

**Board of Supervisors Meeting
January 13, 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, January 13, 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

Acting as convener until the election of a Chairman, the County Administrator Kenneth D. Eades called the meeting to order. He expressed his concerns with the upcoming year saying it will probably be the most challenging year that we have ever experienced. The budget issues are at the forefront with the mandates and cuts from the Commonwealth. He expressed his sincere appreciation for working though similar issues in the past and looking forward to working with the Board this upcoming year.

RE: INVOCATION

Reverend Kori Kiss, Bethany Baptist Church led the invocation.

RE: PLEDGE OF ALLEGIANCE

Supervisor Self led us in the Pledge of Allegiance.

RE: ELECTION OF CHAIRMAN OF THE BOARD OF SUPERVISORS

Supervisor Haynie made a motion to re-elect Ronald L. Jett as Chairman. The motion was seconded by Supervisor Long.

There were no further nominations and Supervisor Tomlin made a motion to close the nominations. The motion was seconded by Supervisor Long and unanimously carried.

A roll call vote was then taken on the motion for Chairman and the vote was as follows:

Richard F. Haynie – YEA

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

Supervisor Ronald L. Jett then took over as Chairman of the Board of Supervisors.

RE: ELECTION OF VICE-CHAIRMAN OF THE BOARD OF SUPERVISORS

A motion was made by Supervisor Self to re-elect Richard F. Haynie as Vice-Chairman of the Northumberland County Board of Supervisors. The motion was seconded by Supervisor Tomlin.

There being no further nominations, a motion to close the nominations was made by Supervisor Tomlin, seconded by Supervisor Self and unanimously carried by the Board.

A roll call vote was then taken for Supervisor Haynie as Vice-Chairman. The vote was as follows:

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

Supervisor Richard F. Haynie was elected Vice-Chairman of the Board of Supervisors.

RE: ADOPTION OF BY-LAWS

The County Attorney had reviewed the proposed By-Laws.

Upon motion by Richard F. Haynie, duly seconded by Thomas H. Tomlin the Board voted unanimously to adopt the By-Laws for the calendar year 2011 with 7 exceptions from Robert Rules of Order. The vote on the motion was as follows:

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

**BY-LAWS AND RULES OF ORDER
OF THE
BOARD OF SUPERVISORS OF NORTHUMBERLAND COUNTY, VIRGINIA**

1. By Laws and Rules of Order. In order to provide for the ease and manner in which the meetings of the Board of Supervisors of Northumberland County, Virginia, are conducted, the following by-laws and rules for internal organization and procedure are adopted. Reference is made to the Constitution of Virginia (1971), the Code of Virginia, 1950, as amended, and the Opinions of the Attorney General as they may apply. In matters of procedure, the current edition of Robert's Rules of Order Newly Revised shall govern the Board in all cases to which they are applicable and in which they are not

inconsistent with these bylaws and any special rules of order the Board may adopt. The following exceptions shall apply:

- a. The Chairman may make motions and vote on all questions.
- b. On a motion from the floor there is no need for a second prior to the vote.
- c. Citizens will follow the Public Hearing Rules of Conduct when addressing the Board at Public Hearings.
- d. Members need not rise when speaking.
- e. There is no limit to the number of times a member can speak to a question.
- f. Informal discussion of a subject is permitted while no motion is pending.
- g. The Chairman may speak in discussion without rising or relinquishing the Chair.

The by-laws and rules of order of this Board may be amended by a majority vote of the Board and shall be adopted and re-adopted at the organizational meeting of the Board annually.

2. Resolutions and Ordinances. The business and powers of the Board shall be exercised through resolutions and ordinances duly adopted by the Board in compliance with the provisions of the statutes of the Commonwealth of Virginia and paragraph 7 of these By-Laws and Rules of Order.

Resolutions, or orders, shall be used for all county business that is essentially administrative, including internal or housekeeping matters and temporary concerns of the Board. Resolutions shall not be required to meet any strict standards as to their form and content, but they shall be clear enough to establish the intent of the Board. In most cases a public hearing shall not be required prior to the adoption of a resolution. Ordinances, which are more formal enactments than resolutions, shall be used for most governmental or legislative matters that control the lives, liberties or property of citizens, that have a permanent effect, or that deal with subjects of county-wide concern.

