

Board of Supervisors Meeting
May 13, 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, May 13, 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

Lucia Lloyd, Priest, St. Stephens Episcopal Church, led the invocation.

RE: PLEDGE OF ALLEGIANCE

Chairman Ronnie Jett led us in the Pledge of Allegiance.

RE: APPROVAL OF MINUTES FROM APRIL 8, APRIL 12, APRIL 16, AND APRIL 29, 2010 MEETINGS

Upon motion by James M. Long, duly seconded by Ronald L. Jett the Board voted to adopt the April 8th, 12th, 16th and 29th, 2010 with one minor change to page 18, third paragraph to change the word “loose” to “lose”. 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 Richard F. Haynie duly seconded by James M. Long., the Board voted unanimously to approve the agenda for today’s meeting with two changes. The presentation to Niki Swann, Ms. Wheelchair of VA will not be given today because of a conflict in schedule.

Also, the public hearing for the Virginia Department of Transportation will be held at 5:15 today instead of 7:00 p.m. 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. CLINT STABLES, SUPERINTENDENT, NORTHUMBERLAND COUNTY SCHOOLS

Mr. Stables announced the division’s award that was received in Math for the State Algebra Concepts class. Ms. Amy Lamb was presented the award and recognized for excellence.

Graduation ceremonies will take place on June 12, 2010. Mr. Stables explained the date was set back because of the SOL schedule and state testing to try to help increase the graduation rate.

Chairman Jett asked if graduation will be held inside this year. Mr. Stables replied that it would be held in the auditorium and it will start at 9:00 a.m.

Supervisor Tomlin questioned the problem with the sidewalk outside of the new school facility. Mr. Stables explained that he has been told it is called “heaving” and is caused by the warm days we have had and a difficulty with the expansion joint that was not properly installed. He said company would be back to fix it this week.

RE: SCHOOL BOARD APPROPRIATION

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

\$ 1,734.96 – E-Rate Reimbursement

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: MR. SEAN TRAPANI, VIRGINIA DEPARTMENT OF TRANSPORTATION – 6 YEAR PLAN PUBLIC HEARING FOR THE SECONDARY ROAD SYSTEM

Mr. Trapani explained that according to the code of Virginia, VDOT is required to come before the Board of Supervisor with a public hearing on the Six Year Secondary Roadway Improvement Plan. Mr. Trapani recommends improvements are made to the Rt. 604, Indian Valley Road and Rt. 741, Hope View Lane. (SEE HANDOUT OF RECOMMENDATIONS IN THE BOARD OF SUPERVISORS PAPERS).

Mr. Trapani explained that the previous priorities included the pavement of Mob Neck Road, which only qualified for \$46,000 a year in funds and would take forever to accumulate enough to deliver the project. If the funds were transferred to the recommended projects they could be done much sooner. Mr. Trapani added that there are very few funds.

Supervisor Self stated if we are going to spend this much in Horsehead, getting rid of the slopping curve at the entrance of Rt. 604 will help that area with a safety issue. Mr. Trapani said the only improvements that could be done would be to the secondary road, not Rt. 360. The main road would have to be done under the primary road plan.

Public Hearing Open

Ms. Ginny Estelle stated she is thrilled that Mob Neck Road has been taken off the project plan for improvement. The residents that live down that road knew when they built their houses how the road was and it is a country road that needs to stay that way.

Mr. Lee Allain suggested improvements needed to be made to Academic Lane.

Public Hearing Closed

Upon motion by James M. Long, duly seconded by Thomas H. Tomlin, the Board voted to accept VDOT's recommendation to adopt the Six-Year Plan for improvement to Route 604, Indian Valley Road for a paved priority, number 1 and the unpaved priority, Route 741, Hope Union Lane. 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. SEAN TRAPANI, VDOT REPORT

Mr. Trapani also reported that right now the focus is pavement and after July 1st, drainage will be the focus.

Supervisor Tomlin asked when the grass will start to be cut. Mr. Trapani said they plan to start at the end of June.

