

**Board of Supervisors Meeting
February 17, 2011
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, February 17, 2011

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 Lee Farmer, Coan Baptist Church led the invocation.

RE: PLEDGE OF ALLEGIANCE

Supervisor Long led us in the Pledge of Allegiance.

RE: MINUTES APPROVED FOR JANUARY 13, 2011

Upon motion by James M. Long, seconded by Richard F. Haynie, the Board voted to approve the minutes for January 13, 2011.

The vote on the motion is as follows:

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

RE: 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: A short closed meeting will need to be added to the end of the public hearings.

The vote on the motion was as follows:

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

Richard F. Haynie – YEA

RE: MR. DAVID BROWN, VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Brown handed out an informational sheet about some changes going on with the department as well as contact information. He said the department has gone through a process of changes (structural and staff) in the Northern Neck as well as in Fredericksburg and he said his position is to be the liaison relating to area matters and a main point of contact.

He then went on to say, that at the last meeting he was asked about the issue of getting a traffic light at the intersection of Academic Lane and Rt. 360. He wanted to report on what information that was given to him by the area engineers. He said he contacted the area traffic engineer and he explained that the criteria to warrant a traffic light had to be a combination of narratives. One of those criteria's being a history of accidents at that intersection with a "T-bone" situation. Another criteria looked at the traffic volume. Neither one of these criteria have been met in combination therefore the intersection does not warrant a traffic light. He said he had also visited the area to observe.

Supervisor Tomlin spoke up and explained that we were being proactive in the situation with having adequate deputies working that area at the times of high volume and by doing this; it is hurting the chances of a light. He then continued to say the light at the Middlesex school area, only contains 2 schools where ours is a total of 3.

Mr. Brown said maybe it needs to be re-analyzed. Supervisor Long said it is an accident waiting to happen. Mr. Brown said that unless it meets the warrants, then it won't happen and this is a state and federal manual that they are using. He then suggested doing a staggered or delay in school times.

Chairman Jett asked if VDOT could look at an area on Fairport Road that is currently a passing zone near the turn of Buzzards Point Marina.

RE: SUPERINTENDENT OF SCHOOLS, CLINT STABLES

Mr. Stables said that it was budget time again and they were watching what may come out of the General Assembly which could be as much as a 30% decrease in state funding. Mr. Stables then handed out information pamphlets to the Board.

RE: SCHOOL BOARD APPROPRIATION

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

\$ 7,938.63 – E-Rate Funds from Verizon Wireless

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

Mr. Stables stated that the current budget is on track and is up to date.

Mr. Stables then gave the Board the budget calendar.

RE: MR. PAUL LEE, ROBINSON, FARMER, COX ASSOCIATES – DISCUSSION OF AUDIT REPORT

Mr. Lee stated that he was here today to discuss the FY 10 Audit. He commented that the county is in good financial shape and that there were two issues in the management letter that have been cleared up which dealt with some invoices in the school fund. He explained the increase in fund balance and noted that the tax collection, at 99%, has not suffered with the current economy. He stated that it has stayed above 99 percent through the past few years. His overall opinion of the audit is that it is clean and in compliance. There was one internal control that was inadequate which dealt with the assurance that audited financial statements reconcile to the County's internal documents. In other words, the county did not audit the audit because of the additional costs.

RE: MR. LUTTRELL TADLOCK, ASSISTANT COUNTY ADMINISTRATOR, END OF THE YEAR REPORT.

Mr. Tadlock gave his report with various construction projects for the calendar year 2010. The complete report will be filed in the February 2011 Board papers.

Comparison of Construction Cost:

In 2010, the total estimated cost of construction was \$31,396,805.13 compared to \$55,346,032.36 for 2009. The total estimated cost of construction showed a decrease of 43% from 2009 to 2010.



Figure 1 displays the Total Construction Cost from 1982 through 2010 for Northumberland County. These numbers are obtained from the December Building Permits Report Comparison Sheet of each year.

