

**Board of Supervisors Meeting
September 9, 2010
5:00 P.M.**

NORTHUMBERLAND COUNTY, VA

The meeting was convened for the regular monthly meeting of the Northumberland County Board of Supervisors that was held in the New Courts Building, on Thursday, September 9, 2010

Present: Ronald L. Jett. – Supervisor
 Richard F. Haynie – Supervisor
 Joseph Self, Sr. – Supervisor
 Thomas H. Tomlin – Supervisor
 James M. Long – Supervisor

W. Leslie Kilduff, Jr. – County Attorney
Kenneth D. Eades – County Administrator
Luttrell Tadlock – Assistant County Administrator

RE: INVOCATION

Reverend Janet Grissett, Melrose United Methodist Church led the invocation.

RE: PLEDGE OF ALLEGIANCE

Supervisor Tomlin led us in the Pledge of Allegiance.

RE: MINUTES APPROVED FOR SEPTEMBER 9, 2010

Upon motion by A. Joseph Self, Sr., and Thomas H. Tomlin the Board voted to approve the minutes for September 9, 2010.

The vote on the motion is as follows:

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

RE: APPROVAL OF AGENDA

Upon motion by James Long., duly seconded by Thomas H. Tomlin, the Board voted unanimously to approve the agenda for today's meeting with the following changes: Mr. Trapani from the Virginia Department of Transportation was unable to attend. A closed meeting is added to the end of the Public Hearing Session and the Downing request for the Public Hearings has been withdrawn.

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: SUPERINTENDENT OF SCHOOLS, CLINT STABLES

Mr. Stables handed out the sports schedule for the schools and announced that the Grace Lowery Golf Tournament will be this coming Saturday. At the start of school Mr. Stables said the enrollment was around 1416 and he

had estimated 1370 for the budget. Mr. Stables said underestimating the enrollment is good news from a financial standpoint.

Mr. Stables thanked the Virginia Department of Transportation for re-striping of Academic Lane and adding a turning lane.

Mr. Eades questioned the staggering of the times the students start school at each location. Mr. Stables said it is 15 minutes between schools.

Mr. Stables said that the stimulus funds will flow through the composite index. This is unfortunate for us because the figures are less than previously thought. He said he will have a better idea of the money next week.

Bus routes may be readjusted for those routes that are in the lower end of the county because there are some that are picked up at 6:20 a.m.

Mr. Stables explained to the Board that they have a new program called the Credit Recovery Program that will help those students that need to get back on track for graduation. They are also working on attendance issues.

Supervisor Tomlin questioned the stop light on Academic Lane and referenced the light at St. Claire Walker Middle School in Middlesex County as far as the light that has been put there. Mr. Eades said he was told that ours is in the works.

**RE: MR. CHARLES R. WALSH, EXECUTIVE DIRECTOR
COMPREHENSIVE SERVICES BOARD; PERFORMANCE
CONTRACT**

Mr. Walsh came before the Board to thank the Board of Supervisors for their support and to ask for approval of the Performance Contract.

Mr. Walsh explained several different aspects of the funding as well as what services they provide. Mr. Walsh said they have 36 years of providing services and operate on a \$20 million dollar budget.

Mr. Walsh advised the Board of the cuts they have had to make because of the shape of the economy.

Supervisor Tomlin asked what the health bill will do to the services they provide. Mr. Walsh said they will have more demand and they are worried if they will have the workforce.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to accept the performance contract resolution.

WHEREAS, §37.2-508 OF THE *Code of Virginia* [1950] as amended, requires each Community Services Board to submit, to the governing body of each political subdivision that established it, an annual Performance Contract for community mental health, mental retardation and substance abuse services for its approval prior to submission of the contract to the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, and

WHEREAS, the Middle Peninsula – Northern Neck Community Services Board has put forward its proposed Performance Contract for Fiscal Year 2012, for approval by the Boards of Supervisors of its governing counties of Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland;

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Supervisors of Northumberland County, Virginia, that the Performance Contract prepared by the Middle Peninsula-Northern Neck Community Services Board for Fiscal Year 2012 and presented to the Board is hereby approved and may be forwarded to the Department of Mental Health, Mental Retardation and Substance Abuse Services as further required.

