

**Board of Supervisors Meeting  
March 10, 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, March 10, 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 Ken Overby, Northern Neck Baptist Church led the invocation.

**RE: PLEDGE OF ALLEGIANCE**

Supervisor Self led us in the Pledge of Allegiance.

**RE: MINUTES APPROVED FOR FEBRUARY 17, MARCH 1, 2011 AND MARCH 7, 2011**

Upon motion by James M. Long, seconded by Richard F. Haynie, the Board voted to approve the minutes for February 17, March 1 and March 7, 2011 with one change on page 18 to change Chesterfield County to City of Chesapeake.

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 first meeting. Also, Mr. Stables, Superintendent was unable to attend.

The vote on the motion was as follows:

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

**RE: MR. DAVID BROWN, VIRGINIA DEPARTMENT OF TRANSPORTATION**

A VDOT representative was not present for the meeting.

**RE: MR. BOB ROSENWALD AND STEVEN REISS – ROSENWALD SCHOOL PRESENTATION**

Mr. Rosenwald and Mr. Reiss came before the Board to discuss the Rosenwald School. Mr. Reiss is working with the National Trust for Historical Preservation to identify and locate the 22 Rosenwald Schools that are here or were here in the Northern Neck.

Mr. Bob Rosenwald is a distant relative of Julius Rosenwald and is a member of the Julius Rosenwald High School Foundation of the Northern Neck. The foundation has the goals of saving, restoring and reusing the Julius Rosenwald High School in Reedville.

The gentlemen presented a slide show full of pictures of the existing building and described the situation with the current land owner. The piece of land that the building is on is 7+ acres which he said would be great for a public park. He said grants are available for the restoration and the foundation has a strong local and alumni group that is willing to help. He said he would like to see the county buy this property. At this time, he did not know what the asking price was for the property. He stated that if the county was the owner, then the county could lease it to the foundation.

The Board asked Mr. Kilduff to speak to the owner and report back to the Board.

**RE: BUILDING PERMIT REPORT**

<b>RE: FEBRUARY BUILDING PERMIT REPORT:</b>		
	<b>2011</b>	<b>2010</b>
Total construction cost for the month	\$ 2,322,965.00	\$ 2,130,977.21
Total Bldg. Permit Cost for Month	\$ 4,724.00	\$ 3,896.28
Total Zoning Permit Cost for the Month	\$ 1,630.00	\$ 1,290.00
Total Levy Fee for the Month	\$ 94.49	\$ 77.94
<i>Total Construction cost year to date</i>	<i>\$ 5,602,633.14</i>	<i>\$ 4,923,521.21</i>

**RE: SCHOOL BOARD APPROPRIATION**

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

- \$ 384.52 – E-Rate Reimbursement
- \$ 3,353.00 – Adult Ed 09/10 for Testing Center transferred to RCC

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: VIRGINIA PUBLIC SCHOOL AUTHORITY**

Mr. Eades reported that we are due VPSA refunding due to the savings on the bond proceeds from the Elementary School. The Proceeds Certificate and Continuing Disclosure Agreement need to be adopted by the Board so we can apply for the refund. The money must be applied back to the school as a capital expenditure and we should only expect about \$8,500.00.

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the Board voted to adopt the Proceeds Certificate and Continuing Disclosure Agreement and apply to VPSA for the refund. 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: HEALTH INSURANCE RENEWAL**

Mr. Eades explained that the local health insurance rate has increased 6.9% for FY 2012 and asked the Board if they want to continue with the two plans we currently have in place and stay with Local Choice. To cover all the county employees with individual coverage the increase would amount to \$39,744.00 in additional county funds. The new individual rate is \$493.00 a month for the Key Advantage 1000.

