Book 336, Page 528, and on March 5, 2001 in Deed Book 480, Page 34.

NOW, THEREFORE, BE IT RESOLVED, this Board doth hereby guarantee the said clear and unencumbered 50' right of way and drainage easements and request the Department of Transportation, pursuant to Section 33.1-229 of the Code of Virginia, as amended, accept.

Street Name: Creekside Drive  
From: Route 200  
To: End of State Maint. (Dead End)  
Length: 0.36 miles  
Right of Way: 50'

Street Name: Glenside Terrace  
From: Creekside Drive  
To: End of State Maint. (Dead End)  
Length: 0.18 miles  
Right of Way: 50'

BE IT FURTHER RESOLVED, that this resolution is contingent upon the Virginia Department of Transportation receiving all remain in place CE-7 permits from the appropriate utilities for this roadway and receiving all outstanding fees and bonds for this roadway.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Administrator of the Virginia Department of Transportation.

The vote on the motion is as follows:

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

**RE: CLINT STABLES, SCHOOL SUPERINTENDENT**

Mr. Stables stated that summer school has completed and the regular school year is approaching. Mr. Stables listed the schedule for the weeks to come. The start times will be a little different this year in order to stagger the time for the schools due to the amount of vehicles on Academic Lane. The times are as follows:

7:50 a.m. start time for High School  
2:55 p.m. end time for High School

8:10 a.m. start time for Elementary School  
3:15 p.m. end time for Elementary School

The new school project is making progress, the pace has picked up and there is a lot of activity going on. The closing ceremony for the High School and Middle School are scheduled for November 15th.

Mr. Stables stated that they are waiting for the “substantial completion” which is a contractor’s term for the punch list. The possibility of moving later into the new school will be determined if the punch list is completed. Mr. Stables stated it may be February before the official move takes place.

**RE: MR. CHUCK WALSH, JR. EXECUTIVE DIRECTOR, COMMUNITY SERVICES BOARD**

Mr. Walsh discussed the active role in the community that the CSB plays and talked about a few of the programs.

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

**RESOLUTION  
COMMUNITY SERVICES BOARD PERFORMANCE CONTRACT**

**WHEREAS**, §37.2-508 OF THE *Code of Virginia* [1950] as amended, requires each Community Services Board to submit, to the governing body of each political subdivision that established it, an annual Performance Contract for community mental health, mental retardation and substance abuse services for its approval prior to submission of the contract to the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, and

**WHEREAS**, the Middle Peninsula – Northern Neck Community Services Board has put forward its proposed Performance Contract for Fiscal Year 2009, for approval by the Boards of Supervisors of its governing counties of Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland;

**NOW, THEREFORE, BE IT RESOLVED BY THE** Board of Supervisors of Northumberland County, Virginia, that the Performance Contract prepared by the Middle Peninsula-Northern Neck Community Services Board for Fiscal Year 2009 and presented to the Board is hereby approved and may be forwarded to the Department of Mental Health, Mental Retardation and Substance Abuse Services as further required.

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: CHRIS KULP, HUNTON AND WILLIAMS AND JIM JOHNSON, MORGAN KEEGAN, DISCUSSION ON MIDDLE/HIGH SCHOOL BONDS**

Mr. Jim Johnson of Morgan Keegan was unable to attend this discussion due to a family illness.

Mr. Kulp discussed the two resolutions that were before the Board on the trust agreement that are secured by a debit service reserve fund. To avoid increasing the bond amount to cover the reserve needed a surety bond was originally purchased. The reserve is secured by a security company, MBIA, with the understanding that if it falls below a AA rating the county would fund the reserve at approximately \$2.4 million. As everyone knows the real estate market has been going down and all the companies that held mortgages have dropped in their ratings. To prepare for further drops in MBIA ratings we are asking the Board to adopt the following resolutions to allow MBIA to drop further before a reserve fund is needed by the County. The Trustee and Bond Insurer both have approved the change.