RE: JANUARY BUILDING PERMIT REPORT:		
	2011	2010
Total construction cost for the month	\$ 3,279,668.14	\$ 2,792,544.00
Total Bldg. Permit Cost for Month	\$ 7,878.97	\$ 4,221.44
Total Zoning Permit Cost for the Month	\$ 2,120.00	\$ 1,230.00
Total Levy Fee for the Month	\$ 151.59	\$ 84.44
<i>Total Construction cost year to date</i>	<i>\$ 3,279,668.14</i>	<i>\$ 2,792,544.00</i>

RE: APPOINTMENTS NEEDED FOR REDISTRICTING BOARD

Mr. Eades stated that he needed to get the names of the members from each district to serve on the re-districting board.

- District 1 – Mr. Self said he would confirm tomorrow.
- District 2 – Mr. Phillip Jackson and Mr. Michael Withers
- District 3 – Mr. Charles Butler and Mr. Frank Kober
- District 4 – Mr. Phillip Keyser and Mr. Skeeter Penley
- District 5 - Mr. Wendell Haynie and Mr. Gordon Burgess

Supervisor Tomlin brought up about the recent census only showing a 71 person increase for our county and asked Mr. Eades to see what the appeal process was for the census. He said this is disconcerting and isn't sure what to do about it.

RE: APPROPRIATION TO ANIMAL SHELTER

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to appropriate the requested funds from Account 10-286 in the amount of \$2400.00 to line item 10-3501-1004. These funds are what the Friends of the Shelter have collected and they want to put the money back into the shelter. 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: PAVILION GRANT MONEY APPROPRIATION

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the Board voted to appropriate \$55,000.00 to 9103-7025 for reimbursement to the pavilion grant fund. 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: RESOLUTION FOR FRANK GASKINS – EAGLE SCOUT

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

**RESOLUTION
RECOGNITION TO FRANK GASKINS**

WHEREAS; Mr. Frank Gaskins, a senior at Northumberland County High School, who has obtained the rank of Eagle Scout that will be presented with the coveted Eagle Scout Award at his recognition ceremony; and

WHEREAS; the Eagle Scout is the highest rank of recognition offered in Scouting; and

WHEREAS; to earn the rank of Eagle Scout, a Boy Scout must advance through five ranks, starting with Tenderfoot, then moving to Second Class, First Class, Star, Life and then Eagle. A scout must earn 21 merit badges, and in addition to other requirements he must complete a service project that benefits a non-profit organization within the community; and

WHEREAS; Frank Gaskins, a valued member of Boy Scout Troop 250, is a dedicated young man who has earned the respect and admiration of his fellow scouts through his active participation in the many programs sponsored by the Boy Scouts of America; and

WHEREAS; Frank Gaskins fulfilled his service project that involved the fund raising and construction of a playground at Coan Baptist Church.

NOW, THEREFORE, BE IT RESOLVED, THAT THE Board of Supervisors does hereby recognize Mr. Frank Gaskins for his contribution to Northumberland County and the inspiration he has given the students of this county and its citizens, extends to him their sincere appreciation and their best wishes for a bright and successful future.

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 FOR SYLDRA BRADSHAW - RETIRING

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

**A RESOLUTION
IN HONOR OF SYLDRA S. BRADSHAW**

WHEREAS; Mrs. Syldra Bradshaw has dedicated the greater part of her life to the service of Northumberland County and the welfare of its citizens in a most caring and professional manner, and

WHEREAS; the same Mrs. Bradshaw has exemplified the most worthy standards of ethics and honesty through her twenty-three years of service within the Commissioner of Revenue's Office from January 1, 1988 to February 28, 2011, and

WHEREAS; the same Mrs. Bradshaw has been helping citizens of the county on some complicated property matters as well as assisting the public through four reassessments,

NOW, THEREFORE, BE IT RESOLVED, THAT THE Board of Supervisors, with the support of the citizens of Northumberland County, hereby expresses its deepest appreciation and gratitude for Mrs. Bradshaw's loyal and faithful service to the County and its citizens, and wishes her happiness as she enters into retirement.

BE IT FURTHER RESOLVED, that this resolution will hereby be presented to Mrs. Syldra Bradshaw on February 18, 2011.

