

**Board of Supervisors Meeting
December 9, 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, December 9, 2010

Present: Ronald L. Jett. – Supervisor
 Richard F. Haynie – Supervisor
 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 Ian McManamey, Smithland Baptist Church led the invocation.

RE: PLEDGE OF ALLEGIANCE

Supervisor Self led us in the Pledge of Allegiance.

RE: MINUTES APPROVED FOR NOVEMBER 10, 2010 AND NOVEMBER 17, 2010

Upon motion by James M. Long, seconded by Richard F. Haynie, the Board voted to approve the minutes for November 10, 2010 and November 17, 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: 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 the following change: To add Mr. Jerry Davis, Northern Neck Planning Commission Director to discuss the Light Street CDBG Grant.

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: CLIFTON BALDERSON, ASSISTANT RESIDENCY ADMINISTRATOR FOR VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Balderson reported there is some ditch pulling going on and pot holes are being fixed. He further commented that they have filled the position of the Residency Administrator with David Brown and he should be at the Board's next meeting. Mr. Balderson also stated that they are preparing for snow removal.

It was decided to wait until next month for the Lodge Road Resolution.

Supervisor Tomlin requested for highway signs on Remo Road to be cleaned up and there is one down.

Mr. Balderson said he would get some clarification on new sign regulations that may affect our street signs.

Supervisor Tomlin questioned the traffic light study on Academic Lane. He said he wanted the new Administrator to be prepared to come and explain the justification when St. Claire Walker Middle School in Middlesex County has a stop light.

Chairman Jett questioned the Sunnybank Ferry's new rules of not being able to get out of the vehicle. Mr. Balderson explained that is a Coast Guard requirement and because there are no life boats and only one operator on the vessel that would need to change if we allow people to get out of their vehicles.

Supervisor Tomlin asked about the Jamestown Ferry if you are able to get out of it. Mr. Balderson said yes, you are permitted to get out of your car on that Ferry because that complies with the standards. Mr. Balderson noted that the operators are not state employees, they are contracted employees.

RE: SUPERINTENDENT OF SCHOOLS, CLINT STABLES

Mr. Stables said they are working on the preliminary budget and he is concerned with the negative figures he has received because the state money has dropped again.

Supervisor Tomlin asked Mr. Stables to find out from Middlesex School officials how they ended up getting the stop light and what they had to do to get it approved.

Mr. Stables also reported that a meeting with the HVAC system installers will be on the 13th. They will be discussing the balancing issues the school is having with the heating system.

RE: MR. CHARLIE RIEDLINGER, RESOURCE INTERNATIONAL, LLC. REEDVILLE SANITARY DISTRICT

Mr. Riedlinger came to discuss the Reedville Wastewater Treatment Plan and the upgrades that are required. He said the original plant was built in the late 1970's and the state requirements currently of a plant the size of Reedville's is much stricter. The standards now require the elimination of Nitrogen and Phosphorus and the plant currently is not designed to meet those requirements. Also, the permit for this plant is up for renewal. The plant currently has two permits; one being the General Permit, which sets the limitations of the testing and the second permit, is the Chesapeake Bay Permit. The Chesapeake Bay permit was issued in 2009 and puts even more restrictive requirements on the plant. Mr. Riedlinger said the plant is just not in compliance and we need a plan for the Department of Environmental Quality. The options are to build a new plant or renovate the old one. Currently, the District is buying credits to stay in compliance.

Mr. Eades said that we have been looking at grants and most are unavailable for that area because of the high median household income. The ones that are available to the District are less than 50% match and require a higher user fee because of the median household income.

Mr. Riedlinger described the monthly user charges and said currently the rate is \$15 a month. He said the plan submitted to DEQ raises these rates to \$20 in March of 2011, \$30 in March of 2012 and \$37 in March of 2014. He said they have sent in a compliance design to DEQ that schedules an outlined plan for the plant to be completed and in full compliance by 2015. He is hoping this will stop a "consent order" for the plant.

Supervisor Tomlin asked what a ball park figure would be to do the upgrades to the plant. Mr. Riedlinger said approximately \$1.5 million. A new plant would probably be double this amount.

RE: MR. JERRY DAVIS, DIRECTOR OF NORTHERN NECK PLANNING DISTRICT, DISCUSSION ON LIGHT STREET CDBG GRANT.

