

**Board of Supervisors Meeting  
September 13, 2012  
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 at Northumberland Courts Building, on Thursday, September 13, 2012.

Present:        Ronald L. Jett. – Chairman  
                  Richard F. Haynie – Vice Chairman  
                  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**

Rev. Kori Kiss, Bethany Baptist Church led the invocation.

**RE: PLEDGE OF ALLEGIANCE**

Mr. James M. Long led in the Pledge of Allegiance.

**RE: APPROVAL OF MINUTES FOR AUGUST 9, 2012**

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to approve the minutes from the August 9, 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: APPROVAL OF AGENDA**

Upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin the Board voted to approve the agenda for today's meeting. 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 VANLANDINGHAM, VDOT**

Mr. VanLandingham reported that the last grass cut will start the last week in September. Patching of roads will begin in October and curb and gutter cleaning will start within the next few weeks.

Supervisor Self reported a ditch issue in Lewisetta.

Supervisor Long thanked the Department for helping out with Edwardsville Day.

Supervisor Tomlin asked if the secondary roads will be cut first. Mr. VanLandingham stated that yes they would be the first.

Mr. David Brown, Resident Administrator introduced Mr. Al Balderson as the new Maintenance Supervisor for the Northern Neck.

**RE: DR. REBECCA GATES, SUPERINTENDENT OF SCHOOLS**

Dr. Gates introduced herself to the Board as the new school Superintendent of Schools. She reported that enrollment is at 1413 at this time last year it was 1412.

**RE: SCHOOL BOARD APPROPRIATION**

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the Board voted to appropriate the following (\$16,0007.21 was not included in these appropriations for VRS Redistribution Refund because of the lack of explanation):

August 2012

\$ 330.00 – Admin Solutions refund due employees for discontinuance of payroll deduction  
\$ 2,500.00 – University of Virginia 21<sup>st</sup> Century Algebra Grant Summer 2012

September 2012

\$15,664.86 – E Rate Reimbursement (telecommunication services)  
\$ 1,700.00 – University of Virginia 21<sup>st</sup> Century Algebra Grant  
\$45,016.00 – Void Check for VRS Amortization Payment from 2011-2012 budget – Debt Svc.

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: CAPTAIN JUNGE AND CHRIS JORBOE, NAVAL AIR STATION, PATUXENT RIVER**

Mr. Jorboe stated it has been a while since they have visited the Board and wanted to come today to visit their neighbors to see if they have any concerns or questions concerning Patuxent Air Station.

Captain Junge presented to the Board a power point presentation on the maps which indicated the restricted airspace and how they work with the “neighbors” that outline these boundaries. Captain

Junge passed out information on the naval base as well as some helpful phone numbers that pertain to the community involvement. He noted the noise disturbance hotline phone number which is 1-866-819-9028.

The Board thanked the staff for coming today.

**RE: BUILDING PERMIT REPORT**

Month of June	2012	2011
Total construction cost for the month	\$ 1,396,558.00	\$ 1,352,140.33
Total Bldg. Permit Cost for Month	\$ 3,017.88	\$ 3,139.20
Total Zoning Permit Cost for the Month	\$ 1,530.00	\$ 1,120.00
Total Levy Fee for the Month	\$ 57.36	\$ 62.78
<b>Total Construction cost year to date</b>	<b>\$ 13,833,016.46</b>	<b>\$ 19,636,870.43</b>

**RE: SHERIFF OFFICE APPROPRIATION**

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to appropriate \$4,000.00 to account number 3102-7005 from the sale of a 2009 Ford Crown Victoria sold to Richmond County. 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 James M. Long, duly seconded by A. Joseph Self, Sr., the Board voted to appropriate \$2,400.00 from account 10-286 to line item 10-3501-1004 to pay additional funds to animal shelter employees from monies that the volunteers have raised. 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 SUMMER YOUTH APPROPRIATION**

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to appropriate \$816.00 to line item 10-3501-1003 for the summer youth employee program and \$62.42 for the FICA and Medicare to 10-3501-2001. The summer youth program is a grant funded position and the county will be reimbursed. 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: POTOMAC ROUNDTABLE APPOINTMENT – K. EADES**

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board voted to appoint County Administrator, Kenny Eades as the Northumberland member of the Potomac Watershed Roundtable. Mr. Stuart Mackenzie will remain the alternate member. 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: HAZARDOUS WASTE COLLECTION DAY**

Mr. Eades reminded the Board that the Hazardous Waste Collection day is scheduled for Saturday, September 22<sup>nd</sup> at the Horsehead Waste Site.

**RE: ADVERTISE SEALED BIDS FOR MOBILE CLASSROOM AT THE OLD HIGH SCHOOL**

Upon motion by Thomas H. Tomlin duly seconded by James M. Long, the Board voted to advertise to accept sealed bids for the last remaining mobile classroom that is located at the old Northumberland High School grounds. The Board would like to see the unit moved within 30 days of the day the bid is granted. 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: VIRGINIA ASSOCIATION OF COUNTIES CONFERENCE**

Mr. Eades reminded the Board that The Virginia Association of Counties annual meeting is coming up but the agenda has not been established yet. He said he needed to know who will attend by the next Board Meeting.

**RE: BAY ACT REVIEW**

Mr. Eades commented that the County’s Chesapeake Preservation Area Ordinance has been reviewed by the Department of Conservation and Recreation and they want the county to make five changes to the way the program is handled currently. These include:

1. Adopt ordinance revisions that require a notation on plats indicating the need for a five year pump-out requirement of the septic system.
2. County must implement a five year septic tank pump0out notification and enforcement program, including adequate tracking and documentation of necessary information.
3. Develop a process for the tracking, maintenance and inspection of BMP’s.