The vote on the motion is as follows:

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

RE: CLUSTER REGULATIONS SENT TO PLANNING COMMISSION

Mr. Eades explained to the Board that it has come to staff's attention that regulations regarding cluster developing conflicts with the conditional use permit and language needs to be taken out which was suggested by staff.

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the Board voted to send cluster developments wording "Each building shall contain no more than eight dwelling units." to the Planning Commission. The vote on the motion is as follows:

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

RE: LIGHT STREET- ADOPTION OF PLANS AND POLICIES

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to adopt the following:

RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN CERTIFICATION

Northumberland County will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate income dwelling unit as a direct result of activities assisted with funds provided under the *Housing and Community Development Act of 1974*, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

Before obligating or expending funds that will directly result in such demolition or conversion, Northumberland County will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units;
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy; and
7. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate- income households in the jurisdiction.

Northumberland County will provide relocation assistance to each low/moderate – income household displace by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provided under Section 104 (d) of the *Housing and Community Development Act of 1974*, as amended, or the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, as amended.

Northumberland County Light Street Housing Project includes the following activities:

The rehabilitation of 15 substandard homes located on Route 610, Light Street Road. All residents are LMI families. The creation of 6 new homeowners on individual parcels. Interim and clearance to demolish 8 vacant blighted structures and the removal of debris and trash on residents' properties.

The activities as planned will not cause any displacement from or conversion of occupiable structures. As planned, the project calls for the use of existing right-of-way or easements to be purchased or the acquisition of tracts of land that do not contain housing. Northumberland County will work with the grant management staff, engineers, project area residents, and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less.

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 James M. Long, duly seconded by Richard F. Haynie, the Board voted to adopt the following:

Appendix

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FAIR HOUSING CERTIFICATION

Fair Housing Certification

Compliance with Title VIII of the Civil Rights Act of 1968

Whereas, Northumberland County has been offered and intends to accept federal funds authorized under the Housing and Community Development Act of 1974, as amended, and

Whereas, recipients of funding under the Act are required to take action to affirmatively further fair housing;

Therefore, Northumberland County agrees to take at least one action to affirmatively further fair housing each grant year, during the life of its project funded with Community Development Block Grant funds. The action taken will be selected from a list provided by the Virginia Department of Housing and Community Development.

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 James M. Long, duly seconded by Richard F. Haynie, the Board voted to adopt the following:

Grievance Procedure

Northumberland County has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53(b) implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794). Section 504 states, in part, that "no otherwise qualified handicapped individual . . . shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. . . ."

Complaints should be addressed to: Kenneth D. Eades, County Administrator; 72 Monument Place; P.O. Box 129; Heathsville, Virginia 22473; (804) 580-7666;(804) 580-7053 fax; keades@co.northumberland.va.us, who has been designated to coordinate Section 504 compliance efforts.

1. A complaint should be filed in writing or verbally contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
2. A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis.)
3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by Kenneth D. Eades, County Administrator. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 24 CFR 8.53(b), Northumberland County need not process complaints from applicants for employment or from applicants for admission to housing.
4. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Kenneth D. Eades, County Administrator, and a copy forwarded to the complainant no later than thirty (30) days after its filing.
5. The Section 504 coordinator shall maintain the files and records of Northumberland County relating to the complaints filed.
6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within thirty (30) days to the Northumberland County Board of Supervisors.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

8. These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and to assure that Northumberland County complies with Section 504 and the HUD regulations.

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 James M. Long, duly seconded by Richard F. Haynie, the Board voted to adopt the following:

Appendix

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LOCAL (SECTION 3) COUNTY BUSINESS AND EMPLOYMENT PLAN

1. The Northumberland County Board of Supervisors designates as its Local (Section 3) County Business and Employment Project Area the County of Northumberland.
2. The Northumberland County Board of Supervisors, its contractors, and designated third parties shall in utilizing Community Improvement Grant (CIG) funds utilize businesses and lower income residents of Northumberland County in carrying out all activities, to the greatest extent feasible.
3. In awarding contracts for construction, non-construction, materials, and supplies, Northumberland County, its contractors, and designated third parties shall take the following steps to utilize businesses which are located in or owned in substantial part by persons residing in Northumberland County are:
 - (a) Northumberland County shall identify the contracts required to conduct the CIG activities.
 - (b) Northumberland County shall identify through various and appropriate sources including:
 - www.co.northumberland.va.us
 - [The Northumberland Echo](#)
 - [The Rappahannock Record](#)

the business concerns within Northumberland County which are likely to provide construction contracts, non-construction contracts, materials, and services which will be utilized in the activities funded through the CIG.

