

Board of Supervisors Meeting
June 11, 2009
5:00 P.M.

NORTHUMBERLAND COUNTY, VA

A special meeting was called for the purpose of discussing the Fiscal Year 2009/2010 budget. The meeting was held in the old courthouse building. Supervisor Ronald L. Jett, Chairman, called the meeting to order at 4:00 p.m.

A quorum was established with the following members present:

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

RE: FY 2009-2010 BUDGET

The first discussion item dealt with the funding for a School Resource Officer. Supervisor Tomlin said that we were misled on the funding of the officer, which was suppose to be 100% for the first three years. In the Governor's release the funding was based on our composite index which means that we will have to pick-up approximately 75% of the costs.

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted unanimously not to accept the grant for the School Resource Office. 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	

Supervisor Self discussed the School Board's funding and asked Mr. Stables, School Superintendent, if he could pull \$300,000 from his budget. Mr. Stables said it would be difficult without positions pulled and the total increase was \$282,645 with \$156,120 coming from utilities. The \$600 increase for full-time employees and \$300 for part-time employees is there to keep the employees from dropping back in salaries. If the increases were cut and the school buses it would total about \$300,000.

RE: ADJOURNMENT

Upon motion by Thomas H. Tomlin, the Board voted unanimously to close the May meeting. The vote on the motion was:

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

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, June 11, 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

Pastor Steven Hency, Tibitha Church of God, led the invocation.

RE: PLEDGE OF ALLEGIANCE

Pastor Hency led us in the Pledge of Allegiance.

RE: APPROVAL OF MINUTES FROM MAY 14, 2009

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the Board voted to adopt the May 14, 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 Thomas H. Tomlin duly seconded by A. Joseph Self, Sr., the Board voted unanimously to approve the agenda for today's meeting with one addition to add a closed meeting after the public hearings. The vote on the motion was as follows:

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

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

Mr. Trapani reported that the crew has been ditching Balls Neck area as well as the Reedville area. The Ferry schedule has changed; the proposed schedule is Monday through Friday 8:00 a.m. to 4:30 p.m. This will go into effect on June 25, 2009. Supervisor Tomlin asked if there will be signage to let people know the new times. Mr. Trapani stated he was trying to get it straight.

Mr. Trapani stated that top priorities now are in transportation are Emergency Response, Roadway Service and Safety.

Chairmen Jett questioned the plan as far as grass and other issues now that the state contracts have been terminated.

Chairman Jett and Supervisor Self questioned the way the grass was cut over the past few weeks. Mr. Trapani explained that the grass was cut and blew back into the roads causing slick roadways.

RE: RESOLUTION- VDOT

Upon motion by Thomas H. Tomlin duly seconded by James M. Long, the Board voted unanimously to approve the Bussel Point Resolution. 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	

**RESOLUTION
REFERENCE: BUSSEL POINT SUBDIVISION**

WHEARAS, the streets in the Bussel Point Subdivision as described on the attached VDOT Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Northumberland County, and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation has advised the Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation,

WHEREAS, the County and the Virginia Department of Transportation have entered into a comprehensive agreement on February 11, 2004, for the stormwater detention in Northumberland County.

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached VDOT Form AM-4.3 to the secondary system of state highways, pursuant to Sec. 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

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

Supervisor Long informed Mr. Trapani that there is a problem on Indian Valley Road and to give Col. Phillips a call. There is also a traffic device needed on Beanes Road and Mr. Long also reported pot holes on Courthouse road needed to be fixed.

Supervisor Self stated he would like to meet VDOT in the Lewisetta area to discuss drainage problems.

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

Mr. Stables stated this has been a big week as far as the new school. He said this has been a 6 year process with a lot of input and deliberation and good design. He thanked the Board for their support.

He thanked the public for all of their effort for coming together and donating their trucks, time etc. to make the move successful.

Mr. Stables said the year finished well. They have not received all of the SOL scores back yet but so far all are looking good.

