

**Board of Supervisors Meeting**  
**May 14, 2009**  
**5:00 P.M.**

**NORTHUMBERLAND COUNTY, VA**

A regular monthly meeting of the Northumberland County Board of Supervisors was held in the New Courts Building, on Thursday, May 14, 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 Lee Farmer, Coan Baptist Church, led the invocation.

**RE: PLEDGE OF ALLEGIANCE**

Mr. Donald Hart, President of Virginia Association of Counties led us in the Pledge of Allegiance.

**RE: APPROVAL OF MINUTES FROM April 9, 2009 AND APRIL 22, 2009**

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the Board voted to adopt the APRIL 9, 2009, and April 22, 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. CARROLL BARRACK, FSO-PA FLOTILLA 3-10, SAFE BOATING MONTH**

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long., the Board voted to adopt the following proclamation.

## *Proclamation*

Recreational boating is fun and enjoyable, and we are fortunate that we have sufficient resources to accommodate the wide variety of pleasure boating demands. However, our waterways can become crowded at times and be a place of chaos and confusion. While being a marvelous source of recreation, boating, to the unprepared, can be a risky sport. Not knowing or obeying the Navigation Rules or the nautical "Rules of the Road," drinking alcohol or taking drugs while operating a boat, or choosing not to wear your life jacket when doing so is clearly not the smart thing to do, are all examples of human error or a lack of proper judgment. One particular behavior that can reduce the number of boaters who lose their lives by drowning each year by approximately 80% is the wearing of a life jacket. It is a simple task that has the potential to reduce terrible loss in lives. Knowledge and skills are important in reducing human error and improving judgment. If people are aware of the risk, they are likely to take the precautionary measures to protect themselves and their friends and family. That is why we must continue to spread the messages of boating safety not only during National Safe Boating Week but also throughout the entire year.

**Whereas**, on average, 700 people die each year in boating-related accidents in the U.S.; nearly 70% of these are fatalities caused by drowning; and

**Whereas**, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

**Whereas**, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

**Whereas**, modern life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public.

**Therefore**, Northumberland County, does hereby support the goals of the North American Safe Boating Campaign and United States Coast Guard Auxiliary Flotilla 3-10 and proclaim **May 16-22, 2009**, as National Safe Boating Week and the start of the year-round effort to promote safe boating.

In Witness Thereof, I urge all those who boat to "Boat Smart. Boat Safe. Wear it." and practice safe boating habits.

Given under my signature and the seal of Northumberland County, at the town of Heathsville, this 14 day of May, in 2009.

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

Mr. Trapani reported that they have been paving on Rt. 200 and Rt. 202 and this should be completed soon. The crew has also started mowing and trash pickup. He advised the Board that grass cutting does have a new standard this year which includes 18ft. or to the ditch. The first cut will be done by contactors and by the local district state forces the next time. Grass will be mowed 3 times this year on primary and the next two mows will not include trash pick up. Other regular maintenance will be going on as usual including pulling ditches.

Supervisor Tomlin inquired about the paving on 200 and 202 as to why it stopped at a certain distance from the Glebe Point Bridge. Mr. Trapani explained the paving stopped because the rest of the road did not require an overlay.

Supervisor Long stated there are potholes on Courthouse Road and there is a missing speed limit sign on Indian Valley Road, Rt. 604.

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

**RE: SCHOOL BOARD APPROPRIATION**

\$ 14,708.00- Reimbursement Honeywell – Overpayment

Upon motion by A. Joseph Self, Sr. duly seconded by James M. Long, the Board voted to approve the appropriation. The vote on the motion is as follows:

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

Mr. Stables reported that he has received word that the public water works permit for the new Middle/High School Complex has been approved but we have not received the letter stating that yet.

Mr. Stables commented that at the last School Board meeting the demolition of Old Middle School was discussed in a public forum. Chairman Jett suggested setting up a committee to discuss the disposition of the Middle School. Supervisor Tomlin stated that until the School Board declares the school surplus the property still belongs to the School Board. A meeting with the two Boards is scheduled for May 18<sup>th</sup> at 7 p.m. in the Board Room.

Mr. Stables addressed some of the issues and concerns with the condition of the baseball and softball fields which included the following.

- ❖ Scoreboard – replacement parts have arrived
- ❖ Tarps will be removed and put into storage.
- ❖ Weeding around the ball fields will be done by the end of the week.
- ❖ Cleaning and maintenance of the bathrooms will now be done by staff.
- ❖ A temporary fence will be put up and a permanent fence will replace.
- ❖ The Track has been completed.

Mr. Stables reported that school will closed on June 4 and the move will begin on June 8. Graduation will be on June 13 at the Old High School Football field at 9 a.m. Summer school will begin on June 22, 2009.

Supervisor Haynie questioned Mr. Stables on pest control as far as if they get a list of chemicals that could be hazardous to children. Mr. Stables said that you must be certified to spray chemicals around the schools but he would look further into it.

Mr. Stables was asked to give a job description of the Athletic Director. Mr. Stables responded that his duties include, scheduling, performance of the athletes, getting officials for games and to set up everything.