4. Develop a plan requiring that Soil and Water Quality Conservation Assessments are developed for all lands upon which active agricultural activities are undertaken.
5. Document submission of a WQIA for any proposed land disturbance, development or redevelopment within an RPA.

The only requirement that may be a problem is the Water Quality Conservation Assessments because the information is confidential and we cannot get copies. DCR hopes to work all this out but has not as of this date. The Board asked Mr. Eades to get with County Attorney Kilduff and see what information we are allowed to have on farm plans.

**RE: PETITION RECEIVED CONCERNING CELL PHONE COVERAGE IN REEDVILLE**

Mr. Eades informed the Board that he had received a petition from citizens in the Reedville area with concerns for the lack of cell phone coverage. Mr. Eades said that he has written Mr. Tim Dykstra from Verizon and is awaiting a response.

**RE: CODE RED NOTIFICATION YESTERDAY**

Mr. Eades commented that we had to send out an emergency notification (Code Red) yesterday to the Callao area citizens concerning a runaway gunman in the Fruit Plain area. He stated that it went really well and 47% answered the call and 42% of the calls were answered by an answering machine.

**RE: BOARD COMMENT PERIOD**

Mr. Long asked about the painting of the old courthouse. Mr. Eades said he has been working on the details. He hasn't bid it out yet but has been talking to staff at the Northern Neck Regional Jail about getting the prisoners to do it after grass cutting season.

**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: 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 personnel matter and acquisition of property as permitted by Virginia Code Section 2.2-3711 (A) (1), (3) and (7). 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 James M. Long, duly seconded by A. Joseph Self, Sr., 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 Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr., 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 personnel matter, disposition of public property and acquisition of property.

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	

No action was taken after the Closed Meeting.

**PUBLIC HEARING**

**RE: REQUEST BY DEBORAH WHITTAKER, OWNER AND REEDVILLE ENTERPRISES, LLC/THOMAS O. NUTT, JR., APPLICATION FOR CONDITIONAL USE PERMIT TO OPERATE A COMMERCIAL AQUACULTURE BUSINESS AT 861 MAIN STREET REEDVILLE.**

Zoning Administrator W.H. Shirley described the request for a condition use permit to operate a commercial aquaculture business in Reedville. He has received one comment in support.

### **Public Hearing Open**

Mr. Richard Saxer said he is a neighbor and is happy to see that building being used again.

### **Public Hearing Closed**

Upon motion by Ronald L. Jett duly seconded by James M. Long the Board voted unanimously to approve the request with the following conditions:

1. The permit is valid for one year and will expire on September 13, 2013, if the aquaculture operation is not established; and,
2. The permit extends to the applicant only and any future owner or lessee of the property must apply to the Board of Supervisors for permission to continue the operation.

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: REQUEST BY ROY AND JULIA BREDDER, CONTRACT PURCHASERS, FOR A CONDITIONAL USE PERMIT TO RAISE SHEEP ON PROPERTY ZONED R-2 LOCATED ON COWART ROAD**

Zoning Administrator W.H. Shirley described the request for the conditional use permit. He has received one letter in support and one comment that he said suggested conditions if approved. Mr. Shirley then stated he had received a letter from the Corp of Engineers saying that 8 acres of property has wetlands and staff is recommending denying the request.

### **Public Hearing Open**

Mr. Ralph Millar suggested some vegetation buffer to protect the wetlands.

### **Public Hearing Closed**

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long the Board voted to deny the request. The denial was based upon staff's recommendation after receipt of the report of the U.S. Army Corps of Engineers that a significant portion of the property contained upland wetlands.

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: PUBLIC COMMENT PERIOD**

None

**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 personnel matter and acquisition of property as permitted by Virginia Code Section 2.2-3711 (A) (1), (3) and (7). 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 James M. Long, duly seconded by A. Joseph Self, Sr., 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 Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr., 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 personnel matter, disposition of public property and acquisition of property.

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	

**RE: JOE GORDON’S REQUEST FOR PAYED LEAVE**

Upon motion by Richard F. Haynie, seconded by Thomas H. Tomlin, the Board voted not to reimburse Joe Gordon for any addition amount above the \$5,000 maximum in the County’s policy for unexpended leave time after his resignation. 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

**RE: ADDITIONAL COMPENSATION FOR ASSISTANT COMMONWEALTH ATTORNEY**

Upon motion by Richard F. Haynie, seconded by Thomas H. Tomlin, the Board voted not to compensate the assistant Commonwealth Attorney as requested by the Commonwealth Attorney. The vote on the motion was:

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

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

**RE: COMPENSATION FOR DEPUTY TREASURER**

Upon motion by A. Joseph Self, Sr., seconded by Thomas H. Tomlin, the Board voted to increase Debbie Harper’s salary due to obtaining certification within the Treasurer’s Association. The increase will bring the salary to \$24,451.84. The vote on the motion was:

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

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

**RE: DISPOSITION OF OLD NORTHUMBERLAND HIGH SCHOOL**

Upon motion by Thomas H. Tomlin, seconded by Richard F. Haynie, the Board voted to advertise for a public hearing to take comments on the disposition of the old Northumberland High School property and interest in the YMCA lease but excluding the Cellular Tower. 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

**RE: ROBERTSON HOUSE**

Upon motion by Thomas H. Tomlin, seconded by James M. Long, the Board voted to seek bids to tear down and fill the basement of the old Robertson House adjacent to the Courthouse after the reassessment office is moved out of the building. 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

**RE: ADJOURNMENT**

Upon motion by A. Joseph Self, Sr., seconded by Thomas H. Tomlin, the Board voted to adjourn.  
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

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Kenneth D. Eades, Clerk