

**Board of Supervisors Meeting
July 8, 2010
5:00 P.M.**

NORTHUMBERLAND COUNTY, VA

The meeting was convened for the regular monthly meeting of the Northumberland County Board of Supervisors that was held in the New Courts Building, on Thursday, July 8, 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

RE: INVOCATION

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

RE: PLEDGE OF ALLEGIANCE

Chairman Jett led us in the Pledge of Allegiance.

RE: APPROVAL OF MINUTES FROM JUNE 10, 2010

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted unanimously to approve the minutes from the June 10, 2010 meeting. 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: APPROVAL OF AGENDA

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted unanimously to approve the agenda for today's meeting with two changes. A representative from Virginia Department of Transportation is unable to be at the meeting and a closed meeting needs to be added to the end of the first session. 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: SUPERINTENDENT OF SCHOOLS, CLINT STABLES

Mr. Stables said there is not much to report due to school being out for the summer. The maintenance staff and custodians are working hard this summer cleaning and repairing in the schools. Mr. Stables said he was worried about the greenery around the schools because of the lack of rain this summer so far.

RE: SCHOOL BOARD APPROPRIATIONS

Upon motion by A. Joseph Self, Sr., duly seconded by James M Long, the Board voted to approve the following appropriations:

\$ 5,082.00 – NN Vocational Center - Regional Occupational Prep Payment
\$ 8,073.00 – CMPT reimbursement for behavior aides
\$ 7,529.00 - ISAEF 2009-2010
\$ 831.01 – Vendor refunds for credits on accounts (office depot/riverside physicians)
\$ 4,025.34 – Title III – ESL 2009-2010
\$ 820.00 – Seeding/Fertilizer for new school; should be paid by contractor; County to ask for reimbursement
\$55,100.00 – Reimbursement from contracted paving at new school, Original appropriation requested and approved by school Board 09-15-2009.

The vote on the motion is as follows:

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

RE: FUEL BIDS FOR SCHOOL YEAR 2010-2011

Mr. Eades reported to the Board that fuel bids had been requested from the School Board and the following was accepted by the School Board:

Regular Unleaded Gasoline

Noblett with a variable price of 2.0083 per gallon

Diesel Fuel

Quarles with a variable price of 2.1461 per gallon

Heating Oil

Noblett with a variable price of 2.0717 per gallon

Propane

Noblett with a variable price of 1.2704 per gallon

Chairman Jett questioned the bid process.

Upon motion by Thomas H. Tomlin duly seconded by James M. Long the Board voted to accept the bids that were given. The vote on the motion is as follows:

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

Chairman Jett stated he thought more investigation should have been done to save money.

RE: BUILDING PERMIT REPORT:		
	2010	2009
Total construction cost for the month	\$ 2,505,862.58	\$ 3,457,109.17
Total Bldg. Permit Cost for Month	\$ 4,700.64	\$ 7,009.48
Total Zoning Permit Cost for the Month	\$ 2,250.00	\$ 3,200.00
Total Levy Fee for the Month	\$ 94.01	\$ 123.10
<i>Total Construction cost year to date</i>	<i>\$ 16,063,679.29</i>	<i>\$ 35,433,980.41</i>

RE: HEALTH DEPARTMENT FEE INCREASE

Mr. Eades reported that the Three Rivers Health District has sent him the fee increase effective July 1, 2010. The increases are quite substantial and there was no public notice on the new fees.

Supervisor Self asked that a letter be sent to VACO and to our State Senator and Delegate letting them know what the public needs to be notified before action is taken on a Health Department Fee Increase.

RE: COUNTY WIDE BURN BAN IN EFFECT (RESOLUTION)

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

RESOLUTION
RATIFYING BURN BAN

WHEREAS, On July 6, 2010 the Northumberland County Board of Supervisors declared a local emergency due to the extreme drought conditions; and

WHEREAS, The same Board of Supervisors recognizes that there exists a threat of a fire getting out of control due to the drought;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Northumberland County, Virginia, under the provisions set forth in the county ordinance, hereby prohibits open fires within the county and will keep the burn ban in effect until the drought conditions change.

The vote on the motion is as follows:

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

Richard F. Haynie - YEA

RE: DISASTER DESIGNATION RESOLUTION (DROUGHT)

Mr. Eades explained to the Board that Extension Agent, Matt Lewis asked the Board to adopt a resolution requesting disaster designation due to the agricultural loss as a result of the recent drought conditions in the county.

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

**A RESOLUTION REQUESTING GOVERNOR BOB MCDONNELL TO
HAVE NORTHUMBERLAND COUNTY DESIGNATED A DISASTER AREA DUE TO THE
PROLONGED DROUGHT**

WHEREAS, the industry of agriculture annually contributes nearly 12 million dollars to the economy of Northumberland County; and

WHEREAS, agricultural and forest lands are recognized as natural resources which should be conserved and protected, and

WHEREAS, agriculture and forestry are important to the environment, water resources and wildlife; and

WHEREAS, the continuing lack of significant, timely rainfall has and will inflict heavy financial losses on the agricultural community; and

WHEREAS, the yields of the principal crops produced in the County of Northumberland, including corn, soybeans, and forages, have been significantly reduced; and

NOW, THEREFORE BE IT RESOLVED by the Northumberland County Board of Supervisors on this the 8th day of July, 2010, that adoption of this resolution by the Northumberland County Board of Supervisors does declare a State of Emergency and requests Governor McDonnell to have Northumberland County designated a disaster area.

