

Board of Supervisors Meeting
MAY 12, 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, May 12, 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

Lucia Lloyd, Priest in Charge, St. Stephen's Episcopal Church led the invocation.

RE: PLEDGE OF ALLEGIANCE

Mr. John Burton led us in the Pledge of Allegiance.

RE: MINUTES APPROVED FOR APRIL 14, 26, 28 AND MAY 3, MEETINGS

Upon motion by James M. Long, seconded by Richard F. Haynie the Board voted to approve the minutes for April 14, 26, 28 and May 3, 2011 meetings.

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 Thomas H. Tomlin., the Board voted unanimously to approve the agenda for today's meeting. The vote on the motion was as follows:

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

RE: MR. CLINT STABLES, SUPERINTENDENT OF SCHOOLS

Mr. Stables said they are in the middle of taking the Standards of Learning tests for the year and it was pretty stressful. Graduation is coming up soon as well as other activities for the students. It has been a tough year financially but it looks like the economy is changing somewhat. We are asking for over \$1 million dollars in local money this year and we thank you for the consideration.

RE: SCHOOL BOARD BUDGET FOR FY 2011-2012

County Administrator Kenneth Eades presented the following:

	<u>Approved FY 11</u>	<u>Proposed FY 12</u>
<u>REVENUE ESTIMATES:</u>		
State Sales Tax.....	1,302,392	1,403,199
Other State Funds.....	3,219,262	2,978,380
Federal Funds.....	759,136	759,136
County Funds.....	9,944,119	11,039,319
Other Funds.....	73,050	73,050
TOTAL ESTIMATED REVENUES	<u>\$ 15,008,932</u>	<u>\$ 15,549,249</u>
<u>EXPENDITURE ESTIMATES:</u>		
Instruction.....	10,743,231	11,212,538
Administration & Health.....	582,310	610,671
Pupil Transportation.....	1,278,790	1,220,840
Operation & Maintenance.....	1,399,512	1,547,790
Facilities.....	86,683	86,683
Debt Service.....	510,762	452,197
Technology.....	407,644	418,530
TOTAL ESTIMATED EXPENDITURES.....	<u>\$ 15,008,932</u>	<u>\$ 15,549,249</u>

Mr. Eades said in the past the Board has authorized a lump sum of money to the school and then the school Board allocates that money where it is needed. He said we have been working with the Superintendent and if additional county funds in the amount of \$572,701.00 is added instead of the requested \$1,095,200, then the budget can be balanced without a tax increase and can still give a salary increase. The total School Board Budget would then be \$15,026,750 and a reduction of \$522,499 in local funds. Supervisor Tomlin asked what the amount of increase was used in the budget figures. Mr. Eades said it was a three percent increase in salary.

Superintendent Stables said we have talked and worked together on this and he said he understood the county's situation and he is in agreement with the figures. He said he thinks they are in better shape than originally thought with the fuel costs and they estimate about 10 staff members that will not be returning.

Supervisor Tomlin said he is in favor of a 3% bonus but not a raise. People on fixed incomes are not getting increases and as a state employee only had a bonus, and some other counties were getting a 2% cut. Mr.

Tomlin referenced his disagreement with the proposed salary scale for the 2010-2011 (step 1 going from 0-3 years of experience to 0-4 years of service the next year). He said the teachers will have to work longer. Mr. Stables responded saying that if we have no money, then teachers will have to stay there anyway. Mr. Stables then said he thinks the 3% should be across the board for everyone. Supervisor Tomlin said the scale should only be used for when a person is first hired. Mr. Tomlin said that teacher evaluations will soon be based on test scores and the on-time graduation rate is what is most concerning at 17.5% for last year and this year. Lancaster County is only three percent. Mr. Tomlin went through several newspaper articles on student performance and teacher assessment.

Supervisor Self called for the question. Supervisor Haynie seconded it. The Board then voted as follows:

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

Supervisor Tomlin asked “Where is the democracy?”

