

Board of Supervisors Meeting
January 14, 2010
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, January 14, 2010

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

Acting as convener until the election of a Chairman, the County Administrator Kenneth D. Eades called the meeting to order. He expressed his concerns with the upcoming year saying it will probably be the most challenging year that we have ever experienced. The budget issues are at the forefront with the mandates and cuts from the Commonwealth. He expressed his sincere appreciation for working though similar issues in the past and looking forward to working with the Board this upcoming year.

RE: INVOCATION

Pastor Charlotte Marks, from Calvary Pentecostal Church led the invocation.

RE: PLEDGE OF ALLEGIANCE

Mr. Kenneth D. Eades, County Administrator led us in the pledge of Allegiance.

RE: ELECTION OF CHAIRMAN OF THE BOARD OF SUPERVISORS

Supervisor Long made a motion to re-elect Ronald L. Jett as Chairman. The motion was seconded by Supervisor Self.

There were no further nominations and Supervisor Tomlin made a motion to close the nominations. The motion was seconded by Supervisor Self and unanimously carried.

A roll call vote was then taken on the motion for Chairman and the vote was as follows:

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

Supervisor Ronald L. Jett then took over as Chairman of the Board of Supervisors.

RE: ELECTION OF VICE-CHAIRMAN OF THE BOARD OF SUPERVISORS

A motion was made by Supervisor Self to re-elect Richard F. Haynie as Vice-Chairman of the Northumberland County Board of Supervisors. The motion was seconded by Supervisor Long.

There being no further nominations, a motion to close the nominations was made by Supervisor Tomlin, seconded by Supervisor Self and unanimously carried by the Board.

A roll call vote was then taken for Supervisor Haynie as Vice-Chairman. The vote was as follows:

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

Supervisor Richard F. Haynie was elected Vice-Chairman of the Board of Supervisors.

RE: ADOPTION OF BY-LAWS

The County Attorney had reviewed the proposed By-Laws.

Upon motion by Thomas H. Tomlin, duly seconded by A Joseph Self, Sr., the Board voted unanimously to adopt the By-Laws for the calendar year 2010 with 7 exceptions from Robert Rules of Order. The vote on the motion was as follows:

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

**BY-LAWS AND RULES OF ORDER
OF THE
BOARD OF SUPERVISORS OF NORTHUMBERLAND COUNTY, VIRGINIA**

1. By Laws and Rules of Order. In order to provide for the ease and manner in which the meetings of the Board of Supervisors of Northumberland County, Virginia, are conducted, the following by-laws and rules for internal organization and procedure are adopted. Reference is made to the Constitution of Virginia (1971), the Code of Virginia, 1950, as amended, and the Opinions of the Attorney General as they may apply. In matters of procedure, the current edition of Robert's Rules of Order Newly Revised shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Board may adopt. The following exceptions shall apply:

- a. The Chairman may make motions and vote on all questions.
- b. On a motion from the floor there is no need for a second prior to the vote.
- c. Citizens will follow the Public Hearing Rules of Conduct when addressing the Board at Public Hearings.

- d. Members need not rise when speaking.
- e. There is no limit to the number of times a member can speak to a question.
- f. Informal discussion of a subject is permitted while no motion is pending.
- g. The Chairman may speak in discussion without rising or relinquishing the Chair.

The by-laws and rules of order of this Board may be amended by a majority vote of the Board and shall be adopted and re-adopted at the organizational meeting of the Board annually.

2. Resolutions and Ordinances. The business and powers of the Board shall be exercised through resolutions and ordinances duly adopted by the Board in compliance with the provisions of the statutes of the Commonwealth of Virginia and paragraph 7 of these By-Laws and Rules of Order.

Resolutions, or orders, shall be used for all county business that is essentially administrative, including internal or housekeeping matters and temporary concerns of the Board. Resolutions shall not be required to meet any strict standards as to their form and content, but they shall be clear enough to establish the intent of the Board. In most cases a public hearing shall not be required prior to the adoption of a resolution. Ordinances, which are more formal enactments than resolutions, shall be used for most governmental or legislative matters that control the lives, liberties or property of citizens, that have a permanent effect, or that deal with subjects of county-wide concern.