Supervisor Tomlin asked about a sign at Gardy's Mill Road ramp as far as its location. Mr. Trapani said he would let the Game Department know that it needed to be changed.

RE: BUILDING PERMIT REPORT:		
	2010	2009
Total construction cost for the month	\$ 2,981,903.00	\$ 11,808,966.14
Total Bldg. Permit Cost for Month	\$ 5,352.77	\$ 12,974.32
Total Zoning Permit Cost for the Month	\$ 2,870.00	\$ 5,640.00
Total Levy Fee for the Month	\$ 104.05	\$ 227.52

<i>Total Construction cost year to date</i>	<i>\$ 10,769,713.71</i>	<i>\$ 30,190,957.24</i>
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RE: ADOPTION OF BUDGET

Pursuant to notices, duly published according to law, the Board of Supervisors held its public hearing on April 29, 2010 regarding the proposed budget of this County for fiscal year commencing July 1, 2010, and does this day approve the following 2010-2011 County Budget of \$33,837,347.00 with two additions to the advertised budget. 1) Add back \$9,000 to the Local Planning to support a Part-Time position of Compliance Officer. 2) Appropriate \$2,500.00 to CASA. This budget is hereby ordered to become a part of the records of the County for future reference:

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to adopt the FY 11 Budget with the item changes stated above. The vote on the motion is as follows:

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

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

RE: TAX RATE

Upon motion by A. Joseph Self, Sr. duly seconded by James M. Long the Board voted on the following resolution setting the tax rates for FY 11. The vote on the motion is as follows:

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

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

RESOLUTION

BUDGET ADOPTION FY 11

After careful examination of the budget estimates, BE IT RESOLVED AND ORDAINED by the Board of Supervisors of the County of Northumberland, Virginia that there be and is hereby levied for Fiscal Year 2010-2011 a tax of \$0.40 per one hundred

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

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

RE: APPROPRIATIONS RESOLUTION

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

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

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

FISCAL YEAR 2010/2011 APPROPRIATIONS RESOLUTION

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Northumberland County Board of Supervisors that the budget for fiscal year 2010/2011 is approved and appropriations for the aforementioned funds are made as follows, subject to terms and conditions outlined within this appropriation resolution:

Operating Budget

Board of Supervisors	261,144
County Administrator	217,899

County Attorney	15,000
Legislative Audit	37,800
Commissioner of Revenue	273,871
Assessor	180,000
Treasurer	310,581
Electoral Bd./Officials	31,517
Voter Registrar	80,604
Information Technology	81,724
Circuit Court	16,482
Witness Protection	27,377
General District Court	3,700
Juvenile & Domestic Relations	70,124
Clerk of Circuit Court	317,749
Commonwealth's Attorney	315,319
Sheriff	1,959,805
Fire Suppression/VFD	311,326
Ambulance/Rescue	175,553
Regional Jail	345,838
Building Inspections	177,228
Animal Control	88,780
Medical Examiner	350
Emergency Services	54,500
Street Lights	16,300
Solid Waste	980,274
Refuse Disposal	10,000
General Properties	209,591
Local Health Services	161,663
Community Serv. Bd.	40,933
Dept. of Social Services	2,908,379
Public Schools	15,453,379
Rapp. Comm. College	7,429
Recreational Programs	50,000
North. Co. Pub. Library	110,000
Planning	226,814
Economic Developm't	33,500
N.N. Planning Dist.	18,500
Soil & Water Conserv.	10,850
Forestry	5,201
Wetlands Board	17,612
Coop. Ext. Program	59,560
Capital Projects	2,564,819

Total Operating Budget Appropriations \$28,239,074

TERMS AND CONDITIONS

1. All appropriations are declared to be maximum, conditional and proportionate appropriations. This makes the appropriations payable in full in the amounts named herein, if the aggregate revenues collected and other resources available during the year ending June 30, 2011 for which appropriations are made, are sufficient to pay all of the appropriations in full; otherwise, the said appropriations shall be deemed to be payable in such proportion as the sum of all realized revenue is to the total amount of the revenues estimated by the Board of Supervisors to be available for appropriation in the year ending June 30, 2011.