Supervisor Tomlin asked if the Board did not adopt this resolution what would happen. Mr. Kulp responded that if the resolution is not approved and MBIA drops further the County would have to put \$2.4 million dollars into a reserve account out of their general fund.

Supervisor Tomlin stated that he feels that this is politically wrong.

Upon motion by A. Joseph Self, duly seconded by James M. Long the Board voted to approve the resolution, 4-1:

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	

#### **RESOLUTION APPROVING THE FORM OF A FIRST SUPPLEMENTAL INDENTURE OF TRUST**

**WHEREAS**, the Industrial Development Authority of Westmoreland County, Virginia (the “Authority”), and Regions Bank, as trustee (the “Trustee”), entered into an Indenture of Trust dated as of August 15, 2006 (the “Indenture”), which was acknowledged, agreed and consented by Northumberland County, Virginia (the “County”);

**WHEREAS**, the County desires to make certain amendments to the Indenture and requests the Authority’s approval of such amendments; and

**WHEREAS**, there have been presented to this meeting a draft of a First Supplemental Indenture of Trust to be dated as of August 15, 2008 (the “First Supplemental Indenture”), between the Authority and the Trustee to provide for such amendments;

#### **BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF NORTHUMBERLAND COUNTY, VIRGINIA:**

1. The Chairman or Vice-Chairman of the Board of Supervisors are hereby authorized and directed to execute the First Supplemental Indenture. The First Supplemental Indenture shall be in substantially the form submitted to this meeting, which is hereby approved, with such completions, omissions, insertions and changes as may be approved by the Chairman or Vice-Chairman, the execution thereof by the Chairman or Vice-Chairman to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.

2. All other actions of the officers of the County in conformity with the purposes and intent of this Resolution are ratified and approved.

3. This resolution shall take effect immediately.

**RE: SGT. RICHARD GOSZKA, CONSERVATION POLICE, DEPT. GAME AND INLAND FISHERIES**

Sgt. Goszka discussed with the Board the waterway markers of the county and the problems with illegal signs that are posted.

He stated there are two ways to get a “no wake” marker. The first is initiated by the County Board of Supervisors or citizens can make a request to the County Administrator, whom can forward it to DGIF for review prior to a public hearing. An individual has the option to put up a sign on their pier but it cannot resemble an official sign. If inspected and the sign is not acceptable, the sign will be taken up. Sgt. Goszka mentioned a few that had been removed out of the waterways.

Supervisor Self asked if it was legal to put one up on a pier. Sgt. Goszka stated that as long as it was not official looking that it is permitted.

Mr. James Segal in the audience asked about a No Wake sign that was removed on Warehouse Creek. Sgt. Goszka said they were not official signs and he will review the waterway to see if signs can be justified.

**RE: BUILDING PERMIT REPORT**

	<b>2008</b>	<b>2007</b>
Total construction cost for the month	\$ 8,040,745.00	\$ 6,105,738.00
Total Bldg. Permit Cost for Month	\$ 11,204.20	\$ 8,666.45
Total Zoning Permit Cost for the Month	\$ 3,380.00	\$ 4,760.00
Total Levy Fee for the Month	\$ 196.58	\$ 149.46
<i>Total Construction cost year to date</i>	\$37,515,852.60	\$45,968,703.50

**RE: STATE AID TO LOCAL GOVERNMENT**

Mr. Eades stated that when he prepared the budget he reduced the revenue in various departments thinking that we would pick option number one to take the state reductions. Now that the county is aware of the exact amount of reductions, Mr. Eades suggested amending the Budget to add a line item titled Aid to the Commonwealth. The county can then reimburse the state in one lump sum.

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to make a reimbursement payment directly to the Commonwealth of Virginia and to amend the FY 08-09 budget and add a line, 1101-8010 Aid to State, and appropriate \$60,182.00 to that line item.

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

Chairman Jett commented that the largest cut was in Law Enforcement. This does not make much sense in this day and time.

