

**Board of Supervisors Meeting  
September 12, 2013  
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 12, 2013.

Present:

Ronald L. Jett - Chairman  
Richard F. Haynie - Vice-Chairman  
Joseph Self, Sr. - Supervisor  
Thomas H. Tomlin - Supervisor  
James M. Long - Supervisor

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

**RE: INVOCATION**

Pastor Esther Ogbosu, Henderson United Methodist Church led the invocation.

**RE: PLEDGE OF ALLEGIANCE**

Chairman Jett led us in the Pledge of Allegiance.

**RE: APPROVAL OF MINUTES FOR AUGUST 8, 2013**

Upon motion by Thomas H. Tomlin seconded by Richard F. Haynie, the Board voted to approve the minutes for August 8, 2013.

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 Thomas H. Tomlin seconded by Richard F. Haynie, the Board voted to approve the agenda for today's meeting with several changes. Elizabeth Martin from Riverside Tappahannock

Hospital will be coming next month to speak. The request by Raymond Swanson has been tabled until next month. Supervisor Tomlin asked to add to the closed session to discuss a legal matter. 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: DR. REBECCA GATES, SUPERINTENDENT OF SCHOOLS**

Dr. Gates proudly announced that the school system has received the safety grant that they applied for to upgrade and add cameras. The safety grant amount totaled \$78,591.00. The local match is \$19,732.00.

The accreditation report of all the school systems in the state has been delayed but should be completed by September 20<sup>th</sup>.

**RE: SCHOOL BOARD APPROPRIATION**

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

\$ 2,185.97 – E-rate Reimbursements – Blackboard (Website)  
\$ 4,306.00 – Project Graduation (Spring 2013)  
\$ 90.00 – Medicaid Reimbursements – Medical  
\$ 500.00 – Refund from MWC for Reading Partner’s Scholarship (will be refunded to Reading Partners – NES)

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: MR. TODD VANLANGINHAM, VDOT LOTTSBURG AHQ**

Mr. VanLandingham reported that fall mowing will start on September 23<sup>rd</sup>. They will start on the secondary roads first. Other maintenance work is in progress including cutting brush and updating signs. Snow venders are all signed up for the upcoming winter months including 12 tractors and 5 hired trucks along with the VDOT crew.

Mr. Dave Brown from the Northern Neck Residency spoke on the upgraded signs that are going up in the county. He said these new signs meet the new reflective standards.

Supervisor Tomlin asked about Academic Lane and if there was any progress with getting it safer. Mr. Brown said a survey is underway.

**RE: BUILDING PERMIT REPORT**

Month of August		
	<b>2013</b>	<b>2012</b>
Total construction cost for the month	\$ 2,563,536.00	\$ 1,396,558.00
Total Bldg. Permit Cost for Month	\$ 4,974.76	\$ 3,017.88
Total Zoning Permit Cost for the Month	\$ 1,570.00	\$ 1,530.00
Total Levy Fee for the Month	\$ 99.49	\$ 57.36
<b>Total Construction cost year to date</b>	<b>\$ 19,985,496.18</b>	<b>\$ 13,833,016.46</b>

**RE: ANIMAL SHELTER APPROPRIATION**

Upon motion by Thomas H. Tomlin duly seconded by James M. Long the Board voted to appropriate the following animal shelter reimbursement:

\$3,748.00 to line item 10-3501-1004 from the Animal Shelter Yard Sale proceeds.

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: VACo 2013 VOTING MEMBER – KENNETH D. EADES**

Upon by Thomas H. Tomlin, duly seconded by James M. Long the Board voted to authorize County Administrator Kenneth D. Eades to cast its vote at the 2013 Annual Meeting of the Virginia Association of Counties conference on November 12, 2013.

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 LAND CONSERVANCY EASEMENT (WILBUR-BARTON WINTEAD EASEMENT)**

Mr. Eades informed the Board that he had received a request for a land easement document which the County would co-hold with the Northern Neck Land Conservancy. Mr. Eades stated the 2009 an agreement was passed for the county to hold easements with the Conservancy. County Attorney Kilduff said he has a conflict with this property and would have to remove himself for the discussion but stated there are a few things to iron out before the deed is ready. Supervisor Self questioned the cost and liability to the county. Mr. Eades suggested bringing this back to the Board at the October 10<sup>th</sup> meeting.

**RE: NORTHERN NECK FERRY SERVICE TO RESUME NORMAL OPERATING HOURS AFTER LABOR DAY**

Mr. Eades stated the running times of the Ferry at Sunny Bank have gone back to normal schedule.

Monday – Friday 8 a.m. to 4:30 p.m.

Saturday – 8 a.m. to 12 p.m.

**RE: GREAT WICOMICO RIVER OYSTER RESTORATION REHABILITATION PROJECT**

Mr. Eades stated he has received a letter from the Department of Environmental Quality informing the county that an application has been received from the Army Corp of Engineers proposing to dredge 48,000 cubic yards of fossil oyster shells from the Tribell Shoals of the James River in James City County and use them to rehabilitate 17.6 acres of oyster reefs within the Great Wicomico River.