- (c) The identified contractors and suppliers shall be included on bid lists used to obtain bids, quotes or proposals for work or procurement contracts which utilize CIG funds.
 - (d) To the greatest extent feasible the identified business and any other project area business concerns shall be utilized in activities which are funded with CIGs.
4. The Northumberland County Board of Supervisors and its contractors and subcontractors shall take the following steps to encourage the hiring of lower income persons residing in Northumberland County:
- (a) The Northumberland County Board of Supervisors in consultation with its contractors (including design professionals) shall ascertain the types and number of positions for both trainees and employees which are likely to be used to conduct CIG activities.
 - (b) The Northumberland County Board of Supervisors shall advertise through the following sources
 - The Northumberland Echo
 - The Rappahannock Recordthe availability of such positions with the information on how to apply.
 - (c) The Northumberland County Board of Supervisors, its contractors, and subcontractors shall be required to maintain a record of inquiries and applications by project area residents who respond to advertisements, and shall maintain a record of the status of such inquires and applications.
 - (d) To the greatest extent feasible, the Northumberland County Board of Supervisors, its contractors, and subcontractors shall hire lower income project area residents in filling training and employment positions necessary for implementing activities funded by CIGs.
5. In order to document compliance with the above affirmative actions and Section 3 of the *Housing and Community Development Act of 1968*, the Northumberland County Board of Supervisors shall keep, and obtain from its contractors and subcontractors, *Registers of Contractors, Subcontractors and Suppliers* and *Registers of Assigned Employees* for all activities funded by CIGs. Such listings shall be completed and shall be verified by site visits and employee interviews, crosschecking of payroll reports and invoices, and through audits if necessary.

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	

NON-DISCRIMINATION POLICY

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to adopt the following:

Northumberland County any employee thereof will not discriminate against an employee or applicant for employment because of race, age, handicap, creed, religion, color, sex, or national origin. Administrative and personnel officials will take affirmative action to insure that this policy shall include, but not be limited, to the following: employment, upgrading, demotion or transfer; rates of pay or other forms of compensation; and selection for training.

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: LIGHT STREET DESIGNATION OF COUNTY ADMINISTRATOR AS AUTHORIZED COUNTY REPRESENTATIVE

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to designate the County Administrator as the "Authorized County Representative" for the Light Street Project and giving him the authority to execute and deliver all the necessary documents and make the necessary grant reimbursement requests for payments of the invoices involving this project.

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: HOUSING REHABILITATION SPECIALIST SERVICES CONTRACT

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to adopt the following:

COUNTY OF NORTHUMBERLAND, VIRGINIA
LIGHT STREET NEIGHBORHOOD RENEWAL PROJECT
HOUSING REHABILITATION SPECIALIST

SERVICES CONTRACT

This Contract, entered into this 17th day of February, 2011, by and between the County of Northumberland, hereinafter called the "Grantee" and Bay Aging, hereinafter called the "Rehabilitation Specialist".

WITNESSETH

WHEREAS, the Housing and Community Development Act of 1974, as amended, provides federal grant funds to states to assist local governmental units in dealing with community development related problems; and

WHEREAS, the Grantee is authorized to obtain federal grant assistance made available under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the Grantee has agreed to undertake a comprehensive community development project, formally called the Light Street Neighborhood Renewal Project, pursuant to the Virginia Community Development Block Grant (VCDBG), and submitted by the Grantee to, and approved by, the Virginia Department of Housing and Community Development (DHCD), hereinafter referred to as the "Program"; and

WHEREAS, Bay Aging has been selected by the Grantee to provide housing rehabilitation specialist services in accordance with the VCDBG Application as submitted and approved.