**RE: RESOLUTION – AFFIRMATION OF AUTHORIZATION TO PICK-UP THE EMPLOYEE’S CONTRIBUTION TO VRS FOR NORTHUMBERLAND COUNTY**

Upon motion by Richard F. Haynie., duly seconded by James M. Long, the Board voted to approve the following resolutions.

**RESOLUTION**

**Affirmation of Authorization to Pick up the Employees Contribution to VRS for Northumberland - 55166  
For Past Service Credit under § 414(h) of the Internal Revenue Code**

WHEREAS, the Northumberland County Board of Supervisors provides its employees with tax deferral pursuant to § 414(h) Internal Revenue Code with respect to their member contributions to the Virginia Retirement System, (referred to as VRS) for the permissible purchase of past service credit by picking up member contributions to the VRS; and

WHEREAS, the pick up is authorized under Virginia Code Sections 51.1-142.2; as such Code has been or may be amended from time to time;

WHEREAS, the VRS keeps track of such picked up member contributions, and treats such contributions as employee contributions for all purposes of VRS;

WHEREAS, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009.

WHEREAS, in order to avail itself of the protection given under Notice 2006-43, the Northumberland County Board of Supervisors desires to affirm its intention to establish and maintain a pick-up arrangement through formal action by its governing body.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the existing pick-up arrangement for past service credit is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this Resolution, and it is further

RESOLVED that effective the first pay day on or after the later of August 14, 2008 or the date the member executes a binding and irrevocable salary reduction election relating to the past service permitted to be purchased, the Northumberland County Board of Supervisors shall pick up all or a portion of the member contributions of its employees to VRS based on the terms of the salary reduction election, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and it is further

RESOLVED, the binding salary reduction election to be executed by the member shall include the following: (1) the beginning and ending date of the election, (2) the amount of the salary reduction on a pay period by pay period basis, (3) the total amount of contribution expected to be involved, (4) a

statement that the member may not receive the contributed amounts instead of having them paid by the Northumberland County Board of Supervisors to the VRS, and (5) an agreement that the member will not purchase the service credit through a lump sum payment during the period in which the salary reduction election is in effect, and it is further

RESOLVED, the member may revoke the salary reduction election only in the event of an unforeseeable emergency as that phrase is used and defined in IRC Section 457 and Treasury Regulation Section 1.457-2(h) (4) and if such a revocation is made, the member may not make a new salary reduction election during his period of employment, and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the Northumberland County Board of Supervisors in lieu of member contributions; and it is further

RESOLVED that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and it is further

RESOLVED that member contributions made by the Northumberland County Board of Supervisors under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the Northumberland County Board of Supervisors directly instead of having them paid to VRS; and it is further

RESOLVED that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the Northumberland County Board of Supervisors shall be reduced by the amount of member contributions picked up by the Northumberland County Board of Supervisors on behalf of such employee pursuant to the foregoing resolutions.

## **RESOLUTION**

### **Affirmation of Authorization to Pick-up the Employee's Contribution to VRS for Northumberland County - 55166 Under § 414(h) of the Internal Revenue Code**

WHEREAS, the Northumberland County Board of Supervisors provides its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) by picking up member contributions to VRS; and

WHEREAS, VRS keeps track of such picked up member contributions, and treats such contributions as employee contributions for all purposes of VRS;

WHEREAS, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009.

WHEREAS, in order to avail itself of the protection given under Notice 2006-43, the desires to affirm its intention to establish and maintain a pick-up arrangement through formal action by its governing body.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this Resolution, and it is further

RESOLVED that effective the first pay day on or after August 14, 2008, the Northumberland County Board of Supervisors shall pick up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the Northumberland County Board of Supervisors in lieu of member contributions; and it is further

RESOLVED that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and it is further

RESOLVED that member contributions made by the Northumberland County Board of Supervisors under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the Northumberland County Board of Supervisors directly instead of having them paid to VRS; and it is further

RESOLVED that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of the Northumberland County Board of Supervisors shall be picked up either through a reduction in the current salary of such employee or as an offset against future salary increases of such employee or as a combination of both at the option of the employer by the Northumberland County Board of Supervisors on behalf of such employee pursuant to the foregoing resolutions.