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to continue with Local Choice and accept the two plans we currently have (Key Advantage 1000 and Key Advantage 250) at an additional cost of \$39,744.00. 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 FROM NORTHERN NECK YOUTH PERFORMING ARTS FOUNDATION**

Mr. Eades stated he had received a request from the Northern Neck Youth Performing Arts Foundation asking for the Board's participation in the 2011-2012 Local Government Challenge Grant offered by the Virginia Commission for the Arts. Supervisor Self stated he felt like this was a budgetary item. Mr. Eades was asked by the members to find out if other counties will be involved and maybe discuss it later.

**RE: RESOLUTION HONORING MR. JAMES STONE FOR HIS SERVICE TO THE NORTHUMBERLAND COUNTY PLANNING COMMISSION**

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

**WHEREAS;** Mr. James W. Stone dedicated sixteen years of public service with the Northumberland County Planning Commission, and

**WHEREAS;** Mr. James W. Stone served as Vice-Chairman of the Northumberland County Planning Commission, and

**WHEREAS;** the same Mr. Stone also served on the Northumberland Electoral Board at the same time he was a member of the Planning Commission, and

**WHEREAS;** the same Mr. Stone was presented with some very complicated and controversial issues that came before the Commission over the past sixteen years and he always keep the citizens interest of Northumberland County first and foremost in making decisions,

**NOW, THEREFORE, BE IT RESOLVED,** THAT THE Board of Supervisors hereby expresses its deepest appreciation and gratitude for his faithful service to the County and its citizens, and wishes for him much happiness in the future.

**BE IT FURTHER RESOLVED,** that this resolution is hereby adopted on this day, March 10, 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: RESOLUTION HONORING MR. JUNIOR FISHER, CHAIRMAN FOR HIS SERVICE TO THE NORTHUMBERLAND COUNTY PLANNING COMMISSION**

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

**WHEREAS;** Mr. Alfred C. Fisher, Jr., dedicated many years of public service as a public employee and Chairman of the Northumberland County Planning Commission, and

**WHEREAS;** Mr. Alfred C. Fisher served as Chairman of the Northumberland County Planning Commission for fifteen years, and

**WHEREAS;** the same Mr. Fisher has Chaired the Northumberland County Planning Commission and earned the respect and devotion of his friends and colleagues through his conduct as a citizen and Commission member, and

**WHEREAS;** the same Mr. Fisher has dealt with some complicated and controversial issues that came before the Commission and as Chairman the meetings were run without incident,

**NOW, THEREFORE, BE IT RESOLVED,** THAT THE Board of Supervisors hereby expresses its deepest appreciation and gratitude for his faithful service to the County and for serving as Chairman of the Northumberland County Planning Commission.

**BE IT FURTHER RESOLVED,** that this resolution is hereby adopted on this day, March 10, 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: WATER SUPPLY PLAN**

Mr. Eades stated that the state passed a regulation that we adopt a water supply plan. The plan has been drafted by the Northern Neck Planning District Commission and we will need to hold a public hearing before November of 2011. He stated at this time he just wanted the members to be aware that this is coming up. No other counties have acted on this plan yet.

**RE: NORTHERN NECK ELECTRIC LINE EXTENSION POLICY**

Mr. Eades stated the new power line requirements were in the Board package and it is for informational purposes only. The policy of not charging for an overhead line extension has changed and NNEC will now be charging for overhead as well as underground wiring.

**RE: BOARD COMMENT PERIOD**

**RE: RE-DISTRICTING MEMBER ADDED**

Supervisor Self stated that Mrs. Nancy VanLandingham will be serving as one of his members on the Re-districting committee.

**RE: APPROVAL OF CHECK REGISTER**

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

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

**RE: 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  
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 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  
James M. Long – YEA  
Thomas H. Tomlin – YEA

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

There was no action taken after the closed meeting.