The procedure for enacting an ordinance shall require compliance with strict statutory rules. Descriptive notice of the Board's intention to propose an ordinance shall be published once a week for two successive weeks prior to passage. Emergency ordinances may be adopted without notice, but they may not be enforced for more than 60 days unless re-adopted in the manner required by law. Land use controls and certain tax ordinances shall be subject to more stringent procedural requirements than other ordinances.

3. Chairman and Duties. A chairman and vice-chairman of the Board shall be elected by the affirmative majority vote of the Board at the annual organizational meeting of the Board. Their term shall be for one year or until a successor is elected. It shall be the duty of the chairman to preside over all meetings of the Board and to discharge any other duties as become necessary and are permitted. The vice-chairman shall act in the absence or disability of the chairman. The chairman shall be authorized to administer oaths to persons concerning any matters submitted to the Board or connected with its powers and duties. The chairman and/or the vice-chairman are permitted to make motions at their discretion. The chairman may sign all orders issued by the Board, but the Board assigns this duty to the County Administrator. The chairman, or the county administrator as designated, shall sign the records of proceedings of the Board's meetings and the monthly list of salaries/invoices.

4. Meetings. The Board shall hold a regular meeting at least monthly on a day and at a time to be set at the annual organizational meeting. The regular meeting of the Board may be adjourned from day to day, from time to time and from place to place, but not beyond the date set for the next regular meeting, until all business is completed. The regular meetings and public hearings of the Board shall be held in the Northumberland Courts Building in Heathsville. If the Board finds it necessary to hold a regular meeting at a time or public place different from the Courts Building, such new time and place may be designated by duly passed resolution posted on the door of the Courthouse, Courts Building and advertised in a newspaper having general circulation in the County once a week for two successive weeks before such meeting.

Special meetings of the Board may be called by the Chairman or requested by two or more of the members of the board of supervisors. The call or request shall be made to the county administrator (clerk of the Board) and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the county administrator, after consultation with the chairman of the Board, shall immediately notify each member of the Board of supervisors and the county attorney in writing delivered to his place of residence or business to attend such meeting at the time and place stated in the notice. Such notice shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting, unless all members are present. The notice may be waived if all members of the Board of supervisors attend the special meeting or sign a waiver (§15.2-1418). The Northumberland Echo and Rappahannock Record will also be notified of any special meetings.

5. Open Meetings. All meetings of the Board shall be held pursuant to the provisions of the Virginia Freedom of Information Act, which provides explicit directions for holding open meetings. An "open meeting" or "public meeting" means a meeting at which the public may be present to observe the operations of government.

6. Closed Meetings. A "closed meeting" means a meeting from which the public is excluded.

A closed meeting of the Board may be held only for those purposes specifically provided by law, as follows or as specifically provided for in the Code of Virginia (1950), as amended:

(1) Discussion or consideration of specific personnel cases, that is, of the employment, appointment, disciplining, performance, salary, dismissal or other related matters of particular governmental officials or employees of the public body;

(2) Discussion or consideration of the condition, acquisition, or use of real property for public purpose, or the disposition of publicly held property;

(3) The protection of the privacy of individuals and personnel matters not related to public business;

(4) Discussion concerning the prospective location of a business or industry prior to any announcement of its interest in locating in the community;

(5) Consideration of the investment of public funds when publicity might adversely affect the financial interest of the governmental unit involved;

(6) Consultation, with or without legal counsel and staff, with respect to actual or probable litigation or other legal matters in the public body's jurisdiction;

(7) Discussion or consideration of tests or examinations used by a public body to evaluate employee qualifications or aptitude for employment, retention, or promotion and evaluate qualifications for any license or certificate issued by the public body.

The substantive and procedural requirements established for closed meetings shall be strictly observed. Prior to each closed meeting, the Board of Supervisors shall vote in open meeting to hold a closed meeting. That vote, as well as a statement specifying precisely the statutory basis for the closed meeting, shall be recorded in the minutes of the open meeting. When in a closed meeting, the Board

may consider only those specified matters. For any action agreed to in an executive session to become effective, the Board of Supervisors shall reconvene in an open meeting and take a vote of its membership on the particular action, the substance of which must be reasonably identified in the open meeting.