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to approve \$15,026,750 for the FY 2011-2012 School Board Budget. 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 – NAY	

Supervisor Long said he needed to address the drop-out rate with 25% being minorities and 17% overall. Kids that are in elementary school are missing 25 days from school. Mr. Stables said when kids start missing too many days from school, we start looking at the courts. Mr. Long said we need to hold the parents accountable. Mr. Stables said when parents consent to not have their kids come to school, there is little we can do. Supervisor Tomlin said we can issue a warrant like Richmond County does. Mr. Stables said we are working with parents on this issue and he said he knows it needs to be improved.

Chairman Jett questioned Mr. Stables on the message he received for kids not being able to charge lunches. Mr. Stables said for those kids, we do give a meal. Supervisor Tomlin asked if a child has a balance next year, then what happens. Mr. Stables said he would check on that.

Supervisor Haynie asked Mr. Stables when the auction was taking place at the old high school, why were the checks being made to the animal shelter. Mr. Stables said they had taken care of arrangements with the auction and they will be writing a check back to the county. We will be asking for an appropriation for that money.

RE: PUBLIC HEARING ON SECONDARY SIX YEAR PLAN

Joalma Hall explained the process by law for the secondary six year plan. This will be for years 2012 to 2017. Ms. Hall reported that the improvements will be made to Rt. 604, Indian Valley Road. She reported that this year there is \$51,690.00 in the account for 2012. Ms. Hall reported that the total for the project should be around \$295,170.00 by the year 2017. This is only for improvements and new construction, not for maintenance.

Supervisor Tomlin how far will \$295,000.00 go? Ms. Hall said not very far.

PUBLIC HEARING OPEN

Mr. Dick Saxer questioned the VDOT representatives why are they repaving a road that doesn't need to be repaved. He then referenced the new paving in Reedville and the problem with run-off they are having. Mr. David Brown responded saying that they are currently resurfacing instead of milling them and that the current paving there is not adequate thickness. He then explained what they are doing to fix the problem in Reedville.

PUBLIC HEARING CLOSED

Supervisor Haynie stated he was concerned with the standing water in Reedville and it freezing making it a safety issue. Supervisor Haynie then asked why it is a sand and tar mixture on some roads. Mr. Brown said it is used to extend the life of the road. Mr. Brown concluded that the paving now is being done by a consultant and none of the work is actually being done by the department.

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

WHEREAS, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2012 through 2017) as well as the Construction Priority List (2012) on May 12, 2011 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List,

WHEREAS, David Brown, Residency Administrator , Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2012 through 2017) and the Construction Priority List (2009) for Northumberland County,

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Northumberland County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2012 through 2017) and Construction Priority List (2012) are hereby approved as presented at the public hearing.

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, VDOT

Mr. Eades informed Mr. Brown that he had received a call today asking if they are considering replacing the bridge on Knights Run Road, Rt. 642. Mr. Brown said he will have to follow up and is not sure.

Supervisor Tomlin questioned the study results on the Bluff Point Project with the Academic Lane and compared the two. Mr. Brown said that it was based on the analysis given.

RE: BUILDING PERMIT REPORT

RE: FEBRUARY BUILDING PERMIT REPORT:		
	2011	2010
Total construction cost for the month	\$ 2,822,472.62	\$ 2,981,903.00
Total Bldg. Permit Cost for Month	\$ 4,942.92	\$ 5,352.77
Total Zoning Permit Cost for the Month	\$ 2,680.00	\$ 2,870.00
Total Levy Fee for the Month	\$ 98.86	\$ 104.05
<i>Total Construction cost year to date</i>	<i>\$ 10,575,942.45</i>	<i>\$ 10,769,713.71</i>

RE: NO WAKE WHAYS CREEK, DECISION NOT TO CHANGE

Following a discussion from last month on the subject of rescinding the “No Wake” designation out of Whays Creek, Mr. Eades stated he received an opinion on the matter from Game and Inland Fisheries. The opinion from Rich Goszka, stated keeping the No Wake area would help to eliminate hazardous conditions on the water. Chairman Jett said he has received numerous calls in opposition of rescinding the designation.

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr., the Board voted not to change the No Wake Designation Zone on Whay’s Creek.