Chairman Jett stated there has not been a referee for the 8<sup>th</sup> grade home soccer games.

Chairman Jett commented on a quote that School Board Chairman, Lee Scripture made concerning the progress of the new school. Mr. Jett said that if Mr. Scripture had attended the progress meetings, he would have been a little better informed. Mr. Jett said he failed to see him at any of them.

**RE: MR. DONALD HART, PRESIDENT OF VIRGINIA ASSOCIATION OF COUNTIES**

Mr. Hart stated he was honored to be here today and that Northumberland County is very important and is a beautiful county. He informed the Board that he too is a Supervisor in Accomack County. Mr. Hart said VACO has been working with the Governor and the Senate to optimize the goals of counties. He went further to say he is trying to establish a relationship with each county so that they can stand together with one voice. Mr. Hart asks for the county to take advantage of the benefits that VACO offers. Mr. Hart stated that if anything is ever needed of him to please contact them.

Supervisor Tomlin commented to Mr. Hart about the Verizon problems this county is having with the 580 and 453 exchanges and their lack of services offered.

Supervisor Self complimented Mr. Hart on his visit and said that the Rural Planning Caucus within VACO is very helpful and worthwhile. Mr. Self stated further that his concern with attending the annual meeting is the schedule is not determined in enough time to plan on attending. Last year the deadline to register was before all the sessions were scheduled. Mr. Hart stated he would make sure this did not happen this year.

| <b>RE: BUILDING PERMIT REPORT:</b>          |                         |                         |
|---|-------------------------|-------------------------|
|   | <b>2009</b>             | <b>2008</b>             |
| Total construction cost for the month       | \$ 11,808,966.14        | \$ 5,056,181.00         |
| Total Bldg. Permit Cost for Month           | \$ 12,974.32            | \$ 9,037.20             |
| Total Zoning Permit Cost for the Month      | \$ 5,640.00             | \$ 4,030.00             |
| Total Levy Fee for the Month                | \$ 227.52               | \$ 153.38               |
| <i>Total Construction cost year to date</i> | <b>\$ 30,190,957.24</b> | <b>\$ 19,724,441.00</b> |

**RE: NORTHUMBERLAND COUNTY HEALTH DEPARTMENT REQUEST**

Mr. Eades explained the request by the Health Department to refund \$12,973.00 that is projected not to be spent in this fiscal year. The extra money is due to the states reduction and our matching funds.

Supervisor Self suggested to hold over on this until budget discussions.

**RE: WAREHOUSE CREEK, NO WAKE (ADVERTISE)**

Mr. Eades stated he had received a request from the Warehouse Creek homeowners for a No Wake sign to be put up on their creek.

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: NORTHERN NECK JAIL BOARD BUDGET**

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to approve the Northern Neck Regional Jail Board’s budget in the amount of \$8,896,246.00. 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 NORTHERN NECK REGIONAL PARTNERSHIP**

Mr. Eades explained to the Board that the Northern Neck Tourism Council had disbanded and to try to keep the Tourism group going regionally it is being moved to the Northern Neck Regional Partnership. The new members from each county in the Northern Neck will need to appoint two citizens from each county and the County Administrator. Mr. Eades asked if the Board would consider Mr. George Beckett as one of the citizen members since he was the previous chairman and to think of another member that will serve.

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to appoint Kenny Eades and George Beckett to the new Tourism 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: REHABILITATION BOARD FOR LIGHT STREET PROJECT**

Upon motion by Thomas H. Tomlin, duly seconded by Richard F. Haynie, the Board voted to appoint the following members to the Rehabilitation Board for the Light Street Project: Kenneth D. Eades, William Knight, James M. Long, Rosalie Coultrip, Rev. T.W. Morris, Kermit Green and Rev. Jeff Cerar. 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: KOHLS ISLAND DISCUSSION**

Mr. Eades commented that he has heard that the Virginia Outdoor Foundation, which owns Kohl's Island, is planning on placing restrictions that will prevent any public access to the 40 acre parcel located at Smith Point due to the tiger beetle. The Foundation is willing to met with the county and jointly write a management plan that will allow public use of the property. Mr. Eades said that he would keep the Board informed on what is taking place throughout the process.

**RE: RESOLUTION FOR R. MICHAEL MCKENNEY**

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

**HONORING R. MICHAEL MCKENNEY**

WHEREAS; The Honorable R. Michael McKenney has dedicated sixteen years of his life to serve as Northumberland County's Commonwealth Attorney, and

WHEREAS; The Honorable R. Michael McKenney has demonstrated a deep concern for the welfare of Northumberland County Citizens through the enforcement of laws and regulations, and

WHEREAS; the same Honorable R. Michael McKenney has demonstrated the most creditable standards of ethics and honesty over his years of service for Northumberland County, and

WHEREAS; the same Honorable R. Michael McKenney enjoys the respect and devotion of his friends and colleagues, and

WHEREAS; the same R. Michael McKenney has been appointed Juvenile and Domestic Relations Judge for the 15<sup>th</sup> Judicial Circuit,

NOW, THEREFORE, BE IT RESOLVED, THAT THE Board of Supervisors hereby expresses its deepest appreciation and gratitude to the Honorable R. Michael McKenney's for the loyal and faithful service, and wishes him great success as the Juvenile and Domestic Relations Judge.