Supervisor Long thanked the students for helping during the move also.

Mr. Stables stated this has been a tough budget year. He has been concerned with the state cuts and explained that if the county share was reduced \$300,000.00, it would be a huge hit. The only control that Mr. Stables stated he had over the cost was the salary increases and 2 new school buses they had planned to purchase. Stables stated he hoped he would not have to cut these out but stated that they did not want to be a burden on the finances. If the budget was reduced, he asked that the Board cut \$269,225 due to the fact that they were requesting a negative \$30,775. The two total \$300,000. This would make the total School Board Budget \$15,644,929.

RE: ADOPTION OF BUDGET

Pursuant to notices, duly published according to law, the Board of Supervisors held its public hearing on June 4, 2009 regarding the proposed budget of this County for fiscal year commencing July 1, 2009, and does this day approve the following 2009-2010 County Budget of \$34,846,027.00 and hereby orders that it become a part of the records of the County for future reference:

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to adopt the FY 10 Budget with the item changes stated above. The vote on the motion is as follows:

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

*Supervisor Tomlin stated that he was voting against the budget for the same reasons stated in the June 29, 2000 minutes due to long term public debt without voter approval.

RE: TAX RATE

Upon motion by A. Joseph Self, Sr. duly seconded by James M. Long the Board voted on the following resolution setting the tax rates for FY 10. The vote on the motion is as follows:

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

*Supervisor Tomlin stated that he was voting against the budget for the same reasons stated in the June 29, 2000 minutes due to long term public debt without voter approval.

R E S O L U T I O N
BUDGET ADOPTION FY 10

After careful examination of the budget estimates, BE IT RESOLVED AND ORDAINED by the Board of Supervisors of the County of Northumberland, Virginia that there be and is hereby levied for Fiscal Year 2009-2010 a tax of \$0.40 per one hundred dollars of assessed valuation of taxable real estate located in this County and public service corporations, based upon the assessment thereof fixed by the State Corporation Commission and duly certified; that there be and is hereby levied for the year 2009, a tax of \$3.60 at a 40% assessment ratio of NADA of all taxable personal property; that there be and is hereby levied for the year 2009, a tax of \$3.60 at a 25% assessment ratio per one hundred dollars of the assessed valuation for the 1st year and 10% depreciation each year thereafter (minimum of \$150.00 valuation) of all machinery & tools used in a trade or business physically located in the County of Northumberland; that there be and is hereby levied for the year 2009, a tax of \$1.00 at 50% assessment ratio of original cost of all inventory on hand as of January 1, 2009 in any mercantile business located in Northumberland County;

BE IT FURTHER ORDERED that such taxes, when and if appropriated by the Board of Supervisors of this County, shall be used to defray county charges and expenses and all necessary charges incident to or arising from the execution of the lawful authority of the Board of Supervisors of Northumberland County.

RE: APPROPRIATIONS RESOLUTION

Upon motion by A. Joseph Self, Sr. duly seconded by Richard F. Haynie the Board voted on the following appropriations resolution. The vote on the motion is as follows:

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

*Supervisor Tomlin stated that he was voting against the budget for the same reasons stated in the June 29, 2000 minutes due to long term public debt without voter approval.

FISCAL YEAR 2009/2010 APPROPRIATIONS RESOLUTION

WHEREAS, the Northumberland County Board of Supervisors has heretofore prepared a budget for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate sufficient funds for the contemplated expenditures as are contained in the budget.