The vote on the motion is as follows:

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

**RE: LETTER RECEIVED FROM LAWRENCE DICKINSON, ADVERTISE ROAD ABANDONMENT FOR RANDOLPH AND PHYLLIS NEAL**

Mr. Eades stated that a letter from Mr. Lawrence Dickinson, Attorney for Randolph and Phyllis Neal was received and requested the Board to abandon certain property by statute, tax map #45-B (1) -97-A. The letter stated that Tomlin and Keyser, surveyors, surveyed the Fleeton lots 4, 5, 6, 15, 16 and 17 and found that the roads bordering two sides of this block were not constructed within the areas designated for the road in the old Fleet's Point plat recorded. Such had resulted in a gap between the areas occupied by the road and the actual property lines of the block.

Supervisor Self asked County Attorney Les Kilduff if this had been reviewed, He said it had.

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to advertise the abandonment request for 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: REQUEST FROM AMERICAN LEGION POST 117, ROAD NAME CHANGE**

Mr. Eades stated he had received a letter from the American Legion Post 117 on School Street in Reedville. The organization requests the road name “School Street” be renamed “American Legion Way”.

Upon motion by Ronald L. Jett, duly seconded by A. Joseph Self, Sr. the Board voted to allow the road name “School Street” be renamed “American Legion Way”. The fees will also be waived. 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: HUDNAL FARM, DISCUSSION ON SEWER EXTENSION**

Mr. Eades informed the Board that the developers are of Hudnall Farms LLC are requesting the Board to consider extending the sewer near Lilian. They have informed him that they will be doing all the work and there will be no obligation on the county. Mr. Eades was authorized by the Board to draft a letter to send to Emory Lewis and Jim Dise of Hudnall Farms LLC stating that that they do not object for them proceeding with the necessary studies to extend the line.

**RE: LITTLE WICOMICO RIVER DREDGING**

Mr. Eades advised the Board that he was informed the Little Wicomico Dredging project has passed through the Congressional Committee and out of 4 different bodies of water in the region, only the Little Wicomico is moving forward.

**RE: HOUSEHOLD WASTE COLLECTION**

Mr. Eades stated that our Extension Agent, Matt Lewis asked if the Board is interested in holding a second Household Waste Collection day.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long the Board voted to hold a second Household Waste Collection for Northumberland. 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: RESOLUTION SENT TO STATE CORPORATION COMMISSION CONCERNING VERIZON**

Mr. Eades stated that the County has just spent \$192,000 to upgrade the Sheriff's Department E911 system and even through the equipment was purchased through Verizon caller ID could not be added because the phone central office needed upgraded. He stated he had expressed his feelings to our legislators and wanted to follow up with a resolution to the State Corporation Commission complaining about the 453 and 580 exchanges.

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

**RESOLUTION  
COMPLAINT IN THE FORM OF A RESOLUTION**

**WHEREAS**, The Northumberland County Board of Supervisors has sent letters to the Virginia State Corporation on October 11, 2001 and July 14, 2005 concerning the lack of land-line services at our (804) 580 and (804) 453 exchanges; and

**WHEREAS**, Northumberland County just upgraded the Enhanced 911 System at the Sheriff's Office at a cost of \$192,000.00 and cannot get Caller ID on the administrative lines; and

**WHEREAS**, Citizens in the (804) 580 and (804) 453 exchange cannot get Enhanced Caller Deluxe, Voice Mail, DSL, and After Call Forwarding; and

**WHEREAS**, It is a goal of the Northumberland Board of Supervisors to assure all our citizens have equal rights to services since the adjoining Counties have all these services; and

**WHEREAS**, There is no reduction in the pricing for these services and our citizens are paying full price for services they do not receive;

**NOW, THEREFORE, BE IT RESOLVED** that the Northumberland County Board of Supervisors hereby requests the State Corporation to address this issue and get Verizon to update these central offices or drastically reduce the rates within those exchanges.