2. No department, agency, or individual receiving appropriations under the provisions of this resolution shall exceed the amount approved for that department, agency, or individual by the Northumberland County Board of Supervisors.
3. The Board of Supervisors reserves the right to change at any time during the fiscal year ending June 30, 2011 compensation provided to any officer or employee and to abolish any office or position, except for such office or position as it may be prohibited by law from abolishing.
4. The County Administrator is authorized to establish purchasing policies and procedures to assure that expenditures are made within the appropriations defined within this Resolution and to initiate emergency spending reductions to decrease expenditures in light of decreased actual revenues.
5. The amount appropriated to fund contemplated expenditures for the Northumberland County School Board is by total appropriation. As permitted by state statute, the School Board is authorized to transfer funds between categories.
6. No expenditures shall exceed the appropriation established by the Northumberland County Board of Supervisors unless a supplemental appropriation is approved in advance of the expenditure.
7. Any request to increase the overall appropriation to any department, agency or organization as appropriated by this resolution must be made to the Board of Supervisors by written request.
8. The County Administrator may increase appropriations for the following items of non-budgeted revenue that may occur during the fiscal year:
 - a. Insurance recoveries received for damage to County vehicles or other property for which County funds have been expended to make repairs.
 - b. Refunds or reimbursements made to the County for which the County has expended funds directly related to that refund or reimbursement.
 - c. Additional, unbudgeted grants received during the fiscal year for which there is sufficient revenues to defray expenditures.
9. All appropriations that are not encumbered or expended prior to June 30, 2011 will lapse and the balance shall become part of the General Operating Fund Balance.
10. The County Administrator may increase or reduce revenue and expenditure appropriations related to programs funded all or in part by the Commonwealth of Virginia and/or the federal government to the level approved by the responsible state or federal agency.
11. The County Administrator may appropriate both revenue and expenditures for donations by citizens or citizen groups in support of County programs. Any remaining unencumbered balance of a restricted donation at the end of the fiscal year will be reappropriated into the subsequent fiscal year.
12. The County Administrator may appropriate revenues and expenditures for funds received by the County from asset forfeitures for operating expenditures directly related to drug enforcement. The outstanding balance of these funds shall not lapse but be carried forward into the next fiscal year.
13. Any reimbursement for travel expenses outside the county must be pre-approved by the County Administrator.

RE: PERSONAL PROPERTY TAX RELIEF

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

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

PERSONAL PROPERTY TAX RELIEF

This Amendment No. 1 to the Cooperation Agreement dated June 29, 2000, by and among the COUNTIES OF NORTHUMBERLAND, RICHMOND AND WESTMORELAND, AND THE TOWN OF WARSAW (“Member Jurisdictions”), all political subdivisions of the Commonwealth of Virginia, is made as of the 13 day of May, 2010.

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

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

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

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors that: Qualifying vehicles obtaining situs within the County during tax year 2010, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
- Personal use vehicles valued at \$1,001 to \$20,000 will be eligible for 63% tax relief;
- Personal use vehicles valued at \$20,001 or more shall only receive 63% tax relief on the first \$20,000 of value; and
- All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.
- In accordance with Item 503.D.1., the entitlement to personal property tax relief for qualifying vehicles for tax year 2005 and all prior tax years shall expire on September 1, 2006. Supplemental assessments for tax years 2005 and prior that are made on or after

September 1, 2006 shall be deemed 'non-qualifying' for purposes of state tax relief and the local share due from the taxpayer shall represent 100% of the tax assessable.

RE: REFINANCE OF NORTHERN NECK REGIONAL JAIL

County Administrator Eades reported more information from last months meeting on the refinance of the Northern Neck Regional Jail stating that with the refinance it would reduce the county payments each year by \$35,000.00.