The procedure for enacting an ordinance shall require compliance with strict statutory rules. Descriptive notice of the Board's intention to propose an ordinance shall be published once a week for two successive weeks prior to passage. Emergency ordinances may be adopted without notice, but they may not be enforced for more than 60 days unless re-adopted in the manner required by law. Land use controls and certain tax ordinances shall be subject to more stringent procedural requirements than other ordinances.

3. Chairman and Duties. A chairman and vice-chairman of the Board shall be elected by the affirmative majority vote of the Board at the annual organizational meeting of the Board. Their term shall be for one year or until a successor is elected. It shall be the duty of the chairman to preside over all meetings of the Board and to discharge any other duties as become necessary and are permitted. The vice-chairman shall act in the absence or disability of the chairman. The chairman shall be authorized to administer oaths to persons concerning any matters submitted to the Board or connected with its powers and duties. The chairman and/or the vice-chairman are permitted to make motions at their discretion. The chairman may sign all orders issued by the Board, but the Board assigns this duty to the County Administrator. The chairman, or the county administrator as designated, shall sign the records of proceedings of the Board's meetings and the monthly list of salaries/invoices.

4. Meetings. The Board shall hold a regular meeting at least monthly on a day and at a time to be set at the annual organizational meeting. The regular meeting of the Board may be adjourned from day to day, from time to time and from place to place, but not beyond the date set for the next regular

meeting, until all business is completed. The regular meetings and public hearings of the Board shall be held in the Northumberland Courts Building in Heathsville. If the Board finds it necessary to hold a regular meeting at a time or public place different from the Courts Building, such new time and place may be designated by duly passed resolution posted on the door of the Courthouse, Courts Building and advertised in a newspaper having general circulation in the County once a week for two successive weeks before such meeting.

Special meetings of the Board may be called by the Chairman or requested by two or more of the members of the board of supervisors. The call or request shall be made to the county administrator (clerk of the Board) and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the county administrator, after consultation with the chairman of the Board, shall immediately notify each member of the Board of supervisors and the county attorney in writing delivered to his place of residence or business to attend such meeting at the time and place stated in the notice. Such notice shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting, unless all members are present. The notice may be waived if all members of the Board of supervisors attend the special meeting or sign a waiver (§15.2-1418). The Northumberland Echo and Rappahannock Record will also be notified of any special meetings.

5. Open Meetings. All meetings of the Board shall be held pursuant to the provisions of the Virginia Freedom of Information Act, which provides explicit directions for holding open meetings. An "open meeting" or "public meeting" means a meeting at which the public may be present to observe the operations of government.

6. Closed Meetings. A "closed meeting" means a meeting from which the public is excluded.

A closed meeting of the Board may be held only for those purposes specifically provided by law, as follows or as specifically provided for in the Code of Virginia (1950), as amended:

(1) Discussion or consideration of specific personnel cases, that is, of the employment, appointment, disciplining, performance, salary, dismissal or other related matters of particular governmental officials or employees of the public body;

(2) Discussion or consideration of the condition, acquisition, or use of real property for public purpose, or the disposition of publicly held property;

(3) The protection of the privacy of individuals and personnel matters not related to public business;

(4) Discussion concerning the prospective location of a business or industry prior to any announcement of its interest in locating in the community;

(5) Consideration of the investment of public funds when publicity might adversely affect the financial interest of the governmental unit involved;

(6) Consultation, with or without legal counsel and staff, with respect to actual or probable litigation or other legal matters in the public body's jurisdiction;

(7) Discussion or consideration of tests or examinations used by a public body to evaluate employee qualifications or aptitude for employment, retention, or promotion and evaluate qualifications for any license or certificate issued by the public body.

The substantive and procedural requirements established for closed meetings shall be strictly observed. Prior to each closed meeting, the Board of Supervisors shall vote in open meeting to hold a closed meeting. That vote, as well as a statement specifying precisely the statutory basis for the closed meeting, shall be recorded in the minutes of the open meeting. When in a closed meeting, the Board may consider only those specified matters. For any action agreed to in an executive session to become effective, the Board of Supervisors shall reconvene in an open meeting and take a vote of its membership on the particular action, the substance of which must be reasonably identified in the open meeting.