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: BUILDING PERMIT REPORT:		
	2010	
2009		
Total construction cost for the month 2,289,211.42	\$ 3,121,105.57	\$
Total Bldg. Permit Cost for Month 4,693.72	\$ 6,376.92	\$
Total Zoning Permit Cost for the Month 1,900.00	\$ 2,190.00	\$
Total Levy Fee for the Month 93.88	\$ 127.55	\$
<i>Total Construction cost year to date</i> 40,990,388.83	<i>\$ 21,427,216.75</i>	<i>\$</i>

RE: APPROPRIATION TO ANIMAL SHELTER

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr., 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 for Animal Shelter funds. 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 SUMMER YOUTH PROGRAM

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to appropriate the requested funds from Account 1201 in the amount of \$1,830.05 to line item 1003 for the County Administrator office assistant and \$2,120.71 from Account 3501 to 1003. The appropriation is a total of \$3,950.76. 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

* The total amount will be refunded by the RCC Summer Youth Program

RE: RDA ACCOUNT SOFTWARE DATA CONVERSION

Mr. Eades explained that our current accounting software (mbgui) will no longer be supported by our provider RDA next year.

Mr. Eades said he has been advised to upgrade to a program called Open RDA. This will be a complete data conversion and can be done with in a 7

day time frame. Training will have to be done for the new system and this will cost \$12,000.00 excluding the annual support of \$13,667.21.

Supervisor Self asked if this will affect the school system. Mr. Eades said it would at a much higher costs because they use more modules.

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to upgrade the accounting system to Open RDA Systems. 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 – EMERGENCY OPERATION PLAN

Mr. Eades explained there has been three major changes that needed to be adopted in the emergency operations plan to include an animal shelter annex, as well as a dam annex and a pandemic annex.

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

The vote on the motion is as follows:

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

Supervisor Tomlin questioned Gardy's Mill Pond's dam. Mr. Eades said that is listed in Westmoreland County.

RE: TEMPORARY CAMPERS AND TRAVEL TRAILORS DISCUSSION

Mr. Eades explained that some years ago several questions came up about temporary campers and travel trailers used on a permanent basis. Under our ordinance, they are permitted as a by-right provision. Staff has reviewed this again and suggests travel trailers be eliminated as a by-right provision for those that are on individual parcels. They would still be allowed within a campground.

Supervisor Self asked if this is for permanent use ones or temporarily used campers. Mr. Eades said the problem is that the temporary ones are being used for permanent use and it is hard to enforce.

Supervisor Tomlin asked if a camper or trailer is being used while a person is building there house, would this be a permitted use.

Supervisor Tomlin then asked to find out what other localities were doing with this.

Supervisor Self said he was concerned about heating a travel trailer in the winter time.

RE: BLUFF POINT WORK SESSION SCHEDULED

A work-session for the Board of Supervisors is scheduled for October 4, 2010 at 5 p.m. at the New Courts Building.

RE: ECONOMIC DEVELOPMENT COMMISSION APPOINTMENT

Upon motion by Richard F. Haynie, duly seconded by James M. Long the Board voted to appoint Ms. Heidi Wilkins to replace Bruce Andrews on the Economic Development 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: APPROVAL OF CHECK REGISTER

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

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

RE: BOARD COMMENT PERIOD

Supervisor Tomlin asked to let VDOT know that grass needs to be cut on Good Luck Road and 200. Also some signs need to be cleaned around and bolted back.

RE: RESOLUTION COMMENDING DR. DAVID B. NICHOLS

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board voted to adopt the following resolution commending Dr. David B. Nichols for his dedication and compassion to provide medical services to those living on Tangier Island.

WHEREAS, those living on Tangier Island would not have had medical care for the past 31 years but for the dedicated and compassionate care provided by Dr. David B. Nichols, who on his one day off during the week, flew his personal plane or personal helicopter, or if necessary, by car and boat ride to Tangier Island; and

WHEREAS, Dr. David B. Nichols was recognized by the national Staff Care as the 2006 Country Doctor of the Year and was further recognized by the Virginia General Assembly in the 2007 Session in Senate Joint Resolution 426 and House Joint Resolution 760 for this dedication and compassionate medical care; and

WHEREAS, through the efforts of Dr. David B. Nichols and others, funding for a new, modern medical center were received with the new medical center just being completed and dedicated as the Dr. David B. Nichols Medical Center on August 29, 2010; and

WHEREAS, the same national Staff Care recognized Dr. David B. Nichols as their first Country Doctor of the Decade; and

WHEREAS, it is with much sadness that it has been learned that Dr. David B. Nichols has terminal cancer but this has not stopped him from providing medical care to Tangier Island and he has made arrangements with Riverside Medical Group to insure that medical care will be available for the residents of Tangier Island when he is no longer able to do so.

NOW, THEREFORE, BE IT RESOLVED, that the Northumberland County Board of Supervisors wishes to commend Dr. David B. Nichols for the years of providing medical services to the people of Tangier Island in the best tradition of the medical profession; and

BE IT FURTHER RESOLVED, that a copy of the resolution be delivered to Senator Stuart and Delegate Pollard for their consideration of a similar resolution.