NOW, THEREFORE, BE IT RESOLVED, by the Northumberland County Board of Supervisors that the budget for fiscal year 2009/2010 is approved and appropriations for the aforementioned funds are made as follows, subject to terms and conditions outlined within this appropriation resolution:

Operating Budget

County Administrator	215,915
County Attorney	15,000
Legislative Audit	37,800
Commissioner of Revenue	270,702
Assessor	30,000
Treasurer	308,317
Electoral Bd./Officials	31,517
Voter Registrar	77,404
Information Technology	84,660
Circuit Court	16,482
Witness Protection	27,344
General District Court	3,700
Juvenile & Domestic Relations	66,674
Clerk of Circuit Court	306,378
Commonwealth's Attorney	309,323
Sheriff	1,919,567
Fire Suppression/VFD	285,220
Ambulance/Rescue	167,856
Regional Jail	390,000
Building Inspections	173,629
Animal Control	90,097
Medical Examiner	350
Emergency Services	218,000
Street Lights	18,000
Solid Waste	982,234
Refuse Disposal	10,000
General Properties	207,605
Local Health Services	180,108
Community Serv. Bd.	40,933
Dept. of Social Services	2,839,945
Public Schools	16,186,827
Rapp. Comm. College	7,429
Recreational Programs	50,000
North. Co. Pub. Library	110,000
Planning	298,232
Economic Developm't	33,500
N.N. Planning Dist.	19,000
Soil & Water Conserv.	10,850
Forestry	5,201
Wetlands Board	17,612
Coop. Ext. Program	59,560
Capital Projects	2,568,968

Total Operating Budget Appropriations \$28,976,802

TERMS AND CONDITIONS

1. All appropriations are declared to be maximum, conditional and proportionate appropriations. This makes the appropriations payable in full in the amounts named herein, if the aggregate revenues collected and other resources available during the year ending June 30, 2009 for which appropriations are made, are sufficient to pay all of the appropriations in full; otherwise, the said appropriations shall be deemed to be payable in such proportion as the sum of all realized revenue is to the total amount of the revenues estimated by the Board of Supervisors to be available for appropriation in the year ending June 30, 2010.
2. No department, agency, or individual receiving appropriations under the provisions of this resolution shall exceed the amount approved for that department, agency, or individual by the Northumberland County Board of Supervisors.

3. The Board of Supervisors reserves the right to change at any time during the fiscal year ending June 30, 2010 compensation provided to any officer or employee and to abolish any office or position, except for such office or position as it may be prohibited by law from abolishing.
4. The County Administrator is authorized to establish purchasing policies and procedures to assure that expenditures are made within the appropriations defined within this Resolution and to initiate emergency spending reductions to decrease expenditures in light of decreased actual revenues.
5. The amount appropriated to fund contemplated expenditures for the Northumberland County School Board is by total appropriation. As permitted by state statute, the School Board is authorized to transfer funds between categories.
6. No expenditures shall exceed the appropriation established by the Northumberland County Board of Supervisors unless a supplemental appropriation is approved in advance of the expenditure.
7. Any request to increase the overall appropriation to any department, agency or organization as appropriated by this resolution must be made to the Board of Supervisors by written request.
8. The County Administrator may increase appropriations for the following items of non-budgeted revenue that may occur during the fiscal year:
 - a. Insurance recoveries received for damage to County vehicles or other property for which County funds have been expended to make repairs.
 - b. Refunds or reimbursements made to the County for which the County has expended funds directly related to that refund or reimbursement.
 - c. Additional, unbudgeted grants received during the fiscal year for which there is sufficient revenues to defray expenditures.
9. All appropriations that are not encumbered or expended prior to June 30, 2010 will lapse and the balance shall become part of the General Operating Fund Balance.
10. The County Administrator may increase or reduce revenue and expenditure appropriations related to programs funded all or in part by the Commonwealth of Virginia and/or the federal government to the level approved by the responsible state or federal agency.
11. The County Administrator may appropriate both revenue and expenditures for donations by citizens or citizen groups in support of County programs. Any remaining unencumbered balance of a restricted donation at the end of the fiscal year will be reappropriated into the subsequent fiscal year.
12. The County Administrator may appropriate revenues and expenditures for funds received by the County from asset forfeitures for operating expenditures directly related to drug enforcement. The outstanding balance of these funds shall not lapse but be carried forward into the next fiscal year.
13. Any reimbursement for travel expenses outside the county must be pre-approved by the County Administrator.

