

**Board of Supervisors Meeting  
September 10, 2009  
5:00 P.M.**

**NORTHUMBERLAND COUNTY, VA**

The meeting was reconvened for the regular monthly meeting of the Northumberland County Board of Supervisors that was held in the New Courts Building, on Thursday, September 10, 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: INVOCATION**

Reverend Ken Overby, Northern Neck Baptist Church, led the invocation.

**RE: PLEDGE OF ALLEGIANCE**

Supervisor Tomlin led in the Pledge of Allegiance.

**RE: APPROVAL OF MINUTES FROM AUGUST 13, 2009**

Upon motion by A. Joseph Self, Jr., duly seconded by James M. Long the Board voted to adopt the August 13, 2009 minutes with one correction, to change the next meeting date to September 10, 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: APPROVAL OF AGENDA**

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long the Board voted unanimously to approve the agenda with the following changes: Mr. Jeff Gore will not be attending the meeting to discuss the Broadband issue, also, the discussion needs to be added to the Public Hearing list during the 7:00 p.m. hearings because it was advertised as a public hearing. 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: SEAN TRAPANI, RESIDENCY ADMINISTRATOR, NORTHERN NECK VDOT RESIDENCY**

Mr. Trapani reported that mowing has started and they are primarily on the main roads. They are also discussing the snow removal plan for this winter.

Chairman Jett complimented the grass cutting crew on their good work. Supervisor Haynie commented that it has been less grass in the road now that VDOT is not using contractors.

Supervisor Tomlin questioned the stop bar at the intersection of Academic Lane and 360. Mr. Trapani said he had discussed this issue with Mr. Shirley on a plan to move it forward towards Rt. 360.

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

Mr. Stables reported that school has started and enrollment is at 1406 students. Mr. Stables apologized for several situations at the new school including the phone situation that they have been dealing with to get Verizon and CSI systems to work together. He stated that the lunch shifts have been going slow and they are looking into ways to improve the lines.

Supervisor Tomlin stated he was upset as a parent for information that has not been given out for the number system for the cafeteria. He said his daughter has not gotten lunch for the last three days because of not having her number. Mr. Stables responded that he knows this has been problems and it is being addressed.

Supervisor Long stated that kids need more time to change classes and 3 minutes is not long enough.

Superintendent Stables also commented on the traffic problems on Academic Lane that includes the parent drop off loop and they are looking into adding an exit turning left lane.

Mr. Trapani from VDOT was questioned about the traffic problems on Academic Lane. He stated that if we use the revenue sharing money it would solely be for Academic Lane and not the parent drop off. He also stated that the project might be completed using other funds which will speed up the project. He stated he will be talking with County Administrator Eades on the improvements.

Supervisor Tomlin commented to Mr. Stables that the main doors were left wide open around 11'clock one morning. Mr. Stables responded by saying they should have been closed and he will check into the matter.

Chairman Jett stated that signs are needed for the office location. Mr. Stables said they are waiting on several signs to be delivered.

Mr. Stables then said he is appreciative of all the help that he has gotten with the new school and is really proud of their facilities.

Supervisor Tomlin questioned the visitor parking as to where it actually is located. Mr. Stables said the parking diagram will be sent home to parents soon but is in front of the Middle School. Mr. Tomlin stated that the visitor parking signs should say "visitor" parking".

The Northumberland Varsity's first home football game will be tomorrow night (Friday). Also, Mr. Michael Church will perform on Saturday night at the auditorium as part of the Rappahannock Concert Association.

Supervisor Haynie questioned Mr. Stables on the reason that students were running on Highway 360 for track in the rain this past Tuesday. Mr. Stables stated he was unaware of this and would find out.

**RE: MR. JOSEPH THOMPSON, FIELD DIRECTOR, NORTHERN NECK LAND CONSERVANCY AND MR. BOB LEE, DISCUSSION ON CONSERVATION EASEMENTS**

Mr. Joe Thompson thanked the Board for letting him come today and for addressing the issue of conservation easements. He stated Northern Neck Land Conservancy is a private, non profit organization. Mr. Thompson explained what the conservation easements are volunteer agreements that gives up rights to develop land because of the love of the land. State and Federal organizations also give tax incentives for the agreement.

Mr. Bob Lee, Executive Director of the Virginia Outdoor Foundation stated he has been working with the county on a management plan for Kohl's Island. The Northern Neck Land Conservancy Trust is a great idea for the area. Mr. Lee works with Land Trust and the County on easement partnerships. The local government has the authority to accept easements and he encouraged partnerships with the county to accept easements.

