

**Board of Supervisors Meeting**  
**August 13, 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, August 13, 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 John Bibbens, led the invocation.

**RE: PLEDGE OF ALLEGIANCE**

Supervisor Long led in the Pledge of Allegiance.

**RE: APPROVAL OF MINUTES FROM JULY 9, 2009**

Upon motion by A. Joseph Self, Jr., duly seconded by James M. Long the Board voted to adopt the July 9, 2009 minutes. 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. Trapani from VDOT will not be able to attend. B. School Superintendent will also not be able to attend. 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: VIRGINIA DEPARTMENT OF TRANSPORTATION – TODD VANLANDINGHAM**

Mr. VanLandingham reported that grass cutting will begin soon and should be in Northumberland County around the end of August.

Chairman Jett questioned the surface treatment of Rt. 644.

Supervisor Tomlin questioned if the state will remove snow on the bus loop.

**RE: MR. RICH STEENSMA, NORTHUMBERLAND FORESTER; STEWARDSHIP PLAN**

Mr. Steensma presented a Forestry Stewardship Plan for the County's Poor House Tract. He stated that the property has value in timber and needs to be managed over time to insure the best income and tree protection. Mr. Steensma gave information on both the benefits of maximizing profits and on the growth of the trees. He stated that this is his recommended plan (the complete recommendation is found with in the board papers).

**RE: MS. KATRINA LAWRIMORE, DIRECTOR, REEDVILLE FISHERMAN'S MUSEUM**

Ms. Lawrimore wanted to come to the meeting to introduce herself as the new director of Reedville Fisherman's Museum. She invited everyone to the Antique and Classic Boat show and oyster roast on September 12.

**RE: NORTHUMBERLAND COUNTY SCHOOLS**

**RE: SCHOOL BOARD APPROPRIATION**

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

- \$ 60,706.35 – Reimbursement E-Rate
- \$ 1,750.00 – Reimbursement for tuition – summer school
- \$ 10,091.25 – Reimbursement of accrue CMPT – 08-09 school year.
- \$ 7,859.00 – Reimbursement of accrue ISAEP – 08-09 school year.
- \$ 45.00 – Reimbursement of substitute teacher - RCC

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	\$ 3,267,197.00	\$ 8,040,745.00
Total Bldg. Permit Cost for Month	\$ 6,368.52	\$ 11,204.20
Total Zoning Permit Cost for the Month	\$ 1,970.00	\$ 3,380.00
Total Levy Fee for the Month	\$ 127.38	\$ 196.58
<i>Total Construction cost year to date</i>	<i>\$ 38,120,477.41</i>	<i>\$ 37,515,852.60</i>

**RE: STORMWATER MANAGEMENT**

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

**RESOLUTION  
STORMWATER LEGISLATION**

**WHEREAS**, the Northumberland County Board of Supervisors recognizes its responsibility to the state's watersheds and desires to protect its lands and waterways from the degradation of urban runoff; and

**WHEREAS**, the new stormwater standards constitute an unfunded mandate, which places a financial burden on already fiscally stressed localities. Through the costs of developing a new stormwater program, as well as the required long-term maintenance and inspection of Best Management Practices, the county will incur new costs, which will not be offset by the proposed permit fees in Part XIII; and

**WHEREAS**, the proposed phosphorus standard of .28 pounds per acre year for new development is unduly restrictive and will greatly affect design and development of new sites; and

**WHEREAS**, the County requests additional evaluation of the full impact of this standard prior to implementation; and

**WHEREAS**, implementation of the new standard will severely limit development in the urban areas; and

**WHEREAS**, the proposed regulation will further promote urban sprawl as land developers seek out larger lots. The proposed standard will be more easily achieved on less developed properties;

**NOW, THEREFORE, BE IT RESOLVED**, that Northumberland County strongly recommends that the regulation, as proposed, not be adopted, rather the standards be more thoroughly studied and realistic standards adopted; and

**BE IT FURTHER RESOLVED**, that the County requests that the Commonwealth of Virginia provide funding assistance to all localities for the development of comprehensive storm water; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution opposing this unfunded mandate be sent to each county located within the Commonwealth of Virginia, the Virginia Association of Counties, Governor Kaine, our state and federal representatives, the Director of the Virginia Department of Conservation and Recreation, and the Secretary of the Environmental Protection Agency.

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 – DRUG FORFEITURE MONEY**

Mr. Eades asked if the Board would consider establishing a drug forfeiture account as recommended by our auditors to keep these funds separate and easier to manage. He stated that right now this money is held in the general fund.