**BE IT FURTHER RESOLVED** that the Northumberland County Board of Supervisors hereby requests Governor Kaine, Senator Stuart and Delegate Pollard to address this issue.

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: LAND USE PROCEDURES UPDATED**

Mr. Eades stated that Assistant County Administrator, Luttrell Tadlock had worked hard on updating the Land Use Application Procedures.

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

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: ZONING WORKGROUP DISCUSSION**

Mr. Eades discussed with the board the formation of a zoning workgroup to assist in updating the zoning ordinance. He suggested allowing the Planning Commission to be the work group and allow each member to select an alternate to sit in for them if they are unable to attend. Supervisor Long stated the community ought to be involved in the group.

Chairman Jett stated the Planning Commission would do a better job.

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr. the Board voted to appoint the Northumberland County Planning Commission as the Zoning Workgroup with the alternate option. 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	

## **RESOLUTION**

### **PLANNING COMMISSION WORKING GROUP**

WHEREAS, On August 14, 2008 the Northumberland County Board of Supervisors discussed the process of updating the Zoning Ordinance; and

WHEREAS, It was suggested that the county use a working group to review and update the provisions of the Zoning Ordinance; and

WHEREAS, The Board of Supervisors feels that the Planning Commission will need to be closely involved in all the steps of the review;

NOW, THEREFORE, BE IT RESOLVED that the Northumberland County Board of Supervisors asks the Northumberland County Planning Commission to consider serving as the "Work Group" for the updating of the Zoning Ordinance and each member may designate a person to fill in for them if the Commission Member is unable to attend.

## **RE: APPROVAL OF CHECK REGISTER**

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr. the Board voted unanimously approved the check register, as submitted. The vote on the motion was as follows:

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

James M. Long – YEA  
Thomas H. Tomlin – YEA

Richard F. Haynie - YEA

**RE: BOARD COMMENT PERIOD**

Supervisor Tomlin stated he had received a request for consideration for the use of golf carts in the Mallard Bay Area.

**RE: ADVERTISE MALLARD BAY SUBDIVISION FOR GOLF CARTS**

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr. the board voted to advertise the use of Golf Carts in the Mallard Bay area for next month's public hearings. 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: APPROVAL OF MINUTES FROM JULY 10, 2008.**

Upon motion by Thomas H. Tomlin, duly seconded by Richard F. Haynie, the Board voted unanimously to approve the minutes from the previous meetings on July 10, 2008. The vote on the motion 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: DOGS ON TRESPASSING ON HIGHWAY**

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board voted to advertise a public hearing next month on Dogs Trespassing onto the Highway. 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

**Public Hearings**

**RE: REQUEST BY HENRY W. PAGE, FOR A PERMIT TO MAINTAIN A JUNKYARD/AUTOMOBILE GRAVEYARD AT 1750 NORTHUMERLAND HIGHWAY NEAR LOTTSBURG**

Zoning Administrator, W.H. Shirley described the request. He stated he had not received any comments.

Supervisor Tomlin asked Mr. Henry Page how long the business had been in there. Mr. Page responded saying 54 years.

*Public Hearing Open*

Mr. Patrick O'Brian, neighbor of Mr. Page stated that he lives across the road from the shop and has never seen a problem with it. He does good work and asks the Board to grant the request.

Mr. Lee Allain of Lottsburg stated he has lived here for 10 years and the business is not appropriate for Lottsburg, the place is over grown and should be denied.

*Public Hearing Closed*

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the board voted to approve the request by Henry W. Page for a permit to maintain a junkyard/automobile graveyard at 1750 Northumberland Highway near Lottsburg with the following condition.

1. The site must be completely screened from view from the highway and from adjoining dwellings.

The vote on the motion is as follows:

Ronald L. Jett – YEA

Thomas H. Tomlin – YEA

A. Joseph Self, Sr. – YEA

Richard F. Haynie – YEA

James M. Long – YEA

**RE: REQUEST BY ELIZABETH S. GANTNIER FOR A PERMIT TO CONSTRUCT A 30'X15.5'X18.3' OPEN SIDED BOATHOUSE EXTENDING INTO PORPOISE COVE AT 501 GLEBE VIEW LANE NEAR LAKE**

Zoning Administrator Shirley described the request. He stated he had received 6 objections and 3 in support of the request.