7. Quorum and Method of Voting. A majority of the members of the Board constitutes a quorum. Unless a greater requirement exists pursuant to the statutes of the Commonwealth, all questions submitted to the Board for decision shall be determined by a majority of the supervisors voting on a question by voice vote or by other method, which sufficiently identifies the matter upon which a vote is being taken. Individual votes of the Board members shall be recorded. A motion by a member of the Board shall not require a second. Abstention from voting shall not constitute a negative vote. The vote of a member of the Board shall become final once the decision of the question has been finally and conclusively pronounced by the chairman and cannot be changed except after adoption of a motion to reconsider the action. If one or more members of the Board are disqualified from voting under the provisions of the Virginia Conflict of Interest Act, leaving less than the number of Supervisors required for action, the remaining member or members may act by majority vote. A tie vote shall defeat the motion, resolution or issue voted upon.

8. Records. Minutes shall be taken of all actions taken during meetings of the Board of Supervisors, except during closed meetings, and shall be recorded in bound volumes. These minutes shall include a description of the issue being considered by the Board of Supervisors, any motion made regarding the issue and a record of the vote of each member of the Board of Supervisors. Incomplete volumes shall remain in the County Administrator's office; completed volumes shall be filed in the record room of the Clerk of the Circuit Court. Copies of the minutes shall be available to the public, at the normal charge for copying, after the minutes have been approved by the Board and signed by the County Administrator as the Clerk for the Board.

The books, records and accounts of the Board of Supervisors, except those excluded by the Virginia Freedom of Information Act, shall be open to the examination of all persons and at all reasonable times.

9. Order of Business and Agenda. The order of business at all regular meetings shall be as follows unless changed by Board action:

1. Call to order
2. Consideration Docket
3. Presentations
4. Board Reports
5. County Administrator Report
6. Board Comment Period
7. Closed Meetings
8. Public Hearings
9. Public Comments
10. Adjournment

A detailed agenda shall be distributed in advance of each regular meeting to the members of the Board. This shall include the minutes, check register and correspondence/reports for reading and review in advance of the meeting in an effort to conserve time during the meeting. A copy of the agenda shall

be made available in the County Administrator's office for examination by the public and a copy shall be delivered to the local newspaper for publication whenever possible.

10. The Right to Require Information. The Board of Supervisors shall have the right to require monthly financial reports from any officer or office of the County or district thereof, may investigate bills and receipts thereof and may, for these purposes, require the production of books, papers and other evidence.

For the purpose of preparing and approving the County's annual budget, the Board of Supervisors may require the heads, or other responsible representatives, of all offices, departments, divisions, boards, commissions, agencies and all other recipients of County funds or appropriations to furnish financial reports and such other information as may be deemed necessary and in such form as may be required in relation to their affairs and activities.

The Board may subpoena witnesses and administer oaths for the purpose of acquiring information for making financial decisions in line with its function and duties as the governing body.

11. County Administrator. The Board of Supervisors shall appoint an executive secretary, who shall be designated County Administrator and such appointment shall be evidenced by a resolution. The County Administrator shall serve at the pleasure of the Board.

The County Administrator shall be the clerk to the Board and his/her duties shall be those as prescribed by law.

12. Legal Counsel. The Board of Supervisors may create the office of County Attorney and appoint an attorney to handle its legal affairs. The County Attorney shall serve at the pleasure of the Board and his/her salary shall be set by the Board. The County Attorney, when possible, shall attend all regular and special meetings of the Board.

His/her responsibility shall be in matters including but not limited to the following:

- (1) Advising and representing the Board of Supervisors and its boards, departments, agencies, officials and employees.
- (2) Drafting, preparing and reviewing county ordinances, contracts and agreements.
- (3) Defending or bringing actions in which the County or any of its boards, departments, agencies, officials, or employees is a party.
- (4) Prosecuting violations of orders of the Board of Supervisors, resolutions or ordinances.

In addition the Board may employ separate counsel when it deems it necessary in any suit against the County, in matters concerning County property, in collection of delinquent taxes, as well as in other matters concerning the County's interests.

RE: SCHEDULE OF MEETINGS

Upon motion by Richard F. Haynie duly seconded by Thomas H. Tomlin, the board voted to use the Northumberland Courts Building for their meetings and adopt the following meeting dates.

January 14, 2010	July 8, 2010
February 11, 2010	August 12, 2010
March 11, 2010	September 9, 2010
April 8, 2010	October 14, 2010
May 13, 2010	November 10, 2010
June 10, 2010	December 9, 2010
	January 13, 2011

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: 2010 HOLIDAYS FOR COUNTY OFFICES

Upon motion by Richard F. Haynie., duly seconded by A. Joseph Self, Sr., the Board voted to adopt the state holiday schedule approved and amended by the Governor of Virginia. The following holidays are added into the county calendar.