7. Quorum and Method of Voting. A majority of the members of the Board constitutes a quorum. Unless a greater requirement exists pursuant to the statutes of the Commonwealth, all questions submitted to the Board for decision shall be determined by a majority of the supervisors voting on a question by voice vote or by other method, which sufficiently identifies the matter upon which a vote is being taken. Individual votes of the Board members shall be recorded. A motion by a member of the Board shall not require a second. Abstention from voting shall not constitute a negative vote. The vote of a member of the Board shall become final once the decision of the question has been finally and conclusively pronounced by the chairman and cannot be changed except after adoption of a motion to reconsider the action. If one or more members of the Board are disqualified from voting under the provisions of the Virginia Conflict of Interest Act, leaving less than the number of Supervisors required for action, the remaining member or members may act by majority vote. A tie vote shall defeat the motion, resolution or issue voted upon.

8. Records. Minutes shall be taken of all actions taken during meetings of the Board of Supervisors, except during closed meetings, and shall be recorded in bound volumes. These minutes shall include a description of the issue being considered by the Board of Supervisors, any motion made regarding the issue and a record of the vote of each member of the Board of Supervisors. Incomplete volumes shall remain in the County Administrator's office; completed volumes shall be filed in the record room of the Clerk of the Circuit Court. Copies of the minutes shall be available to the public, at the normal charge for copying, after the minutes have been approved by the Board and signed by the County Administrator as the Clerk for the Board.

The books, records and accounts of the Board of Supervisors, except those excluded by the Virginia Freedom of Information Act, shall be open to the examination of all persons and at all reasonable times.

9. Order of Business and Agenda. The order of business at all regular meetings shall be as follows unless changed by Board action:

1. Call to order
2. Consideration Docket
3. Presentations
4. Board Reports
5. County Administrator Report
6. Board Comment Period

7. Closed Meetings
8. Public Hearings
9. Public Comments
10. Adjournment

A detailed agenda shall be distributed in advance of each regular meeting to the members of the Board. This shall include the minutes, check register and correspondence/reports for reading and review in advance of the meeting in an effort to conserve time during the meeting. A copy of the agenda shall be made available in the County Administrator's office for examination by the public and a copy shall be delivered to the local newspaper for publication whenever possible.

10. The Right to Require Information. The Board of Supervisors shall have the right to require monthly financial reports from any officer or office of the County or district thereof, may investigate bills and receipts thereof and may, for these purposes, require the production of books, papers and other evidence.

For the purpose of preparing and approving the County's annual budget, the Board of Supervisors may require the heads, or other responsible representatives, of all offices, departments, divisions, boards, commissions, agencies and all other recipients of County funds or appropriations to furnish financial reports and such other information as may be deemed necessary and in such form as may be required in relation to their affairs and activities.

The Board may subpoena witnesses and administer oaths for the purpose of acquiring information for making financial decisions in line with its function and duties as the governing body.

11. County Administrator. The Board of Supervisors shall appoint an executive secretary, who shall be designated County Administrator and such appointment shall be evidenced by a resolution. The County Administrator shall serve at the pleasure of the Board.

The County Administrator shall be the clerk to the Board and his/her duties shall be those as prescribed by law.

12. Legal Counsel. The Board of Supervisors may create the office of County Attorney and appoint an attorney to handle its legal affairs. The County Attorney shall serve at the pleasure of the Board and his/her salary shall be set by the Board. The County Attorney, when possible, shall attend all regular and special meetings of the Board.

His/her responsibility shall be in matters including but not limited to the following:

- (1) Advising and representing the Board of Supervisors and its boards, departments, agencies, officials and employees.
- (2) Drafting, preparing and reviewing county ordinances, contracts and agreements.
- (3) Defending or bringing actions in which the County or any of its boards, departments, agencies, officials, or employees is a party.

(4) Prosecuting violations of orders of the Board of Supervisors, resolutions or ordinances.

In addition the Board may employ separate counsel when it deems it necessary in any suit against the County, in matters concerning County property, in collection of delinquent taxes, as well as in other matters concerning the County's interests.