Mr. Hank Hoyt's, Chairman of the Board for the Virginia Outdoor Foundation stated that there is more demand than resources. There are a lot of people who want to put in easements onto their property but the smaller acreages are difficult for the Foundation to monitor. He explained that 100 acres or more of prime land is the priority. If VOF cannot help then the owner will be directed to the Northern Neck Land Conservancy.

Supervisor Tomlin questioned if an ordinance was needed by the county to participate in holding easements. Mr. Lee stated that legal council reviews the easement but the county uses the Open Space Land Act.

Mr. Thompson asked the Board to consider the program with the Northern Neck Land Conservancy for the smaller pieces of property. He stated that Richmond County is working on an agreement and has the authority to hold the easement.

Supervisor Haynie asked what was the smallest parcel of property that would be considered for an easement. Mr. Thompson said that any size parcel if it has a historical value.

Supervisor Tomlin commented that he is in favor of moving forward.

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

Mr. Walsh thanked the Board for their support in the past. He said he was here to discuss the 2010 budget and the Performance Contract. He explained the CSB is the 18<sup>th</sup> largest Board in the Commonwealth and they operate on a \$20 million dollar budget. He also explained the performance contract that is up for renewal.

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board approved the following two resolutions for the local performance contract and the line of credit. The vote on the budget 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 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 2010, 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 2010 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.

## **RESOLUTION APPROVAL OF LINE OF CREDIT**

**WHEREAS**, Chapter 781 OF THE *Virginia Acts of Assembly* [2009] as amended, states that Community Services Board may establish a line of credit loan for up to three months' operating expenses to assure adequate cash flow.

**WHEREAS**, the Middle Peninsula – Northern Neck Community Services Board has put forward its request for a line of credit loan of three million (\$3,000,000) dollars 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 line of credit loan for three million (\$3,000,000) dollars requested by the Middle Peninsula-Northern Neck Community Services Board and presented to the Board is hereby approved and may be established.

**RE: MS. KITTY CREETH, NORTHERN NECK FREE HEALTH CLINIC**

Ms. Creeth stated she is coming before the Board as a citizen due to the bad economy and the clinic is \$300,000.00 under budget. She is requesting the Board to step up and increase their contribution.

Mr. Bill Fleishman stated he is a clerk in the pharmacy at the clinic. He said he sees the value of these donations and the money is just not there.

Dr. Larry Rennie stated he is a retired physician but volunteers at the clinic. He stated that costs are up and people are getting sicker with various alignments and would like to see the Board contribute more to the clinic.

Ms. Betty Riley who is a volunteer at the clinic stated she has seen the need and the changes that the clinic has been through. She sees people there that you would never expect to be at the clinic before and it is painful for them to have to use the facility.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to approve to appropriate \$11,591.00 dollars to the Northern Neck Free Health Clinic based on the need for more money. 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: BUILDING PERMIT REPORT**

<b>RE: BUILDING PERMIT REPORT:</b>		
	<b>2009</b>	<b>2008</b>
Total construction cost for the month	\$ 2,289,211.42	\$ 5,390,466.00
Total Bldg. Permit Cost for Month	\$ 4,693.72	\$ 7,306.56
Total Zoning Permit Cost for the Month	\$ 1,900.00	\$ 3,080.00
Total Levy Fee for the Month	\$ 93.88	\$ 128.25
<i>Total Construction cost year to date</i>	<i>\$ 40,990,388.83</i>	<i>\$ 42,906,318.60</i>

**RE: REQUEST BY HOWARD STRAUGHN**

Mr. Eades informed the Board that he had received a letter from Howard Straughn and Rice's Inn/Hughletts Tavern people, requesting space in the Old High School. Supervisor Tomlin stated that the Board cannot do anything with the building until it is declared a surplus by the School Board. Therefore no action was taken on the request.

**RE: REQUEST FOR COUNTY EMPLOYEES TO BE PAID 4<sup>TH</sup> FRIDAY OF EACH MONTH**

Mr. Eades presented a change in payroll request for employees to get paid the fourth Friday of each month instead of the last working day. This will give a more consistent pay date for payroll purposes.