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

## **RESOLUTION DRUG FORFEITURE ACCOUNT**

WHEREAS; The Northumberland County Sheriff has requested to set up a Drug Forfeiture Account that will be used specifically as the Code of Virginia allows; and

WHEREAS; Robinson, Farmer and Cox, the auditing firm that completes Northumberland County's audit, has recommended this account as the best way to handle the funds; and

WHEREAS; The Northumberland County Treasurer is willing to set up the account and track the funds going into the account,

NOW, THEREFORE, BE IT RESOLVED, THAT THE Board of Supervisors hereby authorizes the appropriation of \$5,000 to a Drug Forfeiture Account that is to be set up by the Treasurer for the purpose of moving Drug Forfeiture Funds from the County's General Fund Account to the newly established Drug Forfeiture Account.

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

Supervisor Haynie recommended getting a list of things that this money can be used for.

### **RE: RESOLUTION ON VERIZON ISSUES**

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

## **RESOLUTION VERIZON ISSUES**

**WHEREAS**, The Northumberland County Board of Supervisors has sent letters to the Virginia State Corporation on October 11, 2001, July 14, 2005 and August 14, 2008 concerning the lack of land-line services at the (804) 580 and (804) 453 exchanges; and

**WHEREAS**, Northumberland County had lengthy problems when it upgraded the Enhanced 911 System at the Sheriff's Office in Heathsville, Virginia; and

**WHEREAS**, Northumberland County has tried for two months to change the telephone lines from an old Middle and High School to a newly constructed Middle/High School Complex which as of this date are still not working correctly; and

**WHEREAS**, The Commissioner of Revenue's phone line (804-580-7612) went out on August 3, 2009 and it took Verizon 3 days to respond; and

**WHEREAS**, The entire Northumberland County Centrex System could not make a long distance call for over a week and they blamed Quest for the problem when it ended up being a Verizon problem; and

**WHEREAS**, All of the Northumberland County Governmental Offices and Schools in the (804) 580 exchange cannot get Enhanced Caller Deluxe, Voice Mail, DSL, and After Call Forwarding while every other governmental agency within the Commonwealth of Virginia can obtain these services; and

**WHEREAS**, Verizon **will not** upgrade the (804) 580 and (804) 453 exchanges to accommodate the Citizens of Northumberland, Local Government Offices and our new construction,

**NOW, THEREFORE, BE IT RESOLVED** that the Northumberland County Board of Supervisors hereby requests the State Corporation to address this issue or request legislation that requires Verizon to respond in a reasonable time and to update these central offices to get services we deserve.

**BE IT FURTHER RESOLVED** that the Northumberland County Board of Supervisors hereby requests Governor Kaine, Senator Stuart and Delegate Pollard to help 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: EMERGENCY 911 MAPPING RESOLUTION**

Mr. Eades stated that the county was awarded a \$150,000 grant to upgrade their mapping equipment. Because it is an upgrade and MicroData has proprietary rights over the software, there is no practical way to bid the project out.

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

**RESOLUTION**

**WHEREAS**, upon determination that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation as allowed by the Code of Virginia under §2.2-4303 E; and

**WHEREAS**, in 2004, Northumberland County requested competitive sealed bidding for its Emergency Services 911 Mapping System; and

**WHEREAS**, Northumberland County awarded the Emergency Services 911 Mapping System contract to microData, an Emergency Services Mapping Vendor, proposed by Verizon Business; and

**WHEREAS**, Northumberland County applied for and has received funding for the upgrade of its Emergency Services 911 Mapping system through the 2010 Grant Cycle of the Virginia Wireless Board; and

**WHEREAS**, microData’s software is proprietary in nature and would be the only practicable vendor to supply such an upgrade to the software, and therefore would be impractical for competitive sealed bidding to be requested to obtain the aforementioned upgrade from another Emergency Services Mapping Vendor.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Northumberland County, Virginia, authorizes the County Administrator to enter into a contract with microData for the purposes of upgrading the County’s 911 Mapping system.

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 C.W. OBIER, FENCING**

Mr. Eades stated that he had received a request by Mr. Stanley Obier to extend the length of time he had to arrange his fencing on his property after being granted for a special exceptions permit in the spring of this year.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the board voted to extend the time 60 days in order to get the fencing up around his property. 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: PUBLIC NOTICE FOR GROUNDWATER MANAGEMENT**

Mr. Eades reported that the state is seriously considering putting the Northern Neck into a Groundwater Management Area with or without our blessing. This Management Area will have huge implications on existing water systems and future water systems. It will restrict the flows of wells, however it will not affect the use of our aquifer for Southern Maryland or West Point.

