

**Board of Supervisors Meeting
June 10, 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, June 10, 2010

Present: Ronald L. Jett. – Supervisor
 Richard F. Haynie – Absent until 5:43 p.m.
 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 Jeff Cerar, St. Stephens Anglican Church, led the invocation.

RE: PLEDGE OF ALLEGIANCE

Supervisor Joe Self led us in the Pledge of Allegiance.

RE: APPROVAL OF AGENDA

Upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin, the Board voted unanimously to approve the agenda for today's meeting with one change. Superintendent of Schools, Clint Stables, was unable to attend. The vote on the motion was as follows:

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

RE: MR. CLIFTON BALDERSON, VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Balderson reported that the crew is doing some patching and also some curb and gutter work. Grass cutting is scheduled to start the week of June 21st on the primary roads and will only occur once this year.

Supervisor Tomlin questioned Mr. Balderson on the Traffic Analysis in Indian Creek. If the property rezoning, from R-2 to R-4 what will be required? Supervisor Tomlin said he could get the answer to the County Administrator.

Supervisor Self questioned the fee permit for parades and things. Mr. Balderson said the administrative fees have gone up to \$100.00 for basically anything.

Supervisor Tomlin questioned if a permit is needed for a residential entrance? Mr. Balderson said yes, it is needed.

Supervisor Tomlin brought up about the requirements and standards that have been put in place if someone cuts on the side of the road.

RE: RESOLUTION TO NIKI SWANN, MS. WHEELCHAIR

Ms. Swann was present to receive her resolution. She thanked the Board for their support.
(Adopted at the April 8, 2010 meeting)

RESOLUTION RECOGNITION TO DEVON NICOLE SWANN

WHEREAS; Devon Nicole Swann (Niki), graduated from Northumberland High School in 2004, received a Bachelor of Arts Degree from Longwood University and is earning her Masters Degree in English Literature at Virginia Commonwealth University; and

WHEREAS; the same Niki Swann teaches composition at Rappahannock Community College and has earned the respect from her colleagues and students; and

WHEREAS; Niki Swann has overcome challenges and obstacles to achieve and accomplish great success; and

WHEREAS; the same Niki Swann was crowned Ms. Wheelchair of Virginia on Saturday, March 27, 2010 and voted Miss Congeniality by her fellow contestants; and

WHEREAS; this accomplishment as a Northumberland County resident deserves special recognition,

NOW, THEREFORE, BE IT RESOLVED, THAT THE Northumberland County Board of Supervisors does hereby recognize Ms. Niki Swann for being an inspiration to all county citizens and the Board extends their sincere appreciation and best wishes for a bright and successful future.

RE: BUILDING PERMIT REPORT:		
	2010	2009
Total construction cost for the month	\$ 2,788,103.00	\$ 1,785,914.00
Total Bldg. Permit Cost for Month	\$ 5,239.80	\$ 5,073.40
Total Zoning Permit Cost for the Month	\$ 2,820.00	\$ 2,440.00
Total Levy Fee for the Month	\$ 104.79	\$ 86.53
<i>Total Construction cost year to date</i>	<i>\$ 13,557,816.71</i>	<i>\$ 31,976,871.24</i>

RE: REQUEST FOR PROPOSALS FOR REASSESSMENT RECEIVED

Mr. Eades stated that we received four respondents to the requests for proposals on the reassessment. They ranged from \$13.95 to \$21.95 a parcel and we are still in the process of weeding through the proposals because some of the proposals included items that others did not. He said he wanted to make sure that the comparisons are identical. Mr. Eades asked the Board members if we could get a Board Member to help look through the proposals. Supervisor Self said he would help with the selection. Mr. Eades said they will start reviewing interviews the first part of July.

RE: VIRGINIA RETIREMENT SYSTEM RESOLUTION – CONTINUATION OF EMPLOYEE BENEFITS

Mr. Eades advised the Board that the General Assembly had passed legislation that gave localities the option to require all new hires after July 1, 2010 to pay the 5% into the Virginia Retirement System or allow the Board to contribute the 5% as it is currently done for all the employees.