RE: PERSONAL PROPERTY TAX RELIEF

Upon motion by A. Joseph Self, Sr. duly seconded by Richard F. Haynie the Board voted on the following PPTR resolution. The vote on the motion is as follows:

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

PERSONAL PROPERTY TAX RELIEF

WHEREAS the Personal Property Tax Relief Act of 1998, Va. Code §§ 58.1-3523 *et seq.* (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the “2005 Appropriations Act”); and

WHEREAS these legislative enactments require the County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS these legislative enactments provide for the appropriation to the County, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax on such vehicles.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors that: Qualifying vehicles obtaining situs within the County during tax year 2009, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
- Personal use vehicles valued at \$1,001 to \$20,000 will be eligible for 65% tax relief;
- Personal use vehicles valued at \$20,001 or more shall only receive 65% tax relief on the first \$20,000 of value; and
- All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.
- In accordance with Item 503.D.1., the entitlement to personal property tax relief for qualifying vehicles for tax year 2005 and all prior tax years shall expire on September 1, 2006. Supplemental assessments for tax years 2005 and prior that are made on or after September 1, 2006 shall be deemed ‘non-qualifying’ for purposes of state tax relief and the local share due from the taxpayer shall represent 100% of the tax assessable.

RE: BUILDING PERMIT REPORT

RE: BUILDING PERMIT REPORT:		
	2009	2008
Total construction cost for the month	\$ 1,785,914.00	\$ 4,674,355.00
Total Bldg. Permit Cost for Month	\$ 5,073.40	\$ 6,533.96
Total Zoning Permit Cost for the Month	\$ 2,440.00	\$ 3,260.00
Total Levy Fee for the Month	\$ 86.53	\$ 109.43
<i>Total Construction cost year to date</i>	<i>\$ 31,976,871.24</i>	<i>\$ 24,398,796.00</i>

RE: DEPARTMENT OF SOCIAL SERVICES RE-APPOINTMENT

Upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin, the Board voted to re-appoint Mr. John Jordan to the Social Services Board. 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: APPOINTMENT TO THE WETLANDS BOARD, MR. GEORGE REW

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the Board voted to advertise this request for the June meeting. 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: APPROPRIATION, COMMONWEALTH ATTORNEY’S OFFICE

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the Board voted to appropriate \$4,700.00 to the Commonwealth Attorney’s office from Drug Forfeiture. 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: DOWNING REQUEST- TABLED, DECISION TO RE-ADVERTISE

Mr. Eades mentioned to the Board that the Downing request was scheduled for this month but was asked to be tabled again. He suggested re-advertising this when the time comes to have a public hearing on the matter. The Board of supervisors agreed.

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 reported on the Wicomico Apartments that was mentioned last month. Mr. Long stated that the Sheriff’s office has been called there 36 times in a 6 month time span. He stated that the Health Department is also having problems there.

The Board authorized Mr. Eades to call and meet with the owner of the property and see what can be done.

RE: CLOSED MEETING

Upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin, the Board voted unanimously to convene into closed meeting to a legal matter that needs consultation from legal counsel as permitted by Virginia Code Section 2.2-3711 (A) (7). The vote on the motion was as follows:

A. Joseph Self, Sr. – YEA
Richard F. Haynie – YEA
Thomas H. Tomlin – YEA

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

RE: OPEN MEETING

The Board convened back into open session upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin, 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
Richard F. Haynie – YEA
Thomas H. Tomlin – YEA

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

The vote on the motion was passed by a roll call vote as follows:

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

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

There was no action taken after the closed meeting.

PUBLIC HEARINGS

RE: REQUEST BY ROBERT W. JACEY FOR A CONDITIONAL USE PERMIT TO OPERATE A WINERY AT HIS PROPERTY AT THE END OF TRAIN LANE NEAR WICOMICHO CHURCH

Zoning Administrator, W.H. Shirley described the request, he stated he has not received any comments on the matter.