Friday, January 1 – New Year's Day
Friday, January 15 – Lee-Jackson Day
Monday, January 18 – Martin Luther King, Jr. Day
Monday, February 15 – George Washington Day
Monday, May 31 – Memorial Day
Monday, July 5 – Independence Day
Monday, September 6 – Labor Day
Monday, October 11 – Columbus Day
Thursday, November 11 – Veterans Day
Wednesday, November 24 – Close At Noon
Friday, November 25 - Thanksgiving
Friday, November 26 – Day After Thanksgiving
Friday, December 24 – Christmas Eve
Friday, December 13 – New Year's Eve

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 MINUTES FROM DECEMBER 10, 2010

Upon motion by James M. Long, duly seconded by Richard F. Haynie., the Board voted unanimously to approve the minutes from the previous meeting on December 10, 2010. The vote on the motion was as follows:

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

Richard F. Haynie - YEA

RE: APPROVAL OF AGENDA

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted unanimously to approve the agenda for today's meeting with the following additions. Donna Thompson from Scenario Inc. will give an update on the Light Street Project. Also, Robert Reidmiller will be here today to talk about the upcoming census. A closed session will be added after the public hearings. The vote on the motion was as follows:

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

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

RE: MR. PAUL LEE, ROBINSON FARMER COX TO DISCUSS AUDIT REPORT

Mr. Lee said our audit went well this year. He reported no department problems and the county has been working on an accrual basis since 2003. The County's cash and assets are looked at over a period of time and the general fund has declined about \$200,000 in this audit with this being the case in most localities due to the states budget cuts. The audit collection last year was 99-100 percent which is the same as it has been over 10 years. He did mention the school Board was sited on buying a bus in FY 10 but writing a check in FY 09. Mr. Lee said the County looked in good shape.

RE: MR. CLIFTON BALDERSON, ASSISTANT RESIDENCY ADMINISTRATOR

Mr. Balderson noted that they did receive their first big snowfall of the year and it went well. He thanked the employees at Lottsburg Headquarters for their fine job with this county as well as assisting other counties.

Mr. Balderson also reported that Merry Point's ferry was in place and Northumberland's ferry should be here soon.

RE: RESOLUTION – CLOSING OF BUS LOOP

Upon motion by A. Joseph Self Sr., duly seconded by Richard F. Haynie, the Board voted to adopt the following resolution:

RESOLUTION

WHEREAS, a public notice was posted as prescribed under Section 33.1-151 of the Code of Virginia, announcing a public hearing to receive comments concerning abandoning of the School Roads,

WHEREAS, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board's intent to abandon the sections of roads listed below, and

WHEREAS, after considering all evidence available, this Board is satisfied that no public necessity exists for the continuance of the following School Roads and are no longer necessary as a part of the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED, this Board abandons the following School Roads from the secondary system of state highways, pursuant to Section 33.1- 151 of the Code of Virginia, and

1. ROUTE 9297

Street Name: (Road at Heathsville High School)
From: Route 601
To: Route 360
Length: 0.16 miles
Right of Way: 30'

2. ROUTE 9294

Street Name: (Loop Road at old Middle School)
From: Route 698
To: Route 698
Length: 0.18 miles
Right of Way: 30'

2. ROUTE 9296

Street Name :(Loop Road at New Elementary School)
From: Route 698 South
To: Route 698 North
Length: 0.15 miles
Right of Way: 30'

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

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: APPROPRIATIONS TO THE SCHOOL BOARD

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long., the Board voted unanimously to approve a special appropriation for the following:

\$ 5,292.13 – E-rate Reimbursement.

\$ 1,109.68 – Herff Jones

The vote on the motion was:

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

Thomas H. Tomlin – YEA

RE: NORTHUMBERLAND COUNTY ELEMENTARY SCHOOL RECEIVES GOVERNOR'S EXCELLENCE AWARD

Mr. Eades reported to the Board that our Elementary School received the Governor's Excellence Award. He concluded that the only other county that received this award in the Northern Neck/Middle Peninsula was Gloucester County Elementary School.

RE: DONNA THOMPSON, SCENARIO INC. – UPDATE ON LIGHT STREET PROJECT

Mrs. Thompson along with Engineer, Doug Meredith came before the Board today to give them an update on the Light Street Project.