Mr. Davis said the Light Street project grant that was awarded several months ago is 1.2 million dollars. Mr. Davis said the planning grant phase has been completed and at this time we are trying to get a clear title to a piece of land that 4 homes are located. The property owners hold a deed of gift which is from 9 known heirs but there is 15 total signatures needed. Mr. Davis described the kick off meeting that has taken place and stated that there is a 90 day period that we need for certain actions and resolve any issues. DHCD has determined that if the county could get a written legal opinion that the deed of gift is sufficient and it would allow the beneficiaries to sign a deed of trust then they would allow the project to include the 4 homes. He noted this would be the least expensive way and the easiest to get the project completed.

Supervisor Long said that Attorney, Chris Stamm said he would work it out.

Supervisor Self questioned whether all heirs would have to sign.

Mr. Kilduff said he would work with Mr. Eades and see what they could work out.

RE: BUILDING PERMIT REPORT:		
	2010	2009
Total construction cost for the month	\$ 2,948,339.05	\$ 1,212,874.00
Total Bldg. Permit Cost for Month	\$ 4,773.88	\$ 3,457.00
Total Zoning Permit Cost for the Month	\$ 3,000.00	\$ 1,390.00
Total Levy Fee for the Month	\$ 92.47	\$ 69.14
<i>Total Construction cost year to date</i>	<i>\$ 29,338,457.13</i>	<i>\$ 53,227,270.94</i>

RE: ENTERPRIZE ZONE – RESOLUTION

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

NORTHERN NECK REGIONAL ENTERPRISE ZONE

WHEREAS, the Counties of Lancaster, Northumberland, Richmond and Westmoreland, and the Towns of Kilmarnock and Warsaw (known as the localities) comprise the Northern Neck Regional Enterprise Zone; and,

WHEREAS, the localities have designated and authorized the Northern Neck Planning District Commission to serve as Enterprise Zone Program Administrator, and to carry out all program administration and reporting requirements on their behalf; and,

WHEREAS, Westmoreland County and the Town of Kilmarnock propose to amend their enterprise zone areas to include and/or replace additional property as outlined on Attachments 1 & 2 to this resolution; and,

WHEREAS, Westmoreland County and the Town of Kilmarnock have conducted the required public hearings and adopted resolutions endorsing and authorizing the proposed amendment;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Supervisors for Northumberland County hereby endorses and approves of the proposed amendment to the Northern Neck Regional Enterprise Zone and authorizes the County Administrator to execute FORM EZ-2-JA.

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 TO KEEP THE NORTHERN NECK TOGETHER IN THE REDISTRICTING PROCESS

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr., the Board voted to adopt the following resolution:

NORTHERN NECK – REDISTRICTING REQUEST

Whereas, the counties of Lancaster, Northumberland, Westmoreland and Richmond are a distinct community of interest known as the Northern Neck; and

Whereas, the Northern Neck has been defined as the land between the Potomac and Rappahannock Rivers since the mid-17th century; and

Whereas, it has been well documented that this area has historically been separate and distinct within Virginia because of its unique geography, bounded on the north by the Potomac River, the east by the Chesapeake Bay and the south by the Rappahannock River; and

Whereas, these counties have been in the same House of Delegates legislative district since 1962 and have always been represented in a single Virginia Senatorial and United States Congressional District; and

Whereas, the Northern Neck defines its needs not by political or county lines but by cultural values that extend through the communities and families of the region; and

Whereas, this region self-identifies as the Northern Neck with over 87 businesses and civic organizations listed in the local telephone book as being Northern Neck; and

Whereas, a “Google search” brings up over 360,000 unique references to this geographic region; and

Whereas, the counties of the Northern Neck share a Planning District Commission, a regional jail, an electric cooperative, a vocational school, a Soil and Water Conservation District, a tourism council and numerous church and civic associations, and

Whereas, because this region has been represented by members of various political parties, keeping these counties within the same House of Delegates, Virginia Senatorial and United States Congressional district does not benefit one political party over another.

Now, therefore be it resolved that it is the desire of the Northumberland County Board of Supervisors that it be kept entirely within the same Virginia legislative and United States congressional districts as the other counties of the Northern Neck.

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: BOND ARBITRAGE – AUTHORIZATION TO SIGN

Mr. Eades informed the Board that he needs authorization to sign an agreement for the school bond arbitration. This is an IRS requirement and the cost should be around \$5,400.00.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to authorize Mr. Kenneth Eades to sign an agreement with Bingham Arbitrage Rebate Services to complete the bond arbitrage on the school bonds. The vote on the motion is as follows:

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

RE: APPOINTMENT NEEDED FOR NORTHUMBERLAND REPRESENTATIVE MEMBER OF THE COMMUNITY SERVICES BOARD

Mr. Eades said he received a letter from Charles Walsh stating that Mr. Don Phillips appointment is up and he has just completed his 3rd term which makes him ineligible to service another year. Mr. Walsh suggested Superintendent Clint Stables to serve. A question was asked if that would be a conflict of interest. Mr. Eades said he would ask and report back.