Upon motion by James M. Long, duly seconded by Thomas H. Tomlin, the Board voted to adopt the following resolution to continue paying the 5% for all new hires after July 1, 2010:

**Authorization to Pick-up the Employee’s Contribution to VRS
Under § 414(h) of the Internal Revenue Code For Plan 2 Employees**

WHEREAS, the Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as “Plan 2 Employees”). The legislation stipulates that Plan 2 Employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h) on a pre-tax basis; and

WHEREAS, the legislation allows certain employers, including the Northumberland County Board of Supervisors, to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary; and

WHEREAS, the election to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary shall, once made,

remain in effect for the applicable fiscal year (July 1 - June 30) and shall continue in effect beyond the end of such fiscal year absent a subsequent resolution changing the way the 5 percent member contribution is paid; and

WHEREAS, employee contributions that are picked-up as an additional benefit not paid as salary are not considered wages for purposes of VA Code § 51.1-700 et seq. nor shall they be considered salary for purposes of VA Code § 51.1-100 et seq.; and

WHEREAS, the Northumberland County Board of Supervisors desires to pick-up and pay its Plan 2 Employees' member contributions to VRS as an additional benefit not paid as salary in an amount equal to 5% of creditable compensation; and

WHEREAS, VRS tracks such picked-up member contributions and is prepared to treat such contributions as employee contributions for all purposes of VRS.

NOW, THEREFORE, IT IS HEREBY RESOLVED that effective the first day of July, the Northumberland County Board of Supervisors shall pick-up member contributions of its Plan 2 Employees to VRS as an additional benefit not paid as salary in an amount equal to 5% of creditable compensation subject to the terms and conditions described above; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the Northumberland County Board of Supervisors in lieu of member contributions; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the picked-up contributions made by the Northumberland County Board of Supervisors directly instead of having them paid to VRS.

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 – ABSENT

RE: SEVERENCE BENEFIT OPTION FOR EMPLOYEES

Mr. Eades explained to the Board that (TBP) Transitional Benefits Program was established in 2010 by the General Assembly to provide a transitional severance benefit or an enhanced retirement benefit to employees of VRS. The program will end June 30, 2012 and the plan establishes a severance package for anyone that is laid off who has worked at least 2 years for the county. The benefits are additional salaries and up to 12 months paid premiums in the current health insurance plan. Mr. Eades recommended that the Board not take advantage of this benefit due to the high future costs and that we do not foresee laying anyone off at this time.

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board voted to decline the Transitional Benefits Program (TBP). 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 - Absent

**RE: RESOLUTION, COMMONWEALTH OF VIRGINIA VOLUNTARY GROUP
LONG TERM CARE INSURANCE PROGRAM**

Mr. Eades presented a resolution that would allow employees the option to enter into an insurance program for long term health care through the Virginia Retirement System. The costs will be 100% by the employee and there will be no costs to the county. Upon motion of Supervisor A. Joseph Self, Sr., duly seconded by James M. Long, it was resolved that the Board of Supervisors adopts the following resolution:

WHEREAS, the Commonwealth of Virginia has established, and the Virginia Retirement System has assumed responsibility for, the Commonwealth of Virginia Voluntary Group Long Term Care Insurance Program (the “Plan”) in which employees of local governments, local officers and teachers, as defined in Section 51.1-513.3 of the Code of Virginia (1950), as amended (the “Code”), may participate, and

WHEREAS, pursuant to the same section of the Code, the County of Northumberland desires to enter into an Agreement with the Virginia Retirement System to permit participation in the Plan by its employees, and

NOW, THEREFORE, IT IS RESOLVED, that the County of Northumberland elects to enter in an agreement with the Virginia Retirement System and their selected provider to provide voluntary group long term care insurance for all employees who are now, or who may be in the future, elect this voluntary coverage; and it is further

BE IT FURTHER RESOLVED that the County Administrator is authorized and directed in the name of the County to execute any required contract to carry out this election, and to do any other thing, or things, incident and necessary in the lawful conclusion of this matter.

The vote on the motion was:

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

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

RE: UPDATE ON BROADBAND GRANT

Mr. Eades reported that the Broadband Authority has entered into the next phase of the Broadband Grant program that that they have been working on since last year. He noted that this has gone further than the last application and is looking more favorable. Supervisor Tomlin said it could be just taking longer to get rejected.

RE: NORTHERN NECK REGIONAL JAIL BUDGET ADOPTION

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to approve the budget as submitted by the Northern Neck Regional Jail for FY 11 in the amount of \$8,449,506.00. The vote on the motion is as follows:

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

RE: ABSTRACT VOTES FOR THE JUNE 8, 2010 REPUBLICAN PRIMARY ELECTION FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES, 1ST DISTRICT

Robert J. “Rob” Wittman – 1270
Catherine T. Crabill - 303

Supervisor Tomlin stated that the parties that have a primary should have to pay for these elections.