**PUBLIC HEARINGS**

**RE: REQUEST BY DAVID AND MARION ROWE FOR AN EXCEPTION TO THE CHESAPEAKE BAY AREA PRESERVATION ORDINANCE TO CONSTRUCT AN ADDITION TO THEIR EXISTING DWELLING LOCATED WITHIN THE 50 FOOT RESOURCE PROTECTON AREA BUFFER AT 153 ROWE LANE NEAR LOTTSBURG**

Zoning Administrator W.H. Shirley described the exception to the Bay Act request and said he has not received any comments on this matter.

Mrs. Rowe explained that they want to remodel their bathroom and another small area and make it handicap accessible. She said the house was built in the 1940's.

Public Hearing Open

No comments were given

Public Hearing Closed

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to approve the request as requested. 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 GEORGE AND ELIZABETH HAYDEN FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A PRIVATE STORAGE BUILDING THAT WILL BE THE PRINCIPAL STRUCTURE ON PROPERTY LOCATED NEAR SUNNYBANK.**

Mr. Shirley described the request and stated he has not received any comments on the issue. He stated that he had received a revised site plan and pictures and the building was moved to the other side of the property.

Public Hearing Open

Mr. Haynie who is an adjoining property owner stated he is satisfied with the revised site plan.

Supervisor Self asked if the storage building will be located where the white stakes are at. Mr. Hayden said yes that is the location. Mr. Shirley commented that this is zoned R-2.

Ms. Joy Norris asked if one of the conditions could be that the building would not be used as an air strip. She stated she doesn't have any objections but is hoping this could be one of the conditions.

Mr. Marvin Hall said he thought the building looked ok.

Upon motion by Ronald L. Jett, duly seconded by James M. Long, the Board voted to approve the request with the revised site plan and the following condition:

The structure must be located on the property as shown on the revised site plan dated March 4, 2011, presented to the Board at the meeting and must be outside the 100' Resource Protection Area buffer.

The vote on the motion is as follows:

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

**RE: REQUEST BY REBECCA WORLEY FOR AN EXCEPTION TO THE CHESAPEAKE BAY PRESERVATION AREA ORDINANCE TO ALLOW AN ADDITION WITHIN THE 50 FOOT**

## **RESOURCE PROTECTION AREA AT 1476 SHORE LANE IN NORTHUMBERLAND SHORES SUBDIVISION**

Mr. Shirley described the request and said this is an after the fact request. He has not received any comments. He also stated that Ms. Worley did receive the notice but was not present for the meeting.

### **Public Hearing Open**

Mr. Tom Price expressed his views stating that he does not understand why we are having hearings on Bay Act Exceptions when she has already violated the act. He is violently objecting to this and wonders why it is even considered when she has already broken the law. He said the Bay Act is meant to protect the Bay and you shouldn't grant exceptions within the 50 foot buffer.

### **Public Hearing Closed**

Supervisor Self suggested delaying a decision on this request until next month and asked Mr. Shirley to advise Ms. Worley by certified mail that a decision will be made at the April Board meeting.

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to table this request until next month and a decision will be made whether she is there or not. The vote on the motion is as follows:

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

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

## **RE: PUBLIC COMMENT PERIOD**

Ms. Jamie Sabia read a letter to the Board stating that children are important for our future and the staff of the schools needs to be compensated well. She said she became a teacher for its rewards and she doesn't want to do anything else but there are student loans to pay back. She went on to say how the cuts in programs are affecting students and the teachers that are retiring will be lost. She explained they have sent out a survey to numerous residences and the results came back positive that citizens would support a tax increase to support the school system.

Mr. Ron Herring asked the reporters in the room not to write while he was talking and said there is a situation with a family that was burned out of their home and the insurance company is not paying. He said he was trying to help them and wanted the Board to be aware of the situation.

## **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 16, 2011 at 5:00 p.m. in the old courthouse building. The vote on the motion was:

Ronald L. Jett – YEA  
A. Joseph Self, Sr. – YEA

Thomas H. Tomlin – YEA  
Richard F. Haynie – YEA

James M. Long – YEA

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Kenneth D. Eades, Clerk