RE: BETZ LANDING REQUEST TO ADVERTISE LEASH LAW

Mr. Eades stated that he has received a request from Betz Landing Property Owners Association for a leash law in that community. Mr. Eades said he would advertise the ordinance change for the January meeting. Supervisor Haynie asked if there had been problems in the development. Mr. Eades said he had heard of some concerns several times.

RE: REDISTRICTING

Mr. Eades reported that we need to start planning ahead on the redistricting options that will begin in March. In the last redistricting in 2001 the Board set up a committee which made a recommendation to the Board. Supervisor Tomlin suggested that rather than have one committee member from each district he would like to propose two.

Upon motion by Thomas H. Tomlin duly seconded by James M. Long, the Board voted unanimously to set up a redistricting committee and have two members from each voting district on the committee. 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 CHECK REGISTER

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

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

RE: APPOINTMENT SUGGESTION FOR BOARD OF ZONING APPEALS – MR. PHILLIP EDWIN DEITZ

Supervisor Self suggested that the Board send a letter requesting the appointment of Mr. Phillip Edwin Deitz of Callao, Virginia as the District I representative for the Northumberland County Board of Zoning Appeals. The other Board members concurred.

RE: BOARD COMMENT PERIOD

Supervisor Tomlin asked County Administrator Eades to inform the public of what is going on in Lottsburg with all the clearing. Mr. Eades said the property on 360 that adjoins Kingston Road has had some excavating done by the owner of the property. The owner has told the County that he plans on increasing the farm field for additional crop land. Mr. Shirley has talked with the owner as well as walked the property and said so far he is in compliance and the activity is exempt from any of our local ordinances and laws. At this point there is nothing we can do about it. Supervisor Tomlin commented about the property behind and next to Mr. Anderson’s business as far as why he was clearing this out as well. Mr. Eades responded that the letter sent to the County was for farm purposes only.

PUBLIC HEARINGS

RE: CARRYOVER – REQUEST BY RODNEY CASSIDY FOR AN EXCEPTION TO THE CHESAPEAKE BAY PRESERVATION AREA ORDINANCE TO CONTRUCT A DWELLING PARTIALLY WITHIN THE 50’ RESOURCE PROTECTION AREA

Zoning Administrator Shirley stated that this carryover was heard a month ago and he has not received any further information for the Board to hear.

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to table this decision until the January 13, 2011 meeting. The vote on the motion is as follows:

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

RE: CARRYOVER REQUEST BY WILLIAM AND GRACE BROADUS FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A SECOND PRIVATE NON-COMMERCIAL PIER ALONG

Zoning Administrator Shirley described the carry over from last month. He stated that Mr. Brotz, an adjoining property owner, was present and he has received no additional information.

Upon motion by Thomas H. Tomlin duly seconded by James M. Long, the Board voted to approve the request with the suggested conditions by staff and add “as shown on attached drawings”:

1. The pier must be situated as staked on the property and shown on the attached drawings; and,
2. Any additional mooring piles installed for boats or personal water craft must be located on the left or southern side of the pier.

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	

Supervisor Tomlin stated that the alignment of the 2nd pier if moved over more to the other side would affect Mr. Bellows' property. He would have liked to have had an agreement but since no agreement could be made, then the vote is for as submitted.

RE: AMENDMENT TO THE ZONING ORDINANCE IN ORDER TO CONFORM TO THE VIRGINIA STATE CODE CHANGE TO ALLOW A NON-ACCESSORY TENT FOR A MAXIMUM THREE DAY EVENT INSTEAD OF A TWO DAY EVENT. IT WILL ALSO ADD NON-ACCESSORY TENTS AS PERMITTED USES AND LIST A FOUR DAY EVENT OR GREATER AS A SPECIAL EXCEPTIONS.

Assistant County Administrator Tadlock described the request.

Public Hearing Open
No comments were given
Public Hearing Closed

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long the Board voted to approve the amendment to the zoning ordinance to allow a non-accessory tent for a maximum three day event instead of the current two day event. 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	

Supervisor Tomlin stated that we have to comply with the law.

RE: PUBLIC COMMENT PERIOD

Mr. Dick Saxer stated that he sent out an e mail to all of the county administrators in Virginia to ask if they have any old Verizon switches like the one in the Heathsville office. He has received 33 responses so far and said they are in the same position as we are.

RE: ADJOURNMENT

Upon motion by James M. Long duly seconded 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