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

**NORTHERN NECK REGIONAL JAIL COOPERATION AGREEMENT
AMENDMENT NO. 1**

Whereas, the Member Jurisdictions have previously approved this Cooperation Agreement to provide for the financing, operation and governance of the Northern Neck Regional Jail (the "Regional Jail Facility"); and

Whereas, the Northern Neck Regional Jail Board and the Member Jurisdictions have determined that it is fiscally advantageous for the Jail Board to redeem certain debt instruments issued by the Industrial Development Authority of Westmoreland County to finance a Westmoreland's capital contribution to the purchase and construction of the Regional Jail Facility; and

Whereas, such bond redemption makes it necessary and equitable to alter and redirect certain Amortization Payments made under this Cooperation Agreement, and certain rent payments made by Northumberland County pursuant to the Financing Lease Agreement dated June 29, 2000, between Northumberland County as Lessee and Westmoreland and Richmond Counties as Lessor; now, therefore, the Member Jurisdictions agree that:

Section 2.6 of the Cooperation Agreement is amended by adding the following paragraph (a1):

- (a1) At such time as the Jail Board redeems the outstanding Series 1998 Lease Revenue Bonds issued by the Industrial Development Authority of Westmoreland County to fund Westmoreland County's initial capital contribution to the Regional Jail Facility,
 - (i) The Jail Board shall cease making amortization payments to Westmoreland, and
 - (ii) As provided by Amendment No. 1 to the 2000 Financing Lease Agreement between Westmoreland and Richmond Counties as Lessors and Northumberland County as Lessee, the portion of Northumberland's annual rent payment payable to Westmoreland County shall be reduced and shall be paid to the Jail Board for the remaining term of the Financing Lease Agreement, and

- (iii) The Jail Board's annual Amortization Payment to Northumberland shall be adjusted to \$70,941.03 as provided by Attachment 1A to the amended Financing Lease Agreement, which is also made as Attachment 1A to this Cooperation Agreement, and
- (iv) There shall be no change in the Amortization Payments under this Cooperation Agreement or in the Northumberland rent payments being made to Richmond County, for the remaining term of the Financing Lease Agreement, and
- (v) The Town of Warsaw consents to this Amendment No. 1, but shall continue not to receive any Amortization Payment.

All other terms and conditions of this Cooperation Agreement shall remain unchanged.

In witness whereof the Member Jurisdictions have caused this Amendment No.1 to be executed by their respective presiding officers as of the date above written.

APPENDIX A
SCHEDULE OF PAYMENT OF RENTALS

<u>Payment Date</u>	<u>Rental Payment Amount</u>	<u>Portion of Rental Amount due to Northern Neck Regional Jail</u>	<u>Portion of Rental Amount due to Richmond</u>
12/15/10	\$345,837.50	\$221,037.50	\$124,800.00
12/15/11	345,837.50	221,037.50	124,800.00
12/14/12	345,837.50	221,037.50	124,800.00
12/15/13	345,837.50	221,037.50	124,800.00
12/15/14	345,837.50	221,037.50	124,800.00
12/15/15	345,837.50	221,037.50	124,800.00

AMENDMENT NO. 1 TO FINANCING LEASE AGREEMENT

This Amendment No. 1 to the Financing Lease Agreement dated June 29, 2000, between the COUNTIES OF WESTMORELAND AND RICHMOND, VIRGINIA, as Lessors, and the COUNTY OF NORTHUMBERLAND, VIRGINIA, as Lessee, is made as of May __, 2010.

Recitals

In the Financing Lease Agreement dated June 29, 2000 (“the 2000 Financing Lease”), Lessors leased to Lessee a partial leasehold interest in the property constructed and used as the Northern Neck Regional Jail (the “Regional Jail Facility”), and Lessee agreed to make an annual rent payment to be allocated between Westmoreland and Richmond Counties in proportion to their respective initial capital contributions for purchase and construction of the Regional Jail Facility.

The amount of the allocated annual rent payments under the 2000 financing Lease was calculated to reimburse Richmond County for an agreed portion of its initial capital contribution, and to reimburse Westmoreland County for a portion of its annual debt service on certain Lease Revenue Refunding Bonds, Series 1998B, issued by the Industrial Development Authority of Westmoreland County, Virginia (“the 1998 IDA Bonds”) to fund Westmoreland County’s initial capital contribution.