Ms. Thompson stated that they have received the Planning Grant and they are on target for the public hearing that is scheduled for the February Board of Supervisor's meeting. She then stated that after a full inspection, 14 houses are qualified for the grant. Four of these family's will have to be relocated to a different piece of land. The funds to relocate these families will come from the indoor plumbing money as well as the Program Income funds.

Mr. Meredith stated he looked at a 16 acre tract of property today and said the soils look okay. He noted that the septic systems for each unit will need to be quite large and each lot may be 2 acres of land. His plan for the residual land is it will have a 6 acre recreational area but could be divided into new lots at a later date. Mr. Meredith said he would send the Preliminary Engineering Report to Mr. Eades and he will give each Board member a copy. The PER will include budget numbers with a 25% cushion.

Ms. Thompson explained the county contribution is \$29,200 in kind which includes employee's time, waived permit fees, etc. and \$10,000 from winterization. A fundraiser was held at Fairfields Methodist Church and \$1800 was raised for the project. The program income funds total is \$240,000 with \$183,000 remaining if we purchase the land for the 4 families to be relocated.

Chairman Jett asked if there was any actual cash needed from the county, other than the in-kind? Ms. Thompson replied that there is no cash money needed from the County, only in-kind.

Supervisor Tomlin asked if 14 houses are committed in the project and could adjustments be made later. Mr. Eades said once application is approved and we sign the intent to proceed, we are committed to complete the 14 homes.

RE: ROBERT REIDMILLER – US CENSUS

Mr. Reidmiller is the Census office Manager at the Newport News office. Mr. Reidmiller explained that every ten years a census has to be completed. The United States has done this since 1787. He continued to say that they are hiring census takers now for work in this County. Any person interested needs to take a test and as of right now there was very little participation.

Chairman Jett asked how long will it take to complete the census. Mr. Reidmiller said at least until September.

RE: BUILDING PERMIT REPORT:		
	2009	2008
Total construction cost for the month	\$ 2,118,761.42	\$ 1,862,866.00
Total Bldg. Permit Cost for Month	\$ 3,288.64	\$ 4,897.00
Total Zoning Permit Cost for the Month	\$ 1,210.00	\$ 1,580.00
Total Levy Fee for the Month	\$ 65.76	\$ 85.99
<i>Total Construction cost year to date</i>	<i>\$ 55,346,032.36</i>	<i>\$ 58,370,822.60</i>

RE: PROJECTIONS FOR 2010 BY COUNTY ADMINISTRATOR EADES

Mr. Eades listed his projections for the upcoming year. They include the following:

- Completion of Middle/High School
- YMCA Move
- Reedville Sanitary District Upgrade
- Light Street Project
- Zoning Ordinance Updates
- Broadband
- Financial Matters
- Volunteers
- Fire Study
- Reassessment

RE: RAPPAHANNOCK REGIONAL CRIMINAL JUSTICE TRAINING ACADEMY AMENDMENTS TO CHARTER

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long the Board voted to adopt the following resolutions to the charter for the Rappahannock Regional Criminal Justice Training Academy

**RESOLUTION
AMENDMENT TO THE CHARTER AGREEMENT OF THE RAPPAHANNOCK REGIONAL
CRIMINAL JUSTICE TRAINING ACADEMY**

BE IT HEREBY RESOLVED, by the Northumberland County Board of Supervisors that the Charter Agreement for the Rappahannock Regional Criminal Justice Training Academy shall be amended by the addition of the following Paragraph 8 to Section 4.8 "Powers of the Board".

8. To borrow money to be secured by real property owned by the Academy for the purpose of purchasing or constructing improvements of the real property.

**RESOLUTION
AMENDMENT TO THE CHARTER AGREEMENT OF THE RAPPAHANNOCK REGIONAL
CRIMINAL JUSTICE TRAINING ACADEMY**

BE IT HEREBY RESOLVED, by the Northumberland County Board of Supervisors that the Charter Agreement for the Rappahannock Regional Criminal Justice Training Academy shall be amended, revised and updated by the adoption of the changes reflected in the document entitled "CHARTER AGREEMENT FOR THE RAPPAHANNOCK REGIONAL CRIMINAL JUSTICE TRAINING ACADEMY, (AS AMENDED 2009)" attached hereto and incorporated herein.