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: PERCUMENT BIDS (SMALL PURCHASE POLICY)

Mr. Eades said that he had been talking to County Attorney, Les Kilduff, concerning the establishment of a small purchase policy. The state has changed the procurement numbers and it would be easier for the county to have a policy in place for purchases under \$50,000. This is a cost effective way to negotiate with potential contractors.

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

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

SMALL PURCHASE POLICY

Purpose:

The purpose of this policy is to provide for the acquisition of needed services, equipment and materials for the County government in a manner that is most cost-effective for the citizens of Northumberland County and that is flexible enough to ensure the continued efficient operation of County governmental functions. Cost-effectiveness as used herein shall not only include consideration of sale or purchase cost but other factors such as quality and availability of service, product, warranty, product durability, experience and other factors reflecting the capabilities of vendors doing business with the County. This policy shall apply to single purchases or term contracts if the aggregate or the sum of all phases is not expected to exceed \$30,000.

The level of competition required is determined based on the value of the contract, as follows:

Up to and including \$5000 - Single orders permitted via telephone call. Verbal Award permitted.

Over \$5000 - up to but not exceeding \$20,000, including professional services - Board Policy – Receipt of one (1) written quote is required. County Administrator approval with Board of Supervisors acceptance.

Over \$20,000 – up to but not exceeding \$30,000, including professional services – Board Policy – Solicitation of three (3) informal written quotes from valid sources is required and approval is at the discretion of the Board of Supervisors.

Over \$30,000 up to \$50,000 – Board’s Policy – Requires a written informal solicitation of a minimum of four (4) vendors. Award shall be made to the lowest responsive and responsible vendor based on total cost, or best value if specified in the request for quote.

Over \$50,000 - Code of Virginia - Formal competition, with exceptions for sole source and emergency as determined by Purchasing Agent.

RE: INDOOR PLUMBING (INDOOR PLUMBING CONTRACT)

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the Board voted to continue the Indoor Plumbing contract with Bay Aging. 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: ANIMAL SHELTER APPROPRIATION

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 \$2,400.00 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: NORTHERN NECK REGIONAL JAIL BUDGET ADOPTION

Upon motion by James M. Long duly seconded by Richard F. Haynie, the Board voted to approve the budget as submitted by the Northern Neck Regional Jail for FY 12 in the amount of \$8,298,914.00. 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: DATES FOR COUNTY BUDGET

A work-session will be held on May 16th at 8 a.m.

The public hearing will be held on June 1, 2011 at 7 p.m. in the New Courts Building.

RE: BOARD COMMENT PERIOD

Supervisor Tomlin stated that a Virginia Department of Environmental Quality (VA DEQ) and the Northern Neck Planning District Commission (NNPDC) will host a public meeting to provide a summary of the draft federal No Discharge Zone (NDZ) application for selected water bodies in Northumberland County which includes Jarvis, Prentice, Dividing, and Cloverdale Creeks, Great and Little Wicomico Rivers, Coan River and the Glebe, Judith Sound, and the Yeocomico River in addition to a portion of one water body in Westmoreland County (Yeocomico River) on May 31, 2011 in the Courts Building. DEQ will be accepting public comments on the NDZ application beginning June 1st through June 30th, 2011.

A TMDL meeting will be held on the 26th of May and someone from the county needs to attend.

PAVING OF THE DITCHLY TRASH SITE-

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the Board voted to accept the proposal from CW Davis in the amount of \$18,750 to pave the Ditchly Trash Site. The vote on the motion is as follows:

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

Supervisor Long asked about the painting of the Old Courthouse. Mr. Eades said he has it budgeted. Chairman Jett asked Mr. Eades to begin to investigate a new radio tower for Emergency Services.

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: REQUEST BY OMEGA PROTEIN, INC. FOR A PERMIT TO ERECT EVAPORATORS THAT EXCEED THE 45 FOOT HEIGHT LIMIT FOR STRUCTURES IN THE INDUSTRIAL DISTRICT AT 610 MENHADEN RD. NEAR REEDVILLE

Zoning Administrator W.H. Shirley described the request. He explained that the evaporators exceeded the 45 foot height limit. He has received one comment on the request.