The Northern Neck Regional Jail Board (“Jail Board”), comprised of members appointed by each of the Lessor and Lessee Counties, has determined that it has sufficient funds accumulated from the proceeds of its operations to redeem the outstanding 1998 IDA Bonds, with a resulting net saving in future interest expenses to the Jail Board and the Counties, and has authorized the Jail Superintendent to expend the funds necessary to redeem the bonds.

Accordingly, the Lessor and Lessee Counties agree that Section 2.03 of the 2000 Financing Lease is amended by adding the following paragraph (f):

(f) Notwithstanding the foregoing paragraphs (a) through (e), upon redemption of the outstanding 1998 IDA Bonds (including payment of accrued interest to the date of redemption) by the Jail Board, Lessee’s annual rent payments for the years 2010 through 2016 shall be reduced from \$390,000.00 to \$345,837.50. Of that amount, Lessee shall continue to pay \$124,800 to Richmond County, but the remaining \$221,037.50 shall be paid to the Jail Board, in consideration of the Jail Board’s having retired Westmoreland County’s obligation for the 1998 IDA Bonds. Revised Appendix A attached to this Amendment replaces and supersedes original Appendix A to the 2000 Financing Lease, and details the dates and amounts of Lessee’s remaining lease payments. All other provisions of the 2000 Financing Lease shall remain in full force and effect.

In witness whereof, the Lessor and Lessee Counties have caused this Amendment to be properly executed by their respective presiding officers as of the day and year first written above.

AMORTIZATION PAYMENTS

Payment Date	Payment to <u>Westmoreland</u>	Payment to <u>Northumberland</u>	Total <u>Payments</u>
12/15/10	\$0.00	\$70,941.03	\$70,941.03
12/15/11	0.00	70,941.03	70,941.03
12/15/12	0.00	70,941.03	70,941.03
12/15/13	0.00	70,941.03	70,941.03
12/15/14	0.00	70,941.03	70,941.03
12/15/15	0.00	70,941.03	70,941.03

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: RETIREMENT NOTICE FROM JEFF FRAZIER, SUPERINTENDENT OF
NORTHERN NECK REGIONAL JAIL**

County Administrator Eades informed the Board that he had received a letter from Mr. Frazier notifying the Board that he has decided to retire as of September 1, 2010.

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 - YEA
Thomas H. Tomlin – YEA

RE: INDOOR PLUMBING ADMINISTRATOR FOR FY- 2011, BAY AGING

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to continue to use the current administrator, Bay Aging as the Indoor Plumbing Rehabilitation 2011 Subrecipient Designation. 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: USDA RURAL DEVELOPMENT GRANT RSD

Mr. Eades explained that the county had requested a grant from USDA Rural Development two months ago for the reimbursement of two school buses and 5 police cars. We are now finalizing the paperwork and need to adopt a resolution agreeing to the grant requirements of \$150,000 grant and \$135,000 matching contribution for a total project cost of \$285,000. This will free up money needed for the Reedville Waste Water Treatment Plant.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to agree with the USDA Rural Development grant requirements and adopt the following resolution. 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	

**RESOLUTION OF GOVERNING BODY OF
NORTHUMBERLAND COUNTY**

The governing body of Northumberland County, consisting of five members, in a duly called meeting held on the thirteenth day of May, 2010 at which a quorum was present **RESOLVED** as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance from the United States of America, United States Department of Agriculture, Rural Development, (the Government) in the purchase of police cars and school buses to serve the community, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED that the County Administrator of Northumberland County be authorized to execute on behalf of the Board of Supervisors the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the above-referenced documents, is hereby entered into the permanent minutes of the meetings of this Board.

RE: PROCLAMATION OF OLDER VIRGINIAN MONTH

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

**PROCLAMATION
OLDER VIRGINIANS MONTH**

Since 1963, the month of May has been designated by the U.S. Administration on Aging as America’s special time to honor and recognize its older citizens. This year’s theme is *“Live*

Strong! Live Long!” which recognizes the diversity and vitality of today’s older Americans who span several generations.