NOW, THEREFORE, THE PARTIES HERETO DO MUTUALLY AGREE AS FOLLOWS:

Section 1 – SCOPE OF WORK OF THE REHABILITATION SPECIALIST

The Bay Aging agrees to provide housing rehabilitation specialist services to the Grantee related to the implementation of the Program in accordance with all terms and conditions set forth in this Contract to the satisfaction of the Grantee. The Rehabilitation Specialist will carry out its scope of work by working in conjunction with the Grantee in compliance with the assurances set forth in the Grantee's VCDBG contract with DHCD.

Section 2 – DEFINITIONS

- 2.1 The term "Project Property" shall mean the house to be rehabilitated by the Program.
- 2.2 The term "Financing Source" shall mean any source of capital financing including VCDBG, Southeast Rural Community Assistance Project, Inc. (SERCAP).
- 2.3 The term "Contractor" shall mean the contractor or contractors who are solicited to provide, or under contract to provide, materials, labor or other services to complete the work required in the bid or contract documents.
- 2.4 The term "Applicant" shall mean the party who applies to the Grantee for assistance in rehabilitating the Project Property.

Section 3 – RESPONSIBILITIES OF REHABILITATION SPECIALIST

Rehabilitation Specialist

- 3.1 Program Review Phase. The Rehabilitation Specialist shall advise and review with the Grantee the goals of the Program, the rehabilitation standards appropriate to the Program, alternative methods of construction, alternative methods of contracting the work and the requirements of the proposed Financing Sources. This review may include attendance at meetings describing Program requirements as requested by the Grantee.
- 3.2 Qualified Bidders List Phase. The Rehabilitation Specialist shall recommend to the Grantee a bidders list of prequalified general contractors derived by mailing a contractor's qualification statement to interested general contractors supplied by the Grantee; and checking responses for a current license, acceptable experience, and credit and customer references. The qualified bidders list shall be maintained by the Rehabilitation Specialist and used for bid invitations. Additions and deletions may occur as needed in a comparable manner.
- 3.3 Preliminary Feasibility Phase. The Rehabilitation Specialist shall conduct a preliminary Program feasibility inspection of the Project Property to determine a generalized scope of work and a preliminary estimate, subject to refinement and modification in the Work Write-Up and Estimate Phase, if a feasibility inspection was not already completed during the Planning Grant.
- 3.4 Work Write-up and Estimate Phase. Based on the above review and guidance from the Grantee, the Rehabilitation Specialist shall perform an inspection of the Project Property and prepare detailed specifications for rehabilitation work including any floor plans or other construction drawings as needed and a detailed cost estimate.

This inspection shall consist of a thorough visual evaluation of each area of the Project Property normally accessible to occupants or maintenance personnel and a determination of individual work items required to repair the property to the standards agreed upon with the Grantee in the Program Review Phase. However, if conditions discovered during this inspection (or at any subsequent time until project completion) reveal the need for services by licensed design consultants such as architects or engineers, such services shall not be the responsibility of the Rehabilitation Specialist.

This phase shall also include an initial weatherization – type survey of the Project Property in order to specify appropriate weatherization measures in accordance with the Virginia Weatherization Assistance Program.

- 3.5 Bid Documents Phase. Based on the specifications and cost estimate as approved by the Grantee or adjusted at the request of the Grantee with regard to the scope and quality of work, the Rehabilitation Specialist shall prepare bidding documents and mail bid invitations to an appropriate number of Contractors on the bidders list. These documents shall conform to the Grantee's preferred method of contracting the work and the requirements of proposed Financing Sources.

During the bidding period, the Rehabilitation Specialist shall schedule a Prebid Conference with the bidding Contractors and Applicant at the Project Property in order to allow inspection of

specified work and answer questions regarding the Work Write-Up. Any changes to the Work Write-Up shall be transmitted to the bidding Contractors in a timely manner.