Mrs. Gantnier presented her opening comments and showed the Board photos of different views of the creek and how the boathouse will be seen by the neighbors. She said she had heard of different complaints about the boathouse, one being the blocking of the sunrise. She said this would not be a problem.

*Public Hearing Open*

Mr. C.S. Wells stated he has no objections to boathouses and this needed to be approved.

Mr. Rich Miller stated they are good neighbors and good people and he has no objections.

Mr. Walter Brodtman stated his objections to the boathouse by saying the photos do not show the accuracy. He is 60 ft. away and is directly across from the proposed boathouse. He stated there is a huge sandbar that sticks out which affects navigation and the boathouse will make the navigation even more difficult. Also if a storm blows through, it could blow the roof off of the boathouse and could hit them. He said this was not a neighborly thing to do and asked the Board not to approve the first boathouse onto this creek.

Chairman Jett commented on Mr. Brotman's complaints stating the sandbar sticks out just as far as the Brotman's pier.

Mr. David Ryan spoke in favor of the boathouse stating that it will not cause a navigation problem.

Ms. Janice Steelman stated she moved here 15 years ago and if this is approved, more and more requests will come. She stated she wished Mrs. Gantnier would have come to her property to see how her sunroom faces the proposed boathouse. Currently there is a light from the Gantnier's property shines right into their windows.

Ms. Patti Fossie stated that she does not see where this will cause a problem. Going in and out of the creek will not be an issue.

Mr. Robert McChesney stated he has no objections to this request.

Public Hearing Closed

Mrs. Gantnier questioned Ms. Steelman on the light that shines into her windows, because there is no light on the end of the dock. Ms. Steelman stated the light comes from their garage.

Supervisor Tomlin questioned what body of water the Glebe flows into. Supervisor Self stated it flows into the Coan River.

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the board voted to deny the request.

Supervisor Self stated he motion to deny this because of the precedent it would set for boathouses onto this branch of the creek and he has never voted to approve a boathouse like this one in the past.

Supervisor Tomlin stated he agrees with Mr. Self, he referenced another case on a boathouse. His concern was this being the first boathouse on that creek.

Chairman Jett stated that someone has to be the first, we are going back and forth and not being consistent.

The vote on the motion is as follows:

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

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

Motion passed 3-2.

**RE: REQUEST BY TOM AND ALISON KIMMETT, FOR A PERMIT TO EXPAND THEIR COMMERCIAL BOARDING KENNEL TO ALLOW 40 ANIMALS TO BE BOARDED AT 2097 FOLLY ROAD NEAR BURGESS.**

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

Mr. Kimmett stated that he would like to improve what he has now and add another 20 dogs to the facility in order to provide services needed in the county.

*Public Hearing Open*

Mr. Ronald Estreet of 2759 Folly Road stated he was alarmed at how this would impact the area and safety is a concern.

Ms. Phyllis Swift stated she doesn't see anything wrong and the services are needed.

Ms. Ginny Estell asked how many acres it was. Mr. Kimmett stated it was 2.76 acres.

**Public Hearing Closed**

Supervisor Long stated he liked the location of the business.

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

1. All boarded animals must be housed inside at night and may not be allowed outside before 8:00 a.m.;
2. The kennel and runs must be kept clean and free of any offensive odors that may carry to adjoining property;
3. Kennel shall not be used for breeding purposes;
4. The operator of the kennel must be in compliance with all federal, state and county statutes and shall adhere to Title 3.1, Chapter 27.4, "Comprehensive Animal Law", of the Code of Virginia;
5. Should the operation of this boarding kennel become a nuisance to the community, the permit will be rescinded by the Board of Supervisors following a public hearing to determine that such a nuisance exists; and,
6. The kennel is restricted to having a maximum of 40 animals boarded at any one time.