RE: SCHEDULE OF MEETINGS

Upon motion by Richard F. Haynie duly seconded by A. Joseph Self, SR., the board voted to use the Northumberland Courts Building for their meetings and adopt the following meeting dates.

January 13, 2011
February 17, 2011
March 10, 2011
April 14, 2011
May 12, 2011
June 9, 2011
July 14, 2011
August 11, 2011
September 8, 2011
October 13, 2011
November 10, 2011
December 8, 2011
January 12, 2012

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: 2010 HOLIDAYS FOR COUNTY OFFICES

Upon motion by Richard F. Haynie., duly seconded by A. Joseph Self, Sr., the Board voted to adopt the state holiday schedule approved and amended by the Governor of Virginia. The following holidays are added into the county calendar.

Friday, January 14 – Lee-Jackson Day
Monday, January 17 – Martin Luther King, Jr. Day
Monday, February 21– George Washington Day
Monday, May 30 – Memorial Day
Monday, July 4 – Independence Day
Monday, September 5 – Labor Day
Monday, October 10 – Columbus Day
Friday, November 11 – Veterans Day
Wednesday, November 23 – Close At Noon
Thursday, November 24 – Thanksgiving

Friday, November 25 - Day after Thanksgiving
Friday, December 23 – Christmas
Monday, December 26 - Christmas

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: MINUTES APPROVED FOR DECEMBER 9, 2010

Upon motion by James M. Long, seconded by Richard F. Haynie, the Board voted to approve the minutes for December 9, 2010 with a change on page 14 from Leach to Leash and to check the Building Permit Report for accuracy.

***Note: no changes were made to the figures in the minutes from the building permit report because they were correct.**

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: The request by Indian Creek Yacht and Country Club for a permit to expand its existing marina by an additional 24 slips has been withdrawn. Also, a closed meeting will 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
James M. Long – YEA	Richard F. Haynie – YEA
Thomas H. Tomlin – YEA	

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

Mr. Balderson introduced Mr. David Brown as the new Residency Administrator.

Mr. Balderson commented about the recent snowfall we had and said he thought all went well. Normal pothole and patching is being done.

RE: RESOLUTION – GREENFIELD HARBOUR

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

RESOLUTION

REFERENCE: GREENFIELD HARBOR/TRASURE COVE SUBDIVISION

WHEREAS, the streets in the Greenfield Harbor/Treasure Cove Subdivision as described on the attached VDOT Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Northumberland County, and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation has advised the Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation,

WHEREAS, the County and the Virginia Department of Transportation has entered into a comprehensive agreement on February 11, 2004, for the stormwater detention in Northumberland County.

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached VDOT Form AM-4.3 to the secondary system of state highways, pursuant to Sec. 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

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: RESOLUTION LODGE ROAD

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

RESOLUTION

WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated August 12, 2010 depicting the additions and abandonment's required in the secondary system of state highways as a result of Project 0712-066-148,M501 which sketch is hereby incorporated herein by reference,

WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need, and

NOW, THEREFORE, BE IT RESOLVED, this Board abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to §33.1-155, Code of Virginia, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of road identified by the sketch to be added, pursuant to §33.1-229, Code of Virginia and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

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: DAVID BROWN, VDOT

Mr. David Brown stated he is the new Residency Administrator and it is a pleasure to be here in Northumberland. He said he was new to the area and previously worked in Portsmouth but is originally from Pennsylvania and is known as a “Come Here” already. He said he is looking forward to working with us in the rural area and to feel free to contact him.

Supervisor Tomlin asked VDOT about the snow fence policy and referenced the situation in front of Henry Lane Hull’s property when the snow blew from the field across the road. Mr. Tomlin stated he was concerned that an EMS vehicle would not be able to get through if it was needed. Mr. Balderson said that in 1986 or 1987 the findings came back and said it was not cost effective to erect snow fences and they would no longer be installing them. He said his opinion may differ but at this time it was not a VDOT function. Supervisor Tomlin requested information on how much money it costs to pre-treat roadways before snow storms and send to Mr. Eades.

Supervisor Tomlin then questioned the traffic light on Academic Lane and why does Middlesex have a light when there are only two schools and we can't get one for three schools.