- 3.6 Construction Contracts Phase. The Rehabilitation Specialist shall assist the Grantee with regard to the Grantee's solicitation of bids and/or negotiating proposals, selection of a Contractor and the preparation of contracts for construction, including the scheduling of a Preconstruction Conference with the Applicant and the selected Contractor.
- 3.7 Construction Phase. The Rehabilitation Specialist shall be a representative of the Grantee during the Construction Phase and shall have authority to act on behalf of the Grantee to the extent set forth in the contract documents. All instructions to the Contractor shall be forwarded through the Rehabilitation Specialist.
- 3.8 Project Monitoring. The Rehabilitation Specialist shall visit the Project Property site or sites at appropriate intervals to determine if the rehabilitation work is being performed in accordance with the contract documents and to endeavor to protect the Grantee against defects. The Rehabilitation Specialist shall inform the Grantee of work progress, determine the amounts owing to the Contractor and submit a Contractor's Request for Payment in accordance with contract documents. However, the Rehabilitation Specialist shall not be required to make exhaustive on-site inspections. The Rehabilitation Specialist shall have access to the work at all times when it is being performed.
- 3.9 Limit to Responsibilities. The Rehabilitation Specialist shall not be responsible for the execution of construction tasks, or for safety precautions or for acts and omissions of the contractor, subcontractors or other persons providing materials or performing the work, or for the failure of any of these to carry out the work in accordance with the contract documents or for any failure of any of them to pay for any materials or labor used in the project.

The Rehabilitation Specialist shall not be responsible for any additional design, specification, estimating or construction work necessitated by the discovery after the Work Write-Up and Estimate Phase (as described in paragraph 3.4) of conditions that were not observed previously except as part of normal change orders. In addition, the Rehabilitation Specialist will use due diligence in preparing cost estimates, but does not represent that bid prices will not exceed the estimates due to market conditions.

- 3.10 Certifications for Payment. The signing of a Contractor's Request For Payment shall constitute a representation by the Rehabilitation Specialist to the Grantee, based on the Rehabilitation Specialist's observation of the work, that the work has progressed to the point indicated; that, to the best of the Rehabilitation Specialist's knowledge, information, and belief, the quality of the work is in accordance with the contract documents (subject to an evaluation of the work for conformance with the contract documents upon substantial completion); and that the Contractor is entitled to payment in the amount certified.
- 3.11 Instructions to Applicant. The Rehabilitation Specialist shall provide the manufacturer's instructions to the Applicant in connection with the operation and maintenance of any new equipment installed during the rehabilitation.

- 3.12 Rejection of Work. The Rehabilitation Specialist shall have the authority to reject any work which fails to conform to the contract documents, and require testing, removal or special inspection of work which is non-conforming.
- 3.13 Change Orders. The Rehabilitation Specialist shall prepare change orders for the Grantee's approval in accordance with contract documents.

Section 4 – RESPONSIBILITIES OF THE GRANTEE

- 4.1 Program Information. It is the Grantee's responsibility to provide in a timely manner information on requirements of the Program, rehabilitation standards, proposed Financing Sources, and preferred contracting systems.
- 4.2 Owner's Representative. The Grantee shall designate a representative to review construction documents, make decisions and provide required information in a timely manner.
- 4.3 Legal Description and Survey. The Grantee may, at the request of the Rehabilitation Specialist and at the Grantee's expense, provide the following needed services:
- a. A legal description and certified land survey of the site;
 - b. A soil survey by a soil engineer and/or other consultants;
 - c. Other tests or inspections of the Project Property as required by law or practice; and
 - d. Any legal, appraisal, accounting, or other non-rehabilitation specialist service and non-loan servicing services required in carrying out the Program.

Section 5 – TERMINATION OF AGREEMENT

- 5.1 This agreement may be terminated by either party upon seven days written notice should the other party substantially fail to perform in accordance with its terms through no fault of the party initiating the termination.
- 5.2 This agreement may be terminated by the Grantee upon at least seven days written notice to the Rehabilitation Specialist in the event that the Program is permanently cancelled.
- 5.3 In the event of termination that is not the fault of the Rehabilitation Specialist, the Rehabilitation Specialist shall be compensated for all services acceptably performed as of the termination date.

Section 6 – OTHER PROVISIONS

- 6.1 Governing Laws. The laws of the Commonwealth of Virginia shall govern this agreement.
- 6.2 Program Compliance. The Rehabilitation Specialist shall assist the Grantee in monitoring Local Business and Employment, and Women and Minority Owned Business activities of the Program.