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: UPDATE ON LIGHT STREET PROJECT – APPROVAL

Mr. Eades explained that he had received word from the state that the Light Street Project has been approved. He said he would keep the Board aware of the progress.

RE: BUILDING AND ZONING (FICA) ADJUSTMENT

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the Board voted to approve to adjust budget line item 8101-2001 (FICA) and appropriate \$12,153.00 into that line item. 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 DISTRICT PLANNING COMMISSION QUARTERLY MEETING

Mr. Eades explained that the quarterly meeting of the Northern Neck Planning District Commission will be held on July 19, 2010 at Tommy’s Restaurant in Reedville. Lt. Governor Bolling will be there to speak.

RE: BLUFF POINT MEETING SET

Mr. Eades noted that he, along with Assistant County Administrator Luttrell Tadlock, Zoning Administrator W.H. Shirley, County Attorney, Les Kilduff had met concerning the Bluff Point PUD and suggest setting up a meeting for the public to go over the conditions that they have been working on for the project. The meeting will be held on August 26, 2010 at 7 p.m. at the New Middle/High School Auditorium.

RE: APPROVAL OF CHECK REGISTER

Upon motion by James M. Long duly seconded by Thomas H. Tomlin., the Board voted unanimously to approve the check register, as submitted. The vote on the motion was as follows:

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

RE: BOARD COMMENT PERIOD

Supervisor Tomlin suggested asking VDOT to cut the brush away from speed limit and turning signs.

RE: CLOSED MEETING

Upon motion by A. Joseph Self, Sr., duly seconded by Richard Haynie, the Board voted unanimously to convene into closed meeting to discuss a contractual matter on the reassessment as permitted by Virginia Code Section 2.2-3711 (A) (4). 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 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 – 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 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 a contractual matter.

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.

PUBLIC HEARINGS

RE: REQUEST BY WILLIAM G. ALLEN, OWNER, FOR AN EXCEPTION TO THE CHESAPEAKE BAY PRESERVATION AREA ORDINANCE IN ORDER TO ALLOW A PREVIOUSLY CONSTRUCTED BALCONY WITHIN THE 50 FOOT RESOURCE PROTECTION AREA BUFFER, LOCATED AT 316 CHURCH LANE IN LEWISSETTA

Zoning Administrator W.H. Shirley described the request for an exception to the Bay Act Ordinance. He said he had not received any comments on request.

Chairman Jett stated that the Board had received a letter by Mr. Allen saying he was unable to attend the meeting due to his illness.

Public Hearing Open

Mr. Ron Herring questioned if this was previously permitted. Mr. Shirley stated that he had received an exception ten years ago but never constructed the deck.

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 with the following conditions:

1. Best Management Practices or the equivalent must be implemented for the addition and any portion of the existing dwelling that is within the 50' buffer.
2. Further, you must obtain a building and zoning permit for the structure since none were obtained before construction began. These permits will be after-the-fact and the costs will be triple fees plus a \$150.00 civil penalty for each.

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 – NAY	

Supervisor Tomlin stated that Mr. Allen had let this lapse and he voted against this the first time and that and he voted no to this time. It does not have the minimum necessary.

RE: AFTER THE FACT ZONING REQUESTS

Mr. Tomlin questioned after the fact Bay Act requests. Mr. Shirley said it's only used for Building and Zoning permits. Mr. Tomlin said it should apply to all after the fact fees for all permits.

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long the Board voted on changing the policy for after the fact fees on all zoning permits.

Chairman Jett suggested waiting until next month to see the policy in writing. Supervisor Self agreed and questioned the fees. Mr. Shirley said this would not only be an after the fact fee on the building permit but also on Special exceptions, conditional use, etc.

Supervisor Tomlin withdrew his motion and agreed to look at this next month and have staff draw up the new policy.

RE: PUBLIC COMMENT PERIOD

Mr. Ron Herring brought to the Board's attention the corn rows that are in front of one of the Welcome Signs and asked them to get this cleaned up.

Mr. Jeffery Tarlton came before the Board to talk about the sink holes in his yard. He wants to know what is going to be done about this problem. He said he received the letter from the Department of Conservation Recreation and said the land does not perk, it has a clay bottom and it is running off into the basin. He said nothing that was done was acceptable in the development. The project needed an engineer and there were certain things' the county was supposed to do.

County Attorney, Les Kilduff stated he doesn't see what the problem is in the letter, it says what it may be but not what it is.

Mr. Tarleton said it's a county problem and it is explained and the county could be fined. Nobody is above the law.

Mr. Eades referenced the letter that Mr. Tarleton is talking about and said the letter just says if you have any questions, give us a call, it doesn't say what Mr. Tarleton is saying it said.

Mr. Tarleton said the plans don't meet the requirements.

Supervisor Tomlin stated to Mr. Tarleton that he is reading the letter differently than what we read.

Supervisor Self asked if this was a settlement pond or a retention pond. Mr. Shirley said it was a retention pond. Mr. Shirley then said we may have to get someone down here to look at it and explain.

RE: ADJOURNMENT

Upon motion by A. Joseph Self, Sr., the Board voted unanimously to carryover the meeting in case they needed to vote on a contract. 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

Kenneth D. Eades, Clerk