### **RE: BROADBAND PROPOSAL**

Mr. Eades reported information on a broadband grant in the amount of \$19 million dollars that the Planning District Commission is working on with the other counties of the Northern Neck and Middle Peninsula areas. Mr. Eades stated that he will have more information next month about the request and the setting up of a regional authority.

### **RE: STORAGE OF MOBILE HOMES, RESOLUTION SENT TO PLANNING COMMISSION**

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the board voted to send the following resolution to the Planning Commission:

#### **RESOLUTION AMENDMENT TO ZONING ORDINANCE**

WHEREAS, On August 13, 2009 the Northumberland County Board of Supervisors discussed storage of mobile homes; and

WHEREAS, the same Board wants to make sure that requirements are handled consistently and with few enforcement problems; and

WHEREAS, the first step in this process is for the Planning Commission to review this possible amendment;

NOW, THEREFORE, BE IT RESOLVED that the Northumberland County Board of Supervisors asks the Northumberland County Planning Commission to review a possible change to the Zoning Ordinance to evaluate the way storage of a mobile home is handled in order to relieve staff on enforcement issues and make a recommendation back to the Board of Supervisors for their consideration.

The vote on the motion is as follows:

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

**RE: APPOINTMENT TO THE NORTHERN NECK CHESAPEAKE BAY PARTNERSHIP**

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the Board voted to appoint Mr. Richard Saxer, of 308 Reed Avenue, Reedville, Virginia 22539 to the Northern Neck Chesapeake Bay Partnership. 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: DEPUTY ZONING ADMINISTRATOR POSITION OPEN**

Mr. Eades informed the Board that the Deputy Zoning Administrator, Trevor Wind had resigned and the position will be re-advertised.

**RE: APPROVAL OF CHECK REGISTER**

Upon motion by James M. Long duly seconded by A. Joseph Self, Sr., 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 long expressed some concerns with the new school that included the gym floor as well as nails in the ceiling.

**RE: OYSTER POINT ROAD REQUEST, CORRECTION**

County Attorney Kilduff stated he had received a request from the law firm, Bowman Green Hampton & Kelly in Chesapeake, Virginia requesting a deed of correction for the Oyster Point Road. Mr. Kilduff stated that the corrections were items that we thought had been taken care of but didn't. This correction actually deeded the right residual properties to the proper properties (Copy of the deed is recorded with these minutes).

Upon motion by James M. Long duly seconded by Richard F. Haynie, the Board voted unanimously to authorize the Board Chairman to sign the documents. 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

**PUBLIC HEARINGS**

**RE: REQUEST BY WHITE SAND PROPERTY OWNERS ASSOCIATION FOR AN AMENDMENT TO THE COUNTY CODE TO ALLOW THE USE OF GOLF CARTS WITHIN THEIR SUBDIVISION**

County Administrator Eades described the request by White Sand Property Owners Association to authorize them to be a golf cart community as defined within the County Code.

Public Hearing Open

Mr. James Cloggett stated there are already have 8 golf carts in the community and we want everyone to be legal.

Public Hearing Closed

Upon motion by Richard F. Haynie, duly seconded by James M. Long the Board voted to amend the county code to add the roads within White Sand Harbour Subdivision.

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

**RE: REQUEST BY PAUL R. ROBERTSON FOR A CHANGE IN ZONING DISTRICT CLASSIFICATION TO REZONE THE OLD TEXACO SERVICE STATION FROM RESIDENTIAL WATERFRONT; R-2 TO BUSINESS GENERAL; B-1 AT 20336 NORTHUMBERLAND HWY IN REEDVILLE**

Assistant County Administrator, Luttrell Tadlock described the request. He stated that the Northumberland County Planning District Commission had considered this amendment and recommends approval.

No public comments were received.

Upon motion by Ronald L. Jett, duly seconded by Mr. James M. Long, the board voted to approve the rezoning request as presented.

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	

Supervisor Tomlin stated that this was a mistake from the very beginning of the zoning map in 1974.

**RE: PUBLIC COMMENT PERIOD**

Ginny Estell noted problems with the “selective cut” of trees and gave an example of a piece of property that this was recently cut on Rt. 604.

Ms. Becky Bowles thanked the Board for their consideration in her matter from last months meeting (Burgess Request). She explained that when zoning updates come up, to please think of Northumberland County and make the changes in A-1 that need to be made to prevent a truck terminal from happening next door to someone else.

**RE: ADJOURNMENT**

Upon motion by Richard F. Haynie, the Board voted unanimously to adjourn. The next meeting will be September 10, 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