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: CONTINUATION OF BOARD COMMENT PERIOD

Supervisor Tomlin said he saw that we didn't get the Broadband Grant. Mr. Eades said there was one more announcement and should know more by the end of the month.

Supervisor Long asked about the status of the Light Street Project. Mr. Eades said we are still waiting for DHCD to send the kick off letter.

RE: PUBLIC HEARING SPEAKING TIME POLICY CHANGED

Chairman Jett commented that the current policy for public speakers is 3 minutes. He then asked the other Board members if this is the policy they would like to keep or should we allow a longer time.

Supervisor Tomlin said an attorney should be allowed more time because he represents multi people. Chairman Jett said he thinks the attorney's should disclose who they are representing.

Mr. Dick Saxer questioned if a time keeper was used at the Bluff Point Hearing. Supervisor Self said the Board did have a time keeper that was sitting on the front row.

Supervisor Long suggested having attorneys to speak no longer than 6 minutes and speakers no longer than 4 minutes with applicants having no time frame.

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to increase the public speaker time to 4 minutes instead of 3 minutes and the Attorney that is representing a group of people is allowed to speak up to 6 minutes. 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

PUBLIC HEARINGS

- Mr. Eades announced that the Downing request for an exception to the Chesapeake Bay Act has been withdrawn because a public hearing is not needed due to the roadway that had been in question is not within the 100' buffer so this request does not have to become before the Board of Supervisors.

RE: REQUEST BY R.P. WALLER, JR., INC. OWNER AND B. PAUL JONES, JR. APPLICANT FOR RECONSIDERATION OF THE CONDITION THAT THE PERMIT IS NOT TRANSFERABLE ON HIS BULK STORAGE FACILITY APPROVED LAST MONTH.

Mr. Eades stated this reconsideration on the condition that was approved last month which stated, The permit is not transferable and any subsequent owner (s) or operator (s) who wishes to continue the business must have a written permission from the Board of Supervisors, be removed. The condition was asked to be taken out by the applicant, Mr. Jones.

Chairman Jett stated that Mr. Jones is not present tonight but he had talked with him previously and he understood that Mr. Jones has no intentions of selling the business but was concerned that if something were to happen to him, his wife would not be able to sell it.

Public Hearing Open

Mr. Dick Saxer questioned that if Mr. Jones were to die, then couldn't his wife just come before the Board? Chairman Jett said yes she could but at that time, there could be a different set of Board members and may not approve it.

Mr. Saxer said he didn't understand the reason.

Public Hearing Closed

Upon motion by Thomas H. Tomlin duly seconded by A. Joseph Self, Sr., the Board voted to delete the condition: The permit is not transferable and any subsequent owner (s) or operator (s) who wishes to continue the business must have a written permission from the Board of Supervisors.

The vote on the motion is as follows:

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

RE: AMENDMENT TO THE FLOODPLAIN MANAGEMENT ORDINANCE TO INCREASE THE FREEBOARD ABOVE THE FLOODPLAIN TO A MINIMUM OF 2 FEET.

Mr. Eades described the request to increase the 1 foot freeboard space to 2 feet within the floodplain. Mr. Eades said he has not received any comments.

Supervisor Self said he was concerned with the building code, this may add up to 3 steps. Supervisor Haynie said most HVAC equipment is 22 to 24 inches.

Public Hearing Open

No comments were given

Public Hearing Closed

Upon motion by James M. Long, duly seconded by Richard F. Haynie the Board voted to adopt the ordinance that will increase the freeboard above the floodplain to a minimum of 2 feet. The vote on the motion is as follows:

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

Supervisor Tomlin said he had talked with different contractors in the area and they all said they didn't have a preference either way.

RE: PUBLIC COMMENT PERIOD

Mr. Bill Pyska came before the Board with his concerns on the abandoned houses in the Jetty's Reach area close to his home. He said he would like to see the county check on vacated houses in the county to see if they needed to

be secured or torn down. Mr. Pyska said he is really concerned with people living in these abandoned houses.

Commonwealth Attorney, Jane Wrightson responded with her opinion saying if the property owner doesn't exercise rights, a civil action or general nuisance complaint may be obtained.

Mr. Spud Parker stated he can't hear in these meetings.

Mr. David Mower stated his concerns with the Bluff Point Project saying it would be arbitrary to approve this in reference with the Camp Kitty which was turned down.

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 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	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 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 carryover the meeting until October 4, 2010. 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