According to the U.S. Census Bureau, one out of every nine baby boomers will live to be at least age 90. In Northumberland County, the Census Bureau estimates that by the year 2020, the 65 and older set will increase to 4,981 people and to over 5,400 by 2030.

Healthy lifestyle choices can prevent or control many of the region’s leading causes of death linked to smoking, physical inactivity, poor diet, chronic diseases, and alcohol abuse.

There is now strong scientific evidence that it is never too late for healthy lifestyle choices to positively impact the physical, emotional and mental health of older persons. Older Virginians are encouraged to make healthy lifestyle choices that will help them live strong and long in order to maintain their independence in their homes and communities and avoid institutionalization.

For the above reasons I am asking all citizens of Northumberland County to join us in celebrating this May as Older Virginians Month. The ***“Live Strong! Live Long!”*** theme encourages us all to educate one another about the advantages of a healthy lifestyle and to access available resources in our communities and online.

The U.S. Administration on Aging, Virginia Department for the Aging, Bay Aging and Northumberland County Board of Supervisors welcome your participation in and call upon this community to observe Older Virginians Month and to ***“Live Strong! Live Long!”***

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: RESOLUTION VIRGINIA JUVENILE COMMUNITY CRIME CONTROL ACT

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

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	

**RESOLUTION
VIRGINIA JUVENILE COMMUNITY CRIME CONTROL ACT**

WHEREAS, the General Assembly enacted the Virginia Juvenile Community Crime Control Act: and

WHEREAS, this Act provides for local governments to develop plans which set up a community-based system of services, programs and facilities for youth who have come before the Juvenile and Domestic Relations District Court; and

WHEREAS, the County of Northumberland has chosen to participate in the Act in a regional capacity along with the counties of, Lancaster, Essex, Richmond and Westmoreland; and

WHEREAS, Northumberland County authorizes the Northern Neck-Essex County Group Home Commission (Bridge House) to serve as agent for the administration of these funds.

NOW, THEREFORE, BE IT RESOLVED THAT the Northumberland County Board of Supervisors endorses the local plan and by so doing, agrees to abide by the conditions established by the Virginia Juvenile Community Crime Control Act.

NOW, THEREFORE, BE IT RESOLVED THAT the Northumberland County Board of Supervisors will participate in the Virginia Juvenile Community Crime control Act and accept funds appropriate for the purpose set forth in this Act until it notifies the Department of Juvenile Justice, in writing, that it no longer wishes to participate.

RE: LETTER RECEIVED FROM TOWN OF KILMARNOCK REGARDING BLUFF POINT PLANNED UNIT DEVELOPMENT PROPOSED PROJECT

Mr. Eades stated that he had received a letter from representatives of the Town of Kilmarnock requesting a transmissivity test on the aquifer for the proposed Bluff Point Planned Unit Development.

Mr. Tom Dingleline, developer, and Tom Saunders, Town Manager, were present.

Supervisor Self suggested that the Board look into this request and come back to the subject at a later time when we are better prepared.

Chairman Jett questioned the Representatives from the Town asking if they had approved 600 lots recently in the town limits and did they do these tests that they are requesting be done for the Bluff Point Project? Mr. Tom Saunders, Town Manager, stated that they already had the capacity and they did not put in a new well.

Supervisor Self stated that the Board Members are no experts in this field. Supervisor Tomlin suggested getting Mr. Bruce from the DEQ to give an opinion.