The vote on the motion is as follows:

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

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

**RE: REQUEST BY JAMES DISE, APPLICANT/AGENT AND DR. HUDNALL'S FARM, LLC, OWNER FOR A PERMIT TO CONSTRUCT A PRIVATE COMMUNITY MARNINA WITH 16 MOORING SLIPS ON COCKRELL CREEK NEAR LILIAN.**

Zoning Administrator Shirley described the request. He stated he had received no comments prior to the hearing.

Dr. Emory Lewis stated that before going through the expense of developing the land, they would like to get approval for the boat slips.

Supervisor Tomlin asked what they envisioned with the request. Dr. Lewis stated just access to slips by the property owners.

Mr. Warner Rice, a neighbor is concerned about the development, asked if this is approved will the plans get switched around later. He also questioned the parking lot for the dock.

Ms. Ginny Estell questioned the 16 slips verses only an 8 lot subdivision. She recommended having the plat approved before the marina. Mr. Eades, County Administrator commented that there is more land available than for 8 lots. Chairman Jett stated this is a normal condition, 2 slips per lot.

Public Hearing Closed

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

1. No construction may begin until there is an approved development/subdivision to be served by the marina;
2. The marina may have a maximum of 16 mooring slips;
3. All exterior lighting shall be non-reflective and directed downward;
4. The establishment of the marina shall not result in the condemnation of additional shellfish grounds; and,
5. The marina must meet all of the requirements of the Virginia Marine Resource Commission, the U.S. Army Corps of Engineers and the Virginia Department of Health.

The vote on the motion is as follows:

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

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

**RE: REQUEST BY COAN HARBOUR PROPERTY OWNERS ASSOCIATION TO ALLOW THE USE OF GOLF CARTS WITHIN COAN HARBOUR SUBDIVISION. THIS WOULD INCLUDE COAN HARBOUR DRIVE, SUNRISE COURT AND HOLLY COURT.**

County Administrator Eades described the request. He stated that he had received additional information that included a petition and photos. He had one objection to the request, but it was not in writing.

Mr. Don McCloud, member of the Board of Directors for the subdivision, stated a time line of events that lead to the request.

Supervisor Long questioned the petition as far as how many were signing the petition. Mr. Chris Neale stated there are 55 property owners, 38 signed and 2 people would not sign.

Supervisor Long stated that he received one call in objection.

Mr. Carter Wells stated he supported this request.

Public Hearing Closed

Supervisor Self asked County Attorney, Kilduff if in his opinion everything thing had been met as far as the criteria. He stated it had.

Upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin the board voted to approve the request. The vote on the motion is as follows:

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

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

**RE: AMENDMENT TO CHAPTER 64, EROSION AND SEDIMENTATION CONTROL, WITHIN THE NORTHUMBERLAND COUNTY CODE TO COMPLY WITH STATE CODE CHANGES**

County Administrator Eades described the request.

Mr. Mike Plante of Eagle River expressed his concerns with the amendment because of the changes that have gone on with Westmoreland County as far as the E & S regulations. Mr. Plante stated that a bond had to be put up for residential construction. Mr. Eades stated that the staff reads the proposed ordinance different than Westmoreland and these amendments will not change the process from the applicants prospective. If it does, we will bring the amendments back to the Board for further review.

County Attorney Kilduff agreed with Mr. Eades.

Upon the motion by James M. Long, duly seconded by A. Joseph Self, Sr., the Board voted to approve the amendment. 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

**PUBLIC COMMENT PERIOD**

Ms. Amy Reynolds questioned the clarification of No Wake zones within Northumberland County. Mr. Eades stated that this was discussed earlier and gave her some direction as far as the procedure.

Ms. Wanda Allain expressed to the Board how hard it is to hear in the meetings.

**RE: ADJOURNMENT**

Upon motion by A. Joseph Self, Sr., the Board voted unanimously to adjourn the meeting. The vote on the motion was:

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

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

---

Kenneth D. Eades, Clerk