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 PLANNING DISTRICT COMMISSION APPOINTMENTS

Upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin the Board voted to re-appoint Supervisor James M. Long and Supervisor Richard F. Haynie as members of the Northern Neck Planning District Commission.

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: BOARD COMMENT PERIOD

Supervisor Tomlin reported that the water rates are about to increase in Bay Quarter Shores Subdivision as well as Sherwood Forest and Jetty’s reach. He stated that we needed to address this properly.

Supervisor Tomlin also stressed his concern with the local paper. The Northumberland Echo failed to put an advertisement in their paper and when this happens, and it has happened before, it inconveniences a lot of people. We may need to discuss this further.

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	

- **Due to Chairman Jett becoming ill, he was not present for the Public Hearings**

RE: REQUEST BY ARTHUR G. KENDALL FOR AN EXCEPTION TO THE BAY ACT ORDINANCE TO CONSTRUCT A BEDROOM ADDITION WITHIN THE 50 FOOT RESOURCE PROTECTION AREA LOCATED AT 226 CAROLINA DRIVE WITHIN BAY QUARTER SHORES

Zoning Administrator, W. H. Shirley described the request for an exception to the Bay Act Ordinance. He stated that he has not received any comments on the request.

Mr. Kendall who was present at the meeting stated he plans to move down here soon and will do whatever he needs to do to get the zoning acceptable.

PUBLIC HEARING OPEN

Mr. Ralph Millar asked the Board to respect the Bay Act in this request and not approve the encroachment.

Ms. Ginny Estelle reinforced what Mr. Millar stated and added that she sympathetic with the owner but this is a recent purchase and it is encroaching on the 50 foot buffer.

Mr. Wayne Gough said he looked at what was proposed and this is the only way he can add on. Mr. Gough supports this request.

PUBLIC HEARING CLOSED

Supervisor Haynie stated this is his district and the project does affect the Bay Act.

Upon motion by Richard F. Haynie, duly seconded by A. Joseph Self, Sr. a motion was made to deny the request.

Supervisor Tomlin spoke up and said additions in the past have been allowed. The development was platted in the 60's and the home is only 960 square feet. We can require best management practices for the entire house, where there is none today. This will improve the situation.

Supervisor Self asked Zoning Administrator Shirley what requirements can be placed on the request. Don't want to violate the law. Supervisor Tomlin responded that this is not in violation and the procedures are being followed. Supervisor Haynie asked how can we uphold the intent of the Bay Act?

Mr. Shirley read the conditions that staff suggested.

Supervisor Tomlin commented that in this case we will wind up with better control, then if it is turned down.

Supervisor Self suggested getting an opinion from the Chesapeake Bay Local Assistance Department.

Supervisor Haynie motioned to withdraw his motion and Mr. Self withdrew his second.

Upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin, the Board voted to table the request and request an opinion from CBLAD. The vote on the motion is as follows:

Ronald L. Jett – Absent

James M. Long – YEA

Thomas H. Tomlin – YEA

A. Joseph Self, Sr. - YEA

Richard F. Haynie - YEA

RE: REQUEST BY DAVID AND JENNIFER LUCKRITZ FOR A PERMIT TO CONSTRUCT AN ACCESSORY STRUCTURE ON OLD FAIRPORT ROAD WITHOUT A MAIN STRUCTURE.

Zoning Administrator Shirley described the request for a permit to construct an accessory structure on Old Fairport Road without a main structure.

Mr. Luckritz was present and thanked the Board for hearing his request. He said they bought the land last May and want to store equipment, build a home and eventually retire here.

Public Hearing Open

Mr. Brad Croxton requested this to be tabled because he has been out of town and he may own parcels of land adjoining the applicant. He stated he has not had time to address this and is concerned it will impact his property.

Public Hearing Closed

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the Board voted to table this request until next month. The vote on the motion is as follows:

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

RE: REQUEST BY MELVIN BOWDEN, OWNER AND JEFF POOLE, APPLICANT FOR A PERMIT TO CONSTRUCT THREE DWELLINGS ON INDUSTRIAL ZONED PROPERTY LOCATED ON THE OLD F. & K. LUMBER CO. PROPERTY IN HARRYHOGAN.

Mr. Jeff Poole along with Mr. Lyn Dameron were present for the request.

Zoning Administrator, Shirley described the request for a permit to construct three dwellings on industrial zoned property located at the old F. & K. Co. property off Harryhogan Road.