RE: RESOLUTION TO AL SMITH, REPRESENTATIVE OF VIRGINIA DOMINION POWER

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

**A RESOLUTION
RECONIGITION OF ALEXANDER "AI" SMITH**

WHEREAS; Mr. Alexander “Al” Smith joined the staff of Dominion Power as a Service Representative in 1973, and has risen through the ranks to become Senior Affairs Manager for State and Local Affairs in the Central Region; and

WHEREAS; Mr. Smith has assisted Northumberland County on numerous electric power issues including several severe tropical storms and hurricanes; and

WHEREAS; Mr. Smith has shown concern for the welfare of Northumberland's citizens by being very proactive with assistance from Dominion Power; and

WHEREAS; Mr. Smith has served on the Northern Neck Chesapeake Bay Region Partnership, Rappahannock Community College Educational Foundation and a member of numerous community and civic organizations,

NOW, THEREFORE, BE IT RESOLVED, THAT THE Northumberland County Board of Supervisors hereby expresses its appreciation and gratitude for Mr. Smith's service, and wishes him happiness and good health throughout his retirement.

BE IT FURTHER RESOLVED, that this resolution is hereby adopted on this day, 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: RE -APPOINTMENTS TO THE ECONOMIC DEVELOPMENT COMMISSION

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to reappoint Mr. **Lee Allain to the Economic Development Commission**. Mr. Allain’s appointment will expire, July 13, 2014. 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	

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to reappoint Mr. **John Hendrickson to the Economic Development Commission**. Mr. Hendrickson’s appointment will expire, July 13, 2014. 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: RE-APPOINT TO THE WETLANDS BOARD

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to reappoint **Mr. J.C. Curry to the Wetlands 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: WORKFORCE DEVELOPMENT REPRESENTATIVE

Mr. Eades explained that he had received notice that Mrs. Tonya Creasy has decided to retire from the Workforce Development and a new representative will be needed.

RE: RAPPAHANNOCK COMMUNITY COLLEGE BOARD - MR. STEVE TUCKER

Mr. Eades explained that the appointment for this board that was done in a previous meeting needed to be re-done because the representative has decided not to be re-appointed.

Upon motion by James M. Long duly seconded by A. Joseph Self, Sr., the Board voted to appoint Mr. Steve Tucker to the Rappahannock Community College Board as Northumberland Counties' Representative. 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: SUGGESTION TO REQUEST THAT THE APPOINTMENT TO THE BOARD OF ZONING APPEALS COME FROM THE BOARD OF SUPERVISORS MEMBERS

Supervisor Tomlin requested that a letter be written in request to have Board's of Supervisors appoint members of the Board of Zoning Appeals instead of the Judge.

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long the Board voted to request legislation to have the Board of Supervisor's appoint members of the Board of Zoning Appeals. 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: BROADBAND UPDATE

Mr. Eades stated that the Northern Neck Broadband Authority had been established and had its first meeting recently. He informed the Board that the by laws had been structured and a chairman selected.

RE: VERIZON

Mr. Eades reported that Verizon has asked the State Corporation Commission to have their personal property tax rates reduced by 50%. This would mean about \$15,000 loss in tax revenue by the county.

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr. the Board voted to join into a coalition of counties to help fight the request made by Verizon and approved an expenditure of \$750.00. 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: BOARD COMMENT PERIOD

Supervisor Tomlin said he has been asked why people aren't able to get things out of the dumpsters if its needed. Mr. Eades stated it was a liability issue on behalf of Waste Management.

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	

PUBLIC HEARINGS

RE: REQUEST BY BETTE J. PADGETT, OWNER AND THOMAS R. PADGETT, III, APPLICANTS FOR A CONDITIONAL USE PERMIT TO ALLOW FARMING WITH

LIVESTOCK FOR UP TO 100 LAYING HENS LOCATED AT 1890 MUNDY POINT ROAD NEAR CALLAO

Zoning Administrator, W.H. Shirley described the request and stated he has received one comment on the matter. Mr. Padgett spoke on his behalf stating that he sells the eggs from chickens that are housed indoors and they will not be running around.

Public Hearing Open

Mr. Lee Allain, Lottsburg, asked how far away does the Padgett's live from the water? Supervisor Tomlin spoke up and said its about 250-500 feet away.

Ms. Ginny Estell questioned how the compost will be handled. Mr. Padgett explained the "deep litter" method where it is all under the chicken house and with the use of chemicals it will speed up the process.