Supervisor Tomlin asked about an article he read in the Rappahannock Record concerning the through truck restriction in downtown Kilmarnock. Mr. Balderson said at the time they have nothing to do with this until Lancaster County votes on it. He said the town will have to have a public hearing on it and approve it before it even goes to VDOT.

RE: SUPERINTENDENT OF SCHOOLS, CLINT STABLES

Mr. Stables said that a program and demonstration for the new wind turbine at the school will be held on February 11, 2011 at 11:30 a.m. He said this is the first that has been authorized and there is a rumor that the Governor may be making an appearance. The school website will be listing the wind speeds of the turbine.

RE: SCHOOL BOARD APPROPRIATION

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

\$ 3,672.00 – E-Reimbursement

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 then discussed the budget projection which he said is very preliminary at this point. He is looking at a loss of revenue and federal stimulus money along with the composite index increase which cannot get any worse at this point. He has also heard that the Virginia Department of Education cuts may be 2% to 6%. He noted that the employees have not received a salary increase in 3 years and hopes this is the last bad year.

Supervisor Tomlin asked about the “save teacher job money”. Mr. Stables said he would get the information and give it to Mr. Eades.

RE: BUILDING PERMIT REPORT:		
	2010	2009
Total construction cost for the month	\$ 2,058,348.00	\$ 2,118,761.42
Total Bldg. Permit Cost for Month	\$ 3,529.88	\$ 3,288.64
Total Zoning Permit Cost for the Month	\$ 670.00	\$ 1,210.00
Total Levy Fee for the Month	\$ 70.60	\$ 65.76
<i>Total Construction cost year to date</i>	<i>\$ 31,396,805.13</i>	<i>\$ 55,346,032.36</i>

RE: 2011 PROJECT LIST FROM THE COUNTY ADMINISTRATOR

Mr. Eades went over a list of projects he had prepared for 2011. They are as follows:

- ❖ EMS radio upgrade
- ❖ Upgrade to the Reedville Sanitary District
- ❖ Re-districting
- ❖ Light Street Project
- ❖ Bluff Point PUD
- ❖ Reassessment
- ❖ Zoning updates and Comprehensive Plan updates
- ❖ Broadband
- ❖ Budget Challenges
- ❖ Volunteer Support

RE: AGREEMENT WITH NORTHERN NECK PLANNING DISTRICT COMMISSION FOR THE LIGHT STREET PROJECT

Upon motion by James M. Long, duly seconded by Richard F. Haynie the Board voted to agree to have the Northern Neck Planning District Commission be the grant administrator for the Light Street Project.

AGREEMENT

This Agreement entered into this _____ day of _____, 2011, by and between Northumberland County (hereinafter referred to as County) and the Northern Neck Planning District Commission (hereinafter referred to as NNPDC):

WITNESSETH

WHEREAS, Northumberland County has been approved by the Virginia Department of Housing and Community Development (VDHCD) to receive a Community Improvement Grant in the amount of \$634,836 in accordance with the grant application submitted by the County to fund the Light Street Housing Project; and

WHEREAS, VDHCD will administer funding for the project; and

WHEREAS, under the regulations of the VDHCD, the County is the legal entity which is permitted to enter into a contract for the receipt of the grant funds in order to implement the project; and

WHEREAS, it is appropriate and proper for the legal entity, which is the recipient of the grant, to enter into a contractual agreement with a Planning District Commission to carry out, implement and administer the project for which the VDHCD funds are being distributed to the County; and

WHEREAS, the County, by majority vote, has formally agreed to accept the Grant from the VDHCD, and the Northern Neck Planning District Commission is willing and able to carry out, implement and administer the project on behalf of the County;

NOW THEREFORE, for good and valuable consideration, including the mutual exchange of promises by and between the parties, the County, and the NNPDC do hereby mutually agree as follows:

1. The County agrees to accept the Grant in the amount of \$634,836 and enter into an agreement with the VDHCD (hereinafter referred to as the VDHCD Agreement) and to make all of the assurances required in the contract documents, which are incorporated as part of this Agreement that the County must sign in order to implement the Grant and receive the grant funds.
2. The NNPDC hereby formally agrees that it will fully and responsibly perform all of the terms, conditions, assurances, and requirements which the County makes to the VDHCD in the VDHCD Agreement.
3. The NNPDC specifically agrees to commence, carry-out and properly complete all of the work required in accordance with the VDHCD applications submitted in connection with the Grant, together with the other contract documents as hereinafter specified.
4. The County agrees to make draw downs in accordance with the VDHCD regulations not to exceed the amounts of the Grant, based upon supported statements and reports submitted to the County by the NNPDC in accordance with policies and procedures established by the County.
5. The NNPDC agrees to submit accurate and complete progress and financial reports related to the Grant to the County for review with each request for a draw down on Grant funds by the NNPDC. No request for a draw down on Grant funds will be made by the County to VDHCD unless complete and accurate progress and financial reports satisfactory to the County indicating the nature of the work or activity covered by the request, have been submitted by the NNPDC, certified as being true and accurate by the Executive Director of the NNPDC.

6. The County agrees, subject to the appropriation of sufficient funds by its Board of Supervisors, to pay amounts to the NNPDC and/or Contractors, not to exceed, in the aggregate, the total project costs. Such appropriations shall only be made after receipt of Grant funds by the County pursuant to properly supported draw down requests by the NNPDC through the County to VDHCD.
7. The NNPDC shall initiate the activities required by the contract documents beginning immediately.
8. The NNPDC shall complete the work described in the contract documents in compliance with the implementation schedule submitted to VDHCD.
9. As used in this Agreement, the term “contract documents” means the following documents which are hereby made a part of this Agreement, and are incorporated by reference herein as if set out in full:
 - A. The CDBG Application for the Light Street Housing Project, including any and all revisions.
 - B. This Agreement and the VDHCD Agreement.
 - C. Amendments to this Agreement and amendments to the VDHCD Agreement.
10. The NNPDC hereby agrees to carry out those terms of the VDHCD Agreement for which the NNPDC is responsible including, if applicable, all of the General Conditions, Special Conditions, and Assurances made a part of the contract documents listed heretofore which are incorporated by reference in this Agreement, as if set out in full.
11. The NNPDC hereby agrees to properly administer the VDHCD grant in accordance with all applicable federal, state and local laws. It is agreed by and between the parties that any and all financial, administrative, and other records required to be maintained in conjunction with the project by any applicable regulation or agreement will be prepared and maintained by the NNPDC.
12. The NNPDC agrees to insure that all activities performed in connection with the project complies with all applicable laws as outlined in the VDHCD Grant Management Manual and is accomplished in a professional and workmanlike manner.
13. The parties agree that the NNPDC is fully responsible for all purchasing, bidding and contracting in connection with the project, and is responsible for complying with all applicable federal, state and local procurement laws and bidding procedures as outlined in the VDHCD Grant Management Manual.
14. The NNPDC shall bear the full responsibility for auditing its records of expenditures and disbursement of all funds in connection with the project. The County is responsible for the audit of its financial records relating to the receipt and disbursement of the Grant.
15. The parties agree that the Board of Supervisors, its agents, officers, and employees shall not be liable for the NNPDC’s default, negligence, neglect, malfeasance, misfeasance, failure to properly account for funds, failure to comply with federal, state, or local laws, or any failure of the NNPDC to comply with the terms of the Grant or any provisions of the contract documents heretofore enumerated in connection with the project.
16. This Agreement may be amended from time to time only by written authorization of both parties, executed with the same formality as this Agreement.
17. This Agreement is governed in all respects by the laws of the Commonwealth of Virginia.

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. CLINT STABLES APPOINT TO THE COMMUNITY SERVICES BOARD

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr., the Board voted to appoint Mr. Clint Stables as Northumberland County's representative to the Community Services 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: MR. JAMES STONE APPOINTMENT TO THE NORTHUMBERLAND COUNTY PLANNING COMMISSION

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to re-appoint Mr. James Stone to the Northumberland County 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: REDISTRICTING COMMITTEE

Mr. Eades stated that a redistricting committee must be formed in the near future. He said he anticipates at the most four meetings. Mr. Long suggested the following two names:

Mr. Charles M. Butler
Mr. Frank Kober

Supervisor Tomlin suggested Mr. Phillip Keyser and another name at a later date.