Public Hearing Open

Ms. Joyce Greer from 3147 Harryhogan Road stated she remember when F & K Lumber was there and said she is not for or against the request but asked if a soil test had been done on the property.

Mr. Lyn Dameron stated he grew up in Harryhogan and they all support responsible development. The site has passed the Phase II Environmental Study and perk sites have been located.

Mrs. Greer questioned what lots were apart of this request. Supervisor Self, stated we are only discussing 3 lots on the F & K lumber tract. Two of the lots are 7 acres and the other one is even larger. The three lots are shaped to run from the road to the river with 2 remote septic sites.

Mr. William Alley said the stakes are close to a deep ravine.

Mr. Larry Myers stated he would like to see it developed and cleaned up.

Ms. Joyce Greer questioned why cleaning the site is not a requirement of the County. She also added why isn't it public knowledge to have the EPA do a study on the property. Mr. W.H. Shirley, Zoning Administrator stated the County does not have any jurisdiction for what the EPA requires.

Supervisor Self explained that his understanding of this is that anyone in the chain of title is still liable. County Attorney, Les Kilduff agreed that anyone in the chain of title is responsible.

Mr. Ralph Millar is concerned with the environmental impacts and thinks the environmental report should be a public matter.

Mr. Lyn Dameron spoke on the Environmental concerns and explained that the clean up has nothing to do with hurting the environment. Currently this place is a mess and it will be a benefit not a deterrent to the property.

Mr. Ralph Millar spoke again and said that disturbing the land does affect the neighbors because it can release disturbances.

Mr. Poole reiterated that a study has been done for a Phase I Environment Study as required by the Bank of Lancaster who is the loan holder. They have approved the loan based on the study.

Public Hearing Closed

Mr. Self asked if the Board could get a copy of the report. Mr. Kilduff said the Board could make it a part of the consideration.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long the Board voted to carry over this request to review the Phase I study.

The vote on the motion is as follows:

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

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

RE: CONSIDERATION OF A "NO WAKE" DESIGNATION FOR THE ENTIRE WHAY'S CREEK

County Administrator Eades described the area for Whay's Creek that is under consideration for a "No Wake" designation. He stated that the Game and Inland Fisheries Commission has reviewed the request and has no problem with this designation. Mr. Eades continued to say that he has received 42 written support letters and 4 opposed.

Mr. Joe Burrell, who made the request, lives on Whay's Creek and has for 12 years. He thanked the Board for the consideration. He explained that Whay's Creek is one mile long creek on the Great Wicomico and it is used for all kinds of recreation. His opinion is that it is not safe and his family almost had a bad accident on the creek last year. He is also concerned with the erosion.

Public Hearing Open

Ms. Barbara Whit agrees with Mr. Burrell and said it is an environmental issue and hazard.

Mr. Gaylord Ray thanked the Burrell's for doing this work for the request. He stated he started the process of designating the creek to be "No Wake" but had dropped the ball on the issue. He agrees that it is an environmental issue as well as a safety issue and he would like to see the creek preserved for his children and grandchildren.

Ms. Barbara Goodfellow stated she doesn't agree with the whole creek being designated as no wake.

Public Hearing Closed

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long the Board voted to approve the "No Wake" designation for all of Whay's Creek. The vote on the motion is as follows:

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

RE: PUBLIC COMMENT PERIOD

No public comments were given.

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 – Absent
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 A. Joseph Self, Sr., duly seconded by Richard F. Haynie, 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 – Absent
Richard F. Haynie – YEA	James M. Long – YEA
Thomas H. Tomlin – YEA	

RE: MOTION AND CERTIFICATION OF CLOSED MEETING

A motion was made by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin, 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 – Absent	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

RE: BUILDING AND ZONING OFFICE

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board voted to hold off on the hiring of a Deputy Zoning Administrator until the budget is discussed and to appropriate \$8,000 from the Deputy Zoning Administrator line item to the Part-Time line item within the budget. The vote on the motion is as follows:

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

RE: BLUFF POINT DEVELOPMENT

Mr. Eades asked the Board if they had an open date to attend a meeting for the presentation of a Planned Unit Development at Bluff Point. A date of February 8, 2010 at 7 p.m. in the auditorium of the High School was set for this meeting.

RE: ADJOURNMENT

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

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

Kenneth D. Eades, Clerk