Mr. Julian Roden said he just wanted to make sure the chickens would not be roaming. Mr. Padgett said they would not.

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 following condition:

1. The applicant will continue to follow the guidelines from V.P.I. & S.U. for the raising and handling of a small laying hen operation: and,
2. The birds must be confined at all times.

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 MELVILLE FARM, LLC, OWNER FOR A SPECIAL EXCEPTIONS PERMIT TO REPLACE AN EXISTING ECLOSED BOATHOUSE WITH A NEW BOATHOUSE OF THE SAME SIZE, 22' X 50' X 22; ALONG THE GREAT WICOMICO RIVER AT 742 WAVERLY ROAD NEAR BURGESS

Zoning Administrator W.H. Shirley described the request stating that he had not received any comments on the matter.

Mr. S. Lee Bowles, III, Agent, was present representing the request.

Public Hearing Open

No comments were given.

Public Hearing Closed

Upon motion by Thomas H. Tomlin duly seconded by A. Joseph Self, Sr., the Board voted to approve the request as submitted with the suggested conditions:

1. The boathouse must be built in the same footprint and to the same dimensions as the existing boathouse and may be enclosed on three sides as is the existing boathouse;
2. The permit will be valid for two (2) years and will expire on May 13, 2012, at which time the boathouse must be completed;
3. All exterior lighting must be non-reflective and directed downward;
4. A fire extinguisher that is accessible from the pier must be located within the boathouse; and,
5. The approval of this boathouse does not imply nor grant the establishment of a riparian apportionment.

The vote was as follows:

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

RE: REQUEST BY BETZ LANDING SUBDIVISION PROPERTY OWNERS ASSOCIATION TO ALLOW THE USE OF GOLF CARTS WITHIN BETZ LANDING SUBDIVISION FROM HIGHLANDS ROAD, SOUTHEAST ON STEAMBOAT LANE.

Mr. Phil Landry, President of Betz Landing Association was present along with Cindy Reimer and Greg Haugan.

Mr. Landry stated that a survey had been completed, VDOT has been notified and they are aware of the proper signage that is needed.

Public Hearing Open

Dr. Haugan stated that he is in full support of this request and thinks it's a good idea.

Public Hearing Closed

Upon motion by James M. Long, duly seconded by A. Joseph Self, the Board voted to add Betz Landing Subdivision to the list of subdivisions that are allowed to use golf carts on public roads. The designation is from Highland Road, easterly, along Steamboat Ln. to the cul-de-sac and all of Heron Court.

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: PUBLIC COMMENT PERIOD

Mr. Jeffery Tarlton approached the Board with his concerns of 5 sink holes that are in his yard. Mr. Tarlton explained that he believes they have come from the development on the adjoining property. He is aggravated that nothing has been done. He said his son almost fell into one of the holes on his go-cart a short while ago. He added this is more than a civil matter, its about life and death now. He said it is clear where all the water is coming from. The water comes fast into the basin underneath. The property beside him did not perk and it is running down the hill. He said County Administrator Eades and Supervisor Haynie have both been to his property and have seen this. He said if the drainage is not right, then it needs to make right so that it will spark the proper drainage.

County Administrator Eades spoke up and said that it is subsurface water and the problem is the law does not regulate subsurface water only surface water. Mr. Eades said that they have set up a meeting to fill the sediment basin on the adjoining property to see what could be determined. Mr. Tarlton said that Mr. Lewis (from Northern Neck Soil and Water) had been to his property and said the water is flowing and something needed to be done. Mr. Tarlton said he will go further than the county members to get this resolved. He said it is dangerous to his children.

Ms. Sheila Chesnutt said she is concerned with the graduation rate of 27% of kids not graduating from High School. She said the county dodged a bullet this year with the taxes and suggests revisiting the programs that are in place currently and get rid of the ones that are not working to raise the graduate rate.

Mr. Eades commented that letters have been mailed out to the residents of the Fairfield and Wicomico Magisterial Districts for their septic systems to be pumped out. The county received a \$1,900 grant from the state to help pay for the cost of this mailing.

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