- 6.3 Other Agreements. This contract represents the entire agreement between the Grantee and the Rehabilitation Specialist, and supersedes all prior negotiations, representations or agreements, either written or oral. This agreement may be amended only by written instrument signed by both the Grantee and the Rehabilitation Specialist.
- 6.4 Assignment. The Grantee and the Rehabilitation Specialist respectively bind themselves, their successors, assigns and legal representatives to the other party to this agreement and to the successors, assigns and legal representatives of such other party with respect to all covenants of this agreement. Neither the Grantee nor the Rehabilitation Specialist shall assign, sublet or transfer any interest in this agreement without the written consent of the other.
- 6.5 Records. All records pertaining to Rehabilitation Specialist services shall be kept in accordance with Program requirements and shall be made available to the Grantee or the Grantee's authorized representative and DHCD at mutually convenient times.

Section 7 – PAYMENT TO REHABILITATION SPECIALIST

- 7.1 Fee For Services. For services described in Section 3, compensation shall be computed as follows.

Housing Rehabilitation. Five (5) rehabilitated houses at \$2,906.00 per house, and nine (9) substantially reconstructed houses at \$2,906.00 per house.

Payments shall be as follows: 10% of the respective job-type payment as indicated above after the Section 8 inspection is completed. 40% once the work writeup, cost estimate & bid package are prepared for bid and accepted by the Grantee; and the final 50% payment when the house has passed its final inspection by the Grantee.

RE: BLUFF POINT WORKSESSION SCHEDULE

Mr. Eades mentioned that the Request for Proposals had been received and asked the Board when they wanted to review the submittals. The Board decided to meet at 4 p.m. on Tuesday, March 1st in the old Courthouse Board Room.

RE: APPOINTMENT TO THE ECONOMIC DEVELOPEMENT COMMISSION – MELISSA BUNNS

Upon motion by James M. Long, duly seconded by Richard F. Haynie the Board voted to re-appoint Ms. Melissa Buns to the Northumberland County Economic Development commission. Ms. Bunns appointment will expire on March 8, 2015.

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 apologized to the Fire Departments for responding to his home when he had a controlled burn. He suggested putting a notice on the county website for citizens to call the Sheriff's Department if they are planning on having a control burn.

Supervisor Tomlin suggested getting some information from Chesterfield County on the truss system program to warn firefighters on the way the home is constructed.

Supervisor Tomlin asked to get pricing on putting automatic flushers on the urinals at the New Courts Building.

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	

PUBLIC HEARINGS

RE: AMENDMENT TO CHAPTER 120, ARTICLE I, SECTION 120-4 AND ARTICLE II, SECTIONS 120 -13 AND 120-14 OF THE COUNTY CODE RELATING TO THE SECTION TITLED “SEWER SERVICE IN REEDVILLE SANITARY DISTRICT”

County Administrator Eades described the Amendment saying that the Nitrogen and Phosphorus removal requirements are being mandated by the Department of Environmental Quality which ultimately requires the county to either build a new plant or to upgrade the existing. The proposed upgrade option is the most cost effective. Therefore to fund the upgrade the fees in Reedville and Blackberry need to be raised to be more in line with the Fleeton and Callao rates so that there is enough money to begin the construction. The amendments also include a requirement that all taxes are paid to date prior to service, provisions for termination of service and a change in the user fee rate schedule. Residential rates will increase on a staggered schedule beginning March 1, 2011 to a minimum of \$20.00/month; March 1, 2012 to a minimum of \$30.00/month; and March 1, 2013 to a minimum \$37.00. All commercial rates will increase proportionally, connections fees will increase and billing will be bi-monthly instead of quarterly. Also included are discounts for automatic and annual payments. There are also some other amendments to make the system more efficient.