RE: WORKFORCE INVESTMENT BOARD APPOINTMENT NEEDED

Mr. Eades informed the Board that we need to appoint someone to represent out county on this Board and if you have any suggestions to let us know.

RE: REEDVILLE SANITARY DISTRICT ADVERTISEMENT OF PUBLIC HEARING ON FEBRUARY 17TH.

Mr. Eades stated that he needed to go ahead and advertise for a public hearing concerning the rate increase to the Reedville Sanitary District in order to meet the Department of Environmental Quality's deadlines. The hearing will be held on February 17, 2011 at 7 p.m. He discussed with the Board how the residential rates will be staggered with a starting date of March 1st to \$20.00 and eventually going to \$37.00 a month in 2013. He has also stated there will be a discount of \$1.00 a month for automatic payments or annual amounts for a 5% discount.

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to advertise the public hearing to increase the rates for the Reedville Sanitary District. 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: 2011 WASTE COLLECTION DAY SCHEDULED

Mr. Eades informed the Board that Mr. Matt Lewis, Extension Agent will be leaving his job this week but had gone ahead and inquired about household hazardous waste collection days for 2011.

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the Board voted to authorize Mr. Eades to schedule the collection days and keep the per-pound rates as the same as Lancaster's to prevent any confusion. 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: APPROPRIATION TO ANIMAL SHELTER

Upon motion by Thomas H. Tomlin duly seconded by Richard F. Haynie, 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	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

RE: LIGHT STREET PROJECT APPROPRIATION

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to appropriate the grant money received for the Light Street Planning Project. The following line items and amounts for the appropriation.

7200-3002-	\$1,500.00
7200-3007-	\$8.00
7200-3100 –	\$5,300.00
Total	\$6,808.00

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: REQUEST BY VACO

Mr. Eades said that the Association of Counties is fighting a bill before the General Assembly that will require the county to have the burden of proof on reassessment appeals. This will cause a large number of appeals and additional work on the county because the person that appeals may appeal just to see what will happen. They are asking for a contribution of \$1,000.00 to help fight this bill.

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the Board voted to contribute \$1,000 to VACO. The vote on the motion is as follows:

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

RE: APPROPRIATION TO FIRE DEPARTMENT FOR FIRE FIGHTER I COURSE

Mr. Eades advised the Board that he had received a request by Mr. David Woolard, Chief of Callao Volunteer Fire Department asking for assistance from the County to hold a Fire Fighter I class. He said Callao has eight members and Fairfield’s has four. Supervisor Self asked how much the class was going to cost. Mr. Eades said anywhere from \$8500 to \$9,000.

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie the Board voted to approve \$9,000 to the Fire Fighter I class. 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. TODD THOMAS- VERIZON ASSESSMENT

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to designate Mr. Todd Thomas (Commissioner of the Revenue) to certify the Verizon Assessment for the case pending before the State Corporation 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 REHABILITATION MEMBERS

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie the Board voted to add Mr. Stevie Conaway and Reverend John Bibbens as members of the Rehabilitation Team for the Light Street CDBG Grant 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: MENHADEN BILLS FOR THE GENERAL ASSEMBLY

Mr. Eades stated that he is trying to keep track of the bills that are dealing with the Menhaden Fishing Industry. He said that currently there are six bills which will affect the industry. The Board wanted to continue to support the industry and try to defeat the current bill before the General Assembly.

RE: BLUFF POINT REQUEST FOR PROPOSALS RECEIVED

Mr. Eades reported that he has received 6 proposals back from the request for proposals on the Bluff Point Project. The Board will discuss them after they have time to review them.

RE: BOARD COMMENT PERIOD

Supervisor Tomlin referenced the request that Indian Creek Yacht and Country Club that has been withdrawn tonight. He stated that changes are needed to any site plan in order that they are not too small or too large. We need a site plan that shows the existing on one sheet.

Supervisor Haynie requests that when an Attorney is representing a group of people, he would like the attorney to state who they are representing. County Attorney Kilduff said he thought that was a reasonable request but he would check into it further.