RE: APPROPRIATION TO ANIMAL SHELTER

Upon motion by James M. Long, duly seconded by Thomas H. Tomlin, the Board voted to appropriate the requested funds from Account 10-286 in the amount of \$1,400.00 to line item 10-3501-1004 for Animal Shelter funds. The vote on the motion is as follows:

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

RE: RESOLUTION TO END PAY DAY LOANS

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

WHEREAS, the Northumberland County Board of Supervisors, represents the citizens of Northumberland County, Virginia; and

WHEREAS, the same Board of Supervisors believes the citizens of Northumberland County remain concerned over what are perceived to be predatory, usurious lending practices throughout the Commonwealth, including practices that can exploit dedicated, brave women and men called to serve in the United States armed services; and

WHEREAS, the same Board of Supervisors shares these continuing concerns and intends through this Resolution to express the collective sentiments and will of Northumberland citizens that the General Assembly and Governor of Virginia need to take action to prohibit all predatory, usurious lending practices; and

WHEREAS, it is essential that the General Assembly and the Governor of Virginia address this matter as a high priority at the next legislative session, leading to enactment of laws

strictly prohibiting and deterring all predatory, usurious lending practices in the Commonwealth of Virginia,

NOW THEREFORE, BE IT RESOLVED by the Northumberland County Board of Supervisors that, at the next legislative session, the General Assembly and the Governor of the Commonwealth of Virginia are hereby requested to enact laws strictly prohibiting and deterring all predatory, usurious lending practices, including but not limited to provisions that would:

1. Impose an interest rate cap of thirty-six percent (36%) calculated as an effective annual percentage rate including all fees or charges of any kind, for any consumer credit extended in the Commonwealth of Virginia;
2. Prohibit a creditor's use of a personal check or other device as a means, directly or indirectly, to gain access to a consumer's bank account; and
3. Incorporate into the Virginia Code the protections regarding consumer credit to military personnel as reflected in the Military Lending Act, 10 United States Code Section 987.

The vote on the motion is as follows:

Ronald L. Jett – YEA

A. Joseph Self, Sr. - YEA

James M. Long – YEA

Richard F. Haynie - Absent

Thomas H. Tomlin – YEA

***Supervisor Haynie entered at 5:43 p.m.**

RE: UPDATE ON JEFFERY TARLTON PROPERTY (SINK HOLES)

Mr. Eades gave an update from last meeting concerning Jeffery Tarlton's property that has sink holes. He stated that staff had used a fire truck and ran 3,000 gallons of water into the basin but it did not really resolve anything. He contacted the state for their review and just received a 7 page letter this morning. Basically the letter doesn't contain a bottom line opinion on who has jurisdiction and it is believed the county does not have much authority.

RE: FLOOD PLAIN REVIEW SCHEDULE TO BE ADVERTISED

Mr. Eades stated that a public hearing for the Flood Plain Management Ordinance is scheduled for next month. He proceeded to say that flood plain maps has to be readopted and in place by September. Mr. Eades said from what he understood if someone doesn't have flood insurance and is in the new flood plain the new rates will apply. Supervisor Tomlin asked if Zoning Administrator Shirley could bring those maps.

RE: BURN BUILDING UPGRADES

Mr. Eades advised the Board that he received a notice that after the annual inspection of the Burn Building there were some upgrades needed. The Northern Neck Planning District Commission is working on a grant application.

RE: BLUFF PT PUD DISCUSSION WHEN TO HOLD NEXT MEETING

Mr. Eades advised the Board that the project for the Bluff Point Private Unit Development could be coming up before the Board again in July or August. Mr. Eades asked the Board if they would like to set up a special meeting for the project or have the hearing at their regular meeting.

Supervisor Tomlin stated that he feels they just need to vote the project up or down and a special meeting is not needed. He said he still has some questions on the water problem and if the mid-Potomac aquifer even exists. He then explained that in the Water Plan calls for 227,000 gallons a day and we need to get someone that knows if it will have an impact on the future generations. Supervisor Tomlin suggested that we have a vote on the project first and then schedule a special meeting on the conditions only. Supervisor Haynie questioned if we do vote on it and approve it, what if there is an outcry against the project? Supervisor Self said personally he needed to be better informed before we can make a decision. Supervisor Tomlin said that we have time and we don't have to push it. The traffic analysis has 1 year to expire. County Administrator Eades said he will be meeting with Mr. Scott Bruce from the Department of Environmental Quality soon. Supervisor Tomlin stated that Mr. Bruce published a paper 131 that questioned the existence of the Mid-Potomac Aquifer.