Mr. Andy Hall was present representing Omega Protein. Mr. Hall explained to the Board and to the audience how the evaporator works. He continued to say the evaporator is more efficient and is smaller in diameter. It will take the cooling water used to cool down the boilers and evaporate the water so there will not be a direct discharge like they are doing now.

Public Hearing Open

Mr. Alfred Shillings, Attorney, stated he has lived in the old Haynie home for 20 years right across from the factory. Mr. Shillings asked the representative from Omega if they have explored the possibility of electric. Mr. Hall said they haven't. Mr. Shillings said he has met with Mr. Hall and the Environmental Engineer to discuss the issues and he has been forthcoming. Mr. Shillings is concerned with the noise of the factory and would like to see a noise ordinance. He then suggested putting in some Leland cypresses to help with the noise the factory gives off.

Mr. Dick Saxer said he has lived in Reedville for 16 years and he was first told that the odor there was the "smell of money". Mr. Saxer continued to say that Omega has been a good neighbor and the tower will not make it worse.

Mr. Ron Herring said he moved to that area 55 years ago and Omega has been a good neighbor and he said that the smell is better now than it was when he was a boy.

Public Hearing Closed

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to approve the request with one suggested condition: (1) The evaporators must be situated on the property as shown on the site plan submitted with the application.

The vote on the motion is as follow:

Ronald L. Jett – YEA

Thomas H. Tomlin – YEA

A. Joseph Self, Sr. – YEA

Richard F. Haynie – YEA

James M. Long – YEA

Supervisor Tomlin said to have a noise ordinance to cover this situation it would have to be very precise otherwise it will get thrown out of court.

RE: CARRY-OVER 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

Zoning Administrator Shirley described the request that was carried over last month.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board motioned to deny the request and the applicant must:

- a. Remove all of the existing addition built within the seaward 50’ of the Resource Protection Area;
- b. Have all work surveyed by the same surveyor who prepared the site plan to prove that the entire building is outside the 50’ buffer;
- c. Re-establish soil cover and satisfactorily maintain it in compliance with the Chesapeake Bay Preservation Area Ordinance
- d. Have the work completed and the survey showing compliance provided the county by August 1, 2011, for the county staff to verify compliance and report to the Board of Supervisors at the regular August Board meeting; and,
- e. Be responsible for all permits and inspections with all permit fees charged at the after-the-fact rate.

Supervisor Tomlin, made a substitute motion to approve the request with a civil penalty of \$10,000.00. There was no second to the motion (not required in bylaws). Supervisor Tomlin proceeded to say he motioned this because it is an after-the-fact request and if it had been done properly then it would have probably been approved. Ms. Worley has a real-estate license and should have known better but still disregarded the notices to stop work. If the additions were torn down it will be ugly. If Ms. Worley agrees to the civil penalty we can move on. Mr. Tomlin said he would have approved the request if it had come up before any construction.

Supervisor Self suggested giving Ms. Worley the two options and have her respond with her decision by the next Board meeting.

Supervisor Self, Long and Tomlin agreed to withdraw their previous motions.

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr., the Board voted to table the request until next month. The vote on the motion is as follows:

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

Ms. Worley came forward at this time and said “don’t call me a liar.” She said she did not continue to work and she has asked who said she had continued working on the house. She said the only thing they did was clean the gutters and you keep calling me a liar. She said she will not be called a liar in public. Supervisor Tomlin told Ms. Worley that she must have a different interpretation of words after he said she disregarded the stop work order, he said he is just going by the documented letters to her. Supervisor Self said who made the call on you continuing work is irrelevant and there are two options we have given you.

RE: PUBLIC COMMENT PERIOD

Ms. Ginny Estell announced that Jane McQuade from the Northumberland County Library is retiring and the Board is invited to go to her reception on Sunday.

RE: ADJOURNMENT

Upon motion by James M. Long duly seconded by A. Joseph Self, Sr., the Board voted unanimously carryover until 8 a.m. May 16, 2011. The vote on the motion was:

Ronald L. Jett – YEA
A. Joseph Self, Sr. – YEA
James M. Long – YEA

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

Kenneth D. Eades, Clerk