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the Board voted to pay all County Employees the 4<sup>th</sup> Friday of each month instead of the last working day of each month. If this Friday falls on a holiday the employees will get paid the business day before the Friday. 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: NORTHUMBERLAND COUNTY HIGH SCHOOL YEAR BOOK AD FROM BOARD OF SUPERVISORS**

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the Board voted to put a full page ad in the Northumberland High School yearbook as well as the Elementary School and Middle School if requested. 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: AQUA VIRGINIA NOTICE**

Mr. Eades informed the Board they he had received a notice from Aqua Virginia stating that they were requesting an increase in rates but it will not have an effect on the Northumberland systems that they currently operate.

**RE: APPROVAL OF CHECK REGISTER**

Upon motion by James M. Long 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: BOARD COMMENT PERIOD**

Supervisor Tomlin asked County Administrator Eades to check with Roger Wiley on having Board meetings in the Courtroom and also inquire on pictures and video taping.

**PUBLIC HEARINGS**

**RE: REQUEST BY LON CROW AND MARIAM MANI FOR A CONDITIONAL USE PERMIT TO ESTABLISH AN OFFICE BUILDING AT 17635 RICHMOND ROAD JUST WEST OF THE STOP LIGHT IN CALLAO.**

This request was tabled until the next meeting because no one was present for the request.

**RE: REQUEST BY LESLIE CRAWLEY, OWNER, AND LORI CRAWLEY, APPLICANT, FOR A CONDITIONAL USE PERMIT TO OPERATE A CHILD CARE CENTER AT 5243 JESSIE DUPONT MEMORIAL HWY. IN WICOMICO CHURCH**

Ms. Crawley stated that they are currently in operation and would like to move to another location to give them more space.

No other public comments were received.

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

1. The permit will be valid for one (1) year and will expire September 10, 2010, if the child care center has not opened for business;
2. The applicant must have all required licensing and the facility must comply with state regulations regarding the operation of a child care center; and,
3. The permit will extend to the applicant only and any change in the management of the child care center will require written permission from the Board of Supervisors.

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: AMENDMENT TO CHESAPEAKE BAY PRESERVATION AREA ORDINANCE TO REQUIRE BOARD OF SUPERVISORS APPROVAL FOR ANY ENCROACHMENT INTO THE SEAWARD 50 FOOT RESOURCE PROTECTION AREA**

Assistant County Administrator, Luttrell Tadlock described the request. He explained to the Board that this amendment would take out the provision which allows the administrator to approve encroachment into the 50 foot buffer. Any encroachment into the 50 foot buffer will require a public hearing before the Supervisors if this is approved. The Northumberland County Planning Commission considered this at their last meeting and is recommending the adoption.

*Public Hearing Open*

Ms. Ginny Estelle questioned if something were to go into this 50' buffer, would this have to go before the Board. Zoning Administrator Shirley stated that yes it would.

*Public Hearing Closed*

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to adopt the amendment to the Chesapeake Bay Preservation area ordinance to require the Board of Supervisors approval for any encroachment into the seaward 50 foot Resource Protection Area. 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: BROADBAND AUTHORITY**

County Administrator Eades described the establishment of a Broadband Authority and stated that the Northern Neck and Middle Peninsula Counties are trying to acquire funds to run a fiber line network throughout the region. The fiber line is what is referred to as the middle mile and the last mile would be provided by the local internet providers like MetroCast, Kaballero, Northern Neck Wireless, etc. The 10 county region has filed an application to the Federal Government for funding on this project and we should know something soon on the grant. We need to be in a position to move quickly so a resolution has been drafted to establish a Broadband Authority similar to our Public Access Authority. The authority will consist of 5 members and to get it started it includes the four county administrators. The county can not hold ownership of a utility so this is a way to be involved into the ownership by using the Authority.

Public Hearing Open

Mr. Dick Saxer stated that Mr. Eades did a good job describing this and we as a county need to approve this authority to help the citizens and businesses.

One audience member asked once approved, who determines the rates and who gets broadband. Mr. Eades stated that the authority determines the rules and regulations governing connections, rates, etc. He said that indications are good for this project and Congressman Whitman is assisting with the approvals. Mr. Eades stated this timeline for this project is not exactly know yet, but if the resolution is approved then funding should come sometime in December and the construction should take up to 2 ½ years.

Ms. Ginny Estelle questioned the new school’s fiber lines. Mr. Eades explained they were put in by a company called Noralite and that was paid by the e-rate funds.