BE IT FURTHER RESOLVED, that this resolution is hereby adopted on this day, May 14, 2009.

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 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 Long stated he had received several calls on the Wicomico Apartments. There are crowds of people outside keeping the neighbors awake and several arrests have occurred there recently. He said the Sheriff and their department are constantly at that location. Supervisor Tomlin suggested asking the Sheriff for a list of complaints at the Wicomico Apartments that they had received in one year's time. Mr. Tomlin added that there is always the option to go to court and file a nuisance claim. Supervisor Long stated we need to do what is right to protect the people.

## **PUBLIC HEARINGS**

### **RE: REQUEST BY COWART PROPERTIES, LLC, OWNER AND KCP OYSTER HOLDINGS, LLC, APPLICANT FOR A PERMIT TO ESTABLISH A COMMERCIAL AQUACULTURE OPERATION (OYSTER HATCHERY) IN AN EXISTING BUILDING LOCATED AT 493 OYSTER ROAD ON THE COAN RIVER NEAR LOTTSBURG**

Chairman Jett stated that he has a conflict with the first hearing and will have to remove himself from the hearing. The conflict is due to Chairman Jett's business relationship with Mr. Bevan's who is one of the applicants. Supervisor Haynie stated that he also had a conflict due to his business relationship with Lake Coward and will have to remove himself from the hearing.

Zoning Administrator W.H. Shirley described the request. He received two comments on the request with both in support. Staff suggested no recommendations or conditions.

Mr. Lakie Cowart described the oyster hatchery operation and the future business possibilities that may spin off this operation.

Public Hearing Open

Mr. Lee Allain stated he is a neighbor and recommends approval to improve water quality.

There being no further comments the Public Hearing was closed

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

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 RANDOLPH NEAL TO ABANDON AN AREA THAT IS DESIGNATED AS A 13 FOOT ALLEY AT THE CORNER OF FLEETON ROAD AND FLEETON WHARF ROAD. THE ALLEY SECTION TO BE ABANDONED IS DESCRIBED AS THE ALLEY BETWEEN FLEETON LOTS 4, 5, 6, AND 15, 16, 17 AND MORE SPECIFICALLY LOCATED AT 2966 FLEETON ROAD**

County Administrator Eades described the request and stated that this is an alley and not one of the right-of-ways which had been requested previously. The alley actually runs through the dwelling on the property.

Mr. Neal stated that this property is recorded in 6 lots with an alley between them. Getting this straight it will help sell the property.

Supervisor Tomlin asked if this would deny any access to anyone. County Attorney, Les Kilduff responded no, it would not.

Public Hearing Open

No comments were given.

Public Hearing Closed

Upon motion by Ronald L. Jett duly seconded by A. Joseph Self, Sr., the Board voted to approve the request as submitted.

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: PUBLIC COMMENT PERIOD**

Ms. Marcia Basey Kinkade wanted to speak on the closing of the old Northumberland County Middle School/ Central High School. She stated she graduated from Central High School and her mother Helen Basey taught there. She said she has a proposal for the building after it is closed and the students move into the new school. She stated the proposal is a community center that would specialize in health services and there are grants which will not cost the county anything. Ms. Kinkade was asked to provide the information to Mr. Eades.

Zoning Administrator W. H. Shirley brought up a passed decision that the Board had made regarding Henry Page's business in Lottsburg. Mr. Shirley stated that one of the conditions that the Board approved was to put a fence around the business and as of this date has not been done. Supervisor Self stated he would contact Mr. Page and encourage him to come in compliance with the Board's decision.

Mr. Wendell Haynie commented on a large boat that is parked on Morris Avenue in Reedville.

**RE: CLOSED MEETING**

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted unanimously to convene into closed meeting to a personnel matter as permitted by Virginia Code Section 2.2-3711 (A) (1). The vote on the motion was as follows:

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

**RE: OPEN MEETING**

The Board convened back into open session upon motion by Richard F. Haynie., duly seconded by 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 | Ronald L. Jett – YEA |
| Richard F. Haynie – YEA   | James M. Long – YEA  |
| Thomas H. Tomlin – YEA    |                      |

**RE: MOTION AND CERTIFICATION OF CLOSED MEETING**

A motion was made by Richard F. Haynie, duly seconded by A. Joseph Self, Sr., the Board voted unanimously to certify the closed meeting:

WHEREAS, The Northumberland County Board of Supervisors, herein Board, has convened a closed meeting on this date pursuant to the affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act: and

WHEREAS, 2.1-344.1 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW THEREFORE, BE IT RESOLVED that the Board hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board specifically personnel matters.

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

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

There was no action taken after the closed meeting.

**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  
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