Mr. Eades then described the events prior to outlining the compliance plan for the upgrade. He stated that Reedville has two permits. One permit is the General Permit and the other one is the Nutrient removal in the Chesapeake Watershed permit which was issued in 2009. It is the Chesapeake Watershed permit that has greater regulations on the plant. Mr. Eades stated that upgrading the plant is better suited than doing a whole new one. As of right now, we have purchased nitrogen and phosphorus credits which are only temporary to get us through until we can make construction changes. An engineering firm has been hired to assist in a compliance plan. They have come up with an upgraded plan to uses the “MBR” model, which should cost around 1.47 million. Mr. Eades said he has been working with Rural Development looking for a grant program but noted that the average household income is \$67,000 a year and due to the MHI we qualify for very little. He said they are

continuing to look at other funding sources. The numbers of users that will be affected by the rate increase are two hundred eighty five. He continued to say that in the Callao and Fleeton area, the monthly user charges are \$32.00.

Supervisor Long asked if we were still seeking grants. Mr. Eades said that we are. Supervisor Tomlin asked who makes up the deficit that the District is running. Mr. Eades said the County has to pick up any deficit. Supervisor Tomlin asked if there were any plans to equal (the monthly rate amongst all sewer users). Mr. Eades responded saying that eventually everyone would have the same monthly rate. Supervisor Tomlin then questioned what would happen if this doesn't get approved. Mr. Eades said we would probably be issued a consent order which would mandate changes and as long as we were not in compliance, we could get a daily fine. Mr. Eades noted that he is expecting a consent order any day now. Supervisor Long stated he didn't know how some individuals were going to be able to pay this.

Supervisor Tomlin asked if any jurisdiction east of I-95 received any water quality funds. Mr. Eades said Westmoreland County was the only jurisdiction east of I-95 to receive funds and most of the funds went to Lynchburg.

Public Hearing Open

Mr. James Godwin questioned other funds that we could possibly get to fill the cost. He stated that some people are really going to be hurting.

Mr. Marvin Dodson from Twin Harbors stated that the area he lives in is mostly retirees and they have not had an increase in Social Security in three or more years and at this rate it will double. He then asked if any improvement will be seen. Mr. Eades said the water quality will be improved. Mr. Dodson then questioned the non-paying customers as to how they will be cut off.

Ms. Inez Teasley asked why wouldn't the increase expand to Callao and Fleeton. Mr. Eades said those users are already paying \$32 dollars a month. She continued to say that people in Blackberry don't make \$67,000 dollars a year! She then asked if there were any provisions for the low income people. Mr. Eades said that if the users sign up for the payment plan to be taking out directly each month then there will be a \$12 a year discount would apply.

Mr. Stan Norris asked if provisions have been made for people not on the sewer system. Mr. Eades said septic tanks are regulated by the Health Department.

Mr. Randy Neale questioned if we can reduce the amount of water usage, then would the cost go down. He also commented that in Fleeton they are already paying \$32.00.

Mr. George Hallows questioned why the connection fee will be going from \$1,000 to \$6,000. Mr. Eades explained that it is to cover the costs of the equipment on the property and treating the effluent. He then explained how much it is to currently put a sewer system in with bad soils.

Mr. Colston Newton asked how long the current rates have been in effect. Mr. Eades said since 1981.

Mr. Tim Abby said that if phosphorus was restricted from running toilets it would help.

Public Hearing Closed

Chairman Jett asked when the deadline was to make a decision on this because he would like to see the low income issue addressed and he was not ready to make a decision until then.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to table the request until March 1, 2011 and directed the County Administrator to draft up a way to address low income properties. 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. Dick Saxer announced there is a job forum at the Transportation Building on March 12, 2011 at 10 a.m. He said this is a great opportunity to look at jobs that are available.

Mr. Tom Wolfe from Wrights Cove introduced a book that has been published about historic sites in the Northern Neck and Essex County. He thanked the Board for their support.

Ms. Ida Hall read a letter she has written to the Board on why they should vote no to the Bluff Point Planned Unit Development.

RE: CLOSED MEETING

Upon motion by A. Joseph Self, Sr., duly seconded by, James M. Long, the Board voted unanimously to convene into closed meeting to discuss a contractual matter 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 Thomas H. Tomlin, 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.

RE: ADJOURNMENT

Upon motion by James M. Long duly seconded by A. Joseph Self, Sr., the Board voted unanimously to carryover the meeting to March 1, 2011 at 4:00 p.m. in the old courthouse building. The vote on the motion was:

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

Kenneth D. Eades, Clerk