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

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	

**CONCURRENT RESOLUTION CREATING  
THE NORTHERN NECK BROADBAND AUTHORITY**

**WHEREAS**, the Counties of Lancaster, Northumberland, Richmond and Westmoreland have jointly completed an extensive broadband needs assessment and a broadband implementation plan with the assistance of a technical consulting firm partially funded through a Virginia Department of Housing and Community Development grant; and

**WHEREAS**, these assessment and planning efforts have shown that access to affordable high speed data and Internet service (“broadband”) is unavailable to businesses and citizens in the vast majority of the Northern Neck region, and that the private sector alone will not fulfill this community need in the near future; and

**WHEREAS**, access to affordable broadband is important for fostering economic development, improving educational opportunities, ensuring public safety, and enhancing the overall quality of life of the citizens of the region; and

**WHEREAS**, the Counties of Lancaster, Northumberland, Richmond and Westmoreland have made a determination that in order to facilitate the provision of affordable broadband service to businesses, governmental agencies, and the general public, it is in the best interests of the general welfare of the citizens of each county to form a regional broadband authority.

**NOW, THEREFORE** the undersigned political subdivisions of the Commonwealth of Virginia hereby adopt this concurrent resolution and hereby **RESOLVE** to create the Northern Neck Broadband Authority (the “Authority”) pursuant to the Virginia Wireless Service Authorities Act, Chapter 54.1 of Title 15.2 of the Code of Virginia (the “Act”) as a body politic and corporate, and as an instrumentality exercising public and essential governmental functions to provide for the public health and welfare as authorized under the Act, and set forth herein the Articles of Incorporation of such Authority as follows:

## **ARTICLES OF INCORPORATION OF THE NORTHERN NECK BROADBAND AUTHORITY**

### **I. Authority Name**

The name of the authority is “Northern Neck Broadband Authority” (the “Authority”).

### **II. Parties to the Northern Neck Broadband Authority**

The initial members of the Authority shall be the Counties of Lancaster, Northumberland, Richmond, and Westmoreland, Virginia, each of which is a political subdivision of the Commonwealth of Virginia, authorized by the Act to participate in this Authority, collectively constituting the “Member Localities”.

### **III. Principal Address**

The address of the Authority’s principal office is the Northern Neck Planning District Commission office, which is located at 457 Main Street, P.O. Box 1600, Warsaw, Virginia 22572.

### **IV. Authority Board**

The Board of Directors of the Northern Neck Broadband Authority shall consist of five members. One member shall be appointed by each Member Locality (“appointed members”), and one member shall be the Chairperson of the Northern Neck – Chesapeake Bay Region Partnership (“Partnership”). The term of any appointed member who is also the county administrator for a Member Locality, shall be coterminous with his or her employment as county administrator; however no single term shall exceed four years. There is no maximum number of consecutive terms an appointed member may serve. The initial appointed members shall be the four county administrators from the Member Jurisdictions. The membership term of the Chairperson of the Partnership shall

be coterminous with his or her term in that position. The Board of Directors of the Authority shall exercise the powers of the Authority, and members of the Board of Directors shall be appointed, serve and be governed by the provisions of the Act. All members of the Board of Directors shall have full voting rights and privileges. The names and addresses of the initial members of the Authority Board of Directors are as follows:

<u>Name of initial members</u>	<u>Address</u>
William H. Pennell, Jr. Lancaster County appointment	8311 Mary Ball Road Lancaster, VA 22503
Kenneth D. Eades Northumberland County appointment	Post Office Box 129 Heathsville, VA 22473
William E. Duncanson Richmond County appointment	Post Office Box 1000 Warsaw, VA 22572
Norm Risavi Westmoreland County appointment	Post Office Box 1000 Montross, VA 22520
Wally Beauchamp Chairperson, Northern Neck – Chesapeake Bay Region Partnership	8311 Mary Ball Road Lancaster, VA 22503

**V. Authority Purpose**

The Authority's purpose is to provide qualifying communications services as authorized by the Virginia Wireless Service Authorities Act and Article 5.1 (§56-484.7:1 et seq.) of Chapter 15 of Title 56 of the Code of Virginia.

**VI. Powers of the Authority**

The Authority is an instrumentality exercising public and essential governmental functions to provide for the public health and welfare. The Authority shall have all rights, duties, and powers provided under the Act, including but not limited to, the power to sue and be sued in its own name, adopt an official seal, adopt bylaws and rules to govern its affairs, issue notes and revenue bonds, enter into contracts, fix and charge fees for services.

**RE: PUBLIC COMMENT PERIOD**

None

**RE: ADJOURNMENT**

Upon motion by Richard F. Haynie, the Board voted unanimously to adjourn. The next meeting will be October 8, 2009. 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