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

Request by Indian Creek Yacht and Country Club for a permit to expand its existing marina by an additional 24 mooring slips which extends 160 feet into Indian Creek near Kilmarnock was withdrawn at this time.

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 couple of months ago and Mr. Cassidy has a new site plan to present. Mr. Shirley then described the revised site plan. Mr. Dan Eskridge was present and stated that there is a reduced footprint and the home, as proposed, is two feet farther from the property line. The well and sewage pot has also been located on the site plan. Upon motion by Ronald L. Jett, duly seconded by A. Joseph Self, Sr., the Board voted to approve the request with the following conditions: 1. The structure, sewer pot, and well will be situated on the lost as shown on the revised site plan dated December 20, 2010; 2. The applicant must provide the county with a water quality impact assessment and a stormwater mitigation plan to comply with the

requirements of the Northumberland County Chesapeake Bay Preservation Area Ordinance; 3. No termite treatment is allowed unless proximity of the wells will allow termite treating approved by the Health Department or Building Official.

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 HARVEY PERKINSON FOR A PERMIT TO ALLOW AN EXISTING CAMPGROUND AT 473 BUNKER HILL ROAD NEAR MISKIMON

Mr. Shirley, Zoning Administrator described the request and stated he had three comments from the Hinton Family and they all did not want any additional campers located at the site.

Mr. Perkins said the campers are for personal use only. The hunt club is across the road and it is only for the hunt club.

Supervisor Tomlin asked why the campers aren't on the hunt club property. Mr. Perkins said there was not enough space on the hunt club property for the campers.

Public Hearing Open

No Comments were given

Public Hearing Closed

Upon motion by James M. Long, duly seconded by Ronald L. Jett, the Board voted to approve the request with the following conditions: 1. The campground must obtain all necessary permits from the Health Department; 2. The number of units will be limited to the existing six (6); 3. Use of the facility as a campground shall be limited to members of the Tri-City Hunt Club; and 4. Should the Tri-City Hunt Club cease to exist, the permit for a campground shall become null and void.

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 BETZ LANDING PROPERTY OWNERS ASSOCIATION FOR AN AMENDMENT TO THE COUNTY CODE TO INCLUDE THEM IN THE ORDINANCE THAT PROHIBITS THE RUNNING OF DOGS AT LARGE

County Administrator Eades described the request.

Mr. Phil Landry was present to represent the Association. He stated they have had dog problems for sometime but the dogs that were the problem had their tags and the Sheriff Department couldn't do

anything about the matter. These dogs have caused problems including puncturing tires. He said the community supports this action.

Public Hearing Open

Sandra Harris, 2074 Pumpkin Hill Road stated that she has sent a letter of support for this ordinance.

Mr. Greg Haugan also has had problems with the dogs threatening visitors to his house.

Public Hearing Closed

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr. the Board voted to approve the leash law amendment for Betz landing Subdivision. 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. Lee Allain questioned what was going on with the land across from Allison's Ace Hardware. Supervisor Tomlin stated that the Board has addressed the situation and commented on the issue last month. The clearing is for a farming operation.

Ms. Ida Hall stated that the economical impact dealing with developments in the low lying area (referencing Bluff Point) could impact the destiny of Northumberland and questions is it a money maker or a money pit. She asked the Board to make a wise decision for long range goals and asked them to vote no to the Bluff Point Planned Unit Development.

Ms. Janelle Haskins came to the Board with her concerns about dangerous dogs in the Pine Harbor area. Mr. Eades said he would get her the regulations.

RE: CLOSED MEETING

Upon motion by James M. Long, duly seconded by, A. Joseph Self, Sr., 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 Richard F. Haynie, the Board voted unanimously that in the closed meeting just concluded, nothing was discussed except the matters lawfully permitted to be so discussed under the provisions of the Virginia Freedom of Information Act cited in the motion. The vote on the motion was as follows:

A. Joseph Self, Sr. – YEA
Richard F. Haynie – YEA
Thomas H. Tomlin – YEA

Ronald L. Jett – YEA
James M. Long – YEA

RE: MOTION AND CERTIFICATION OF CLOSED MEETING

A motion was made by A. Joseph Self, Sr., duly seconded by James M. Long, 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 adjourn. 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