RE: HIGH SCHOOL GRADUATION THIS SATURDAY

Mr. Eades said that graduation will be this Saturday morning at 9 a.m.

RE: GROUND BREAKING CEREMONY FOR THE NEW YMCA

Mr. Eades announced the ground breaking ceremonies for the new YMCA will be on June 19 at 10 a.m. and he has been asked that one Board member be present. Chairman Jett said he plans to attend.

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 Self suggested getting in contact with someone from the school system to help work out coordinating having a boating safety classes offered in the area.

PUBLIC HEARINGS

RE: REQUEST BY GEORGE G. SEIGLER, III AND IRENE SIEGLER FOR AN EXCEPTION TO THE BAY ACT ORDINANCE TO CONSTRUCT A GARAGE, RAMP AND DECK AT 346 EAST HARBOR DRIVE NEAR REEDVILLE

Zoning Administrator W.H. Shirley described the request for an exception to the Bay Act Ordinance. He said he had received one comment from an adjacent property owner that was in support of the request.

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 with the following condition:

1. Mitigation that complies with the Chesapeake Bay Preservation Ordinance must be provided for all of the impervious surface within the Resource Protection Area buffer.

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 ANDREW D. COCKRELL FOR A SPECIAL EXCEPTIONS PERMIT TO OPERATE A PRIVATE SCHOOL TO TEACH DANCING, PILATES AND YOGA AT 37 BRIDGEMAN DRIVE NEAR OPHELIA

Zoning Administrator Shirley described the request for the special exceptions permit. He has not received any comments.

Chairman Jett questioned the County Attorney Kilduff whether he had a legal conflict with the request. Mr. Kilduff said there is no legal conflict. Chairman Jett decided to abstain from voting on the request.

Public Hearing Open

No comments were given.

Public Hearing Closed

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

1. The building housing the private school must meet all building code requirements for the proposed use.

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: APPROVAL OF MINUTES FROM THE MAY 13, 2010 MEETINGS

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long the Board voted to adopt the Minutes from the May 13, 2010. 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. 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. Mr. Eades spoke up and said he received a letter from the State that was 7 pages long and it did not address the issue. He hasn't thoroughly gone through the letter yet because he just received it today but from what he could tell it did not clearly mention hydrology. Mr. Tarlton said the water is going downhill and is dangerous for his family and someone could get hurt. Mr. Tarlton said he didn't want to wait another 30 days; he has been doing this for 7 years. He then said the property behind him did not perk and he said he doesn't quite understand how the project took off. He said before homes were put there, he talked with Mr. Shirley and Mr. Eades. He asked to please not wait, this is a serious matter and isn't a civil matter. He asked to be expedient as a tax payer, he has earned the right.

Chairman Jett asked Mr. Eades what we can do now. Mr. Eades said the issue is subsurface water and we don't regulate sub surface water. Supervisor Tomlin spoke up and said the Federal Government regulates sub surface water.

Mr. Tarlton spoke up and said you know it is a problem. Mr. Eades said it is a problem and does not know if we can do anything about it. Mr. Tarlton brought up a request by Tiffany Yachts as far as wanting to put a pool in and it was turned down.

Supervisor Self spoke up and said that last month was the first he has heard of this issue and we just received the letter from the State today. He continued to say that the Board of Supervisors is trying to deal with this. Mr. Tarlton said he couldn't take it to his Board representative, couldn't go to the NAACP and (you) would do the same thing if you were in my shoes.

Chairman Jett said last month was the first he has heard of this too. Mr. Tarlton said he feels like he has been taken advantage of and the lives of his children are in danger. Chairman Jett suggested marking or taping the areas off. Supervisor Self asked if it has ever been filled? Mr. Tarlton said yes and it needs a piping system to control it. Supervisor Long spoke up and directly told Mr. Tarleton he hoped he knew what he was talking about and hoped he has his facts straight because at some point this isn't going to be a county issue, its going to be an issue between himself and Tarlton. Mr. Eades said this issue is not going to be resolved tonight and he will get with Mr. Kilduff on the matter.

Ms. Ginny Estell asked about the old High School as far if any decisions have been made on it. Chairman Jett said no decision has been made, it has never been declared a surplus.

Mr. Lee Allain from Lottsburg said he visited the Tarlton's property 3 years ago and suggested getting the Corp of Engineers involved. Supervisor Tomlin said he thought the Corp had no jurisdiction.

RE: ADJOURNMENT

Upon motion by A. Joseph Self, Sr., the Board voted unanimously to adjourn. 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