Public Hearing Open

Ms. Ginny Estell asked why a condition use request is needed. Mr. Shirley stated food processing is only permitted in R-2 with a conditional use permit.

Public Hearing Closed

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

You must obtain all permits from the state of Virginia required for the operation of a farm winery.

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 BY JOHN STERRETT FOR A CONDITIONAL USE PERMIT TO PLACE A SINGLE WIDE MOBILE HOME AT 5024 JESSIE DUPONT MEMORIAL HIGHWAY IN WICOMICO CHURCH

Zoning Administrator W.H. Shirley described the request and read the suggested conditions. Mr. Shirley explained that a single family dwelling unit in Business; B-1 zoning requires a conditional use permit.

Public Hearing Open

No comments were given.

Public Hearing Closed

Upon motion by James M. Long duly seconded by Richard F. Haynie the Board voted to approve the request as submitted with the suggested conditions:

The permit will extend to the applicant only and any future owner(s) who wish to maintain a dwelling on the property must obtain written permission from the Board of Supervisors; and,

There may be only one (1) dwelling unit on the property.

The vote 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: REQUEST BY R. WAYNE AND GLORIA BURGESS FOR A CONDITIONAL USE PERMIT TO PLACE A PRIVATE STORAGE BUILDING ON THEIR LANDLOCATED ON COAN STAGE ROAD

Mr. Shirley described the request stating that he had received 4 written objections.

Mr. Matt Burgess representing, stated that he wants to build the shop to store tractors in and no work will be done on trucks. This will not be a trucking company and there will be no night traffic.

Public Hearing Open

Mrs. Becky Bowles stated that they built their home for peace and quite a quarter mile off the road and they used to have deer pass through and now they don't come around. She stated her and her husband are losing the beauty of their home. She said there is a stream that runs behind their property and is worried because of the run off. Mrs. Bowles stated that Mr. Burgess has not complied with other regulations their and why would he comply now?

Mrs. Debbie Harper stated that her husband submitted a letter to the Board explaining his views. Mr. Harper is experienced in Erosion and Sediment Control Laws and in on active duty and does not see where compliance has been met.

Mr. Tom Bowles informed the Board that if this is granted and Mr. Burgess does not stay in compliance, then he will call and let everyone know.

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the Board voted to postpone this request until further information on the erosion compliance is checked into and suggestions provided by Deputy Zoning Administrator, Trevor Wind if any are needed. A decision on this will be made at the July 9th meeting and Mr. Ken Harper will be allowed to speak on this matter as well.

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: CONSIDERATION FOR A “NO WAKE” MARKER DESIGNATION ON WAREHOUSE CREEK OFF THE GREAT WICOMICO RIVER NEAR LILIAN

County Administrator Eades described the request. He stated that he received one letter of support.

Public Hearing Open

Mr. Frank Fletcher stated that he supports the designation.

Mr. Larry Moore stated that boat craft go too fast in the creek and this needs to be passed.

Ms. Candy Walker stated she supports this for the safety purpose.

Mr. Gene Ikol questioned the position of the buoys.

Public Hearing Closed

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

RE: PUBLIC COMMENT PERIOD

Mr. Lee Allain stated he had a solution to the no wake issues. He suggests take areas 400' or less from shoreline to shoreline and make them county wide no wake zones.

Mr. Luther Welch stated he would like to see a plaque up in the New Courts Building with a listing of the Sheriff's and Commonwealth Attorneys on them throughout the years. Mr. Welch also warned about rabies in the county is spreading and to also be aware of ticks.

RE: ADJOURNMENT

Upon motion by Thomas H. Tomlin, the Board voted unanimously to keep the meeting open until the next meeting on May 18, 2009. The vote on the motion was:

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

Kenneth D. Eades, Clerk