**RE: RESOLUTION – 100<sup>TH</sup> ANNIV. OF BLUFF POINT SCHOOL**

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

**RESOLUTION  
BLUFF POINT SCHOOL**

**WHEREAS,** The Bluff Point School, originally known as Bluff Point Graded School #3, began in 1913; and

**WHEREAS,** The Bluff Point School was one of forty-four other schools in Northumberland County; and

**WHEREAS,** The Bluff Point School was one of three schools built in Bluff point and the first school to have two rooms; and

**WHEREAS,** The Bluff Point School closed in 1933,

**NOW THEREFORE, BE IT RESOLVED,** That the Northumberland County Board of Supervisors does hereby express their sincere appreciation to the Bluff Point Community League for maintaining the old Bluff Point Graded School #3 building; and

**BE IT FINALLY RESOLVED,** That the Board of Supervisors recognizes the One-Hundredth Anniversary of the school.

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: RESOLUTION – CELEBRATING INEZ TAYLOR’S 100<sup>TH</sup> BIRTHDAY**

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

**HONORING MRS. INEZ SELES (BLACKWELL) TAYLOR**

**WHEREAS**, on August 2, 2013, Mrs. Inez Taylor reached her 100<sup>th</sup> date of her birth; and

**WHEREAS**, Mrs. Inez Taylor is a native of Northumberland County; and

**WHEREAS**, Mrs. Taylor was married to the late Joseph Taylor, Sr. for Sixty-Eight years; and

**WHEREAS**, Mrs. Taylor is a beloved family member with seven children, five grandchildren and nine great-great grandchildren; and

**WHEREAS**, the family and friends of Mrs. Inez Taylor honored her 100<sup>th</sup> birthday with a celebration of her life and contributions to her loved ones,

**NOW THEREFORE BE IT RESOLVED**, that the Northumberland County Board of Supervisors hereby congratulates Mrs. Inez Taylor for her 100 birthday; and

**BE IT FURTHER RESOLVED**, that the Northumberland County Board of Supervisors wishes Mrs. Inez Taylor a very Happy Birthday and fondly hopes she celebrates many more.

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: NO WAKE REQUEST HEADLEY COVE, COWART**

Mr. Eades said he has received a request for a No Wake Marker to be placed in the Headley Cove area of Cowart's Point. He said there is 22 property owners that butt up to this cove and 14 have signed a petition for the marker. Supervisor Self suggested that we get an opinion from Ken Williams of Game and Inland Fisheries before advertising.

**RE: DEED TO THE YMCA (OLD HIGH SCHOOL)**

Mr. Eades gave an update on the YMCA deed that has been discussed for the last several months. He said in the deed the County will hold 3.1 acres around the cell tower. The deed also contains four restrictions. The Board suggested re-wording some of the language in the deed. Mr. Eades said he would include the changes in the package for next months' meeting for the Board to review.

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr. the Board voted to carry over the authorization to accept the deed to next month with changes made as suggested.

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: MILEAGE REIMBURSEMENT REVIEW**

Upon motion by James M. Long, duly seconded by Richard F. Haynie the Board voted to change the mileage reimbursement to 56 cents. The motion was later withdrawn. Mr. Eades was directed to find out the approximate cost of mileage reimbursement if the rate was increased.

Mr. Eades was also directed to estimate the cost of increasing the site visit from the various Boards in the County.

**RE: RESOLUTION – MR. JOHN T. JORDAN**

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

**RESOLUTION  
JOHN THOMAS JORDAN**

**WHEREAS;** Mr. John Thomas Jordan began his education career as an Elementary Teacher in Halifax, North Carolina from 1967 to 1970; and

**WHEREAS;** Mr. John Thomas Jordan became a special needs Teacher at Rehoboth Elementary School in Northumberland County in 1970; and

**WHEREAS;** the same Mr. Jordan also served as a special needs Teacher at Fairfields Elementary (1971), a Principal at Rehoboth Elementary School (1971 – 1977), Associate Principal at Northumberland Junior High School (1977-1979), Teacher at Callao Elementary School (1979-1991), Teacher at Northumberland Middle School (1991-1994), Assistant Principal at Northumberland High School (1994-2005) and as an Attendance Officer for Northumberland School System (2005-2010); and

**WHEREAS;** the same Mr. Jordan served on the Northumberland County Department of Social Services Board from July 2005 to June 2013; and

**WHEREAS;** the same Mr. Jordan represented the county with the utmost integrity, kept our children safe and taught them to be a better person,

**NOW, THEREFORE, BE IT RESOLVED,** THAT THE Board of Supervisors hereby expresses its deepest sadness at the passing of Mr. Jordan and hopes that his family and friends will always remember the impact that Mr. Jordan had in the county and especially our school system.

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: BOARD COMMENT PERIOD**

Supervisor Tomlin asked how the reassessment was going. Mr. Eades said all the field work has been entered into the system and they are working on new construction. The hearings should start in November. Mr. Eades asked the Board to start thinking about members for the Board of Equalization.

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

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

**RE: CLOSED MEETING**

Upon motion by A. Joseph Self, Sr., duly seconded by, Richard F. Haynie, the Board voted unanimously to convene into closed meeting to discuss a personnel matter and a legal matter as permitted by Virginia Code Section 2.2-3711 (A) (7) (1) & (7). 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: OPEN MEETING**

The Board convened back into open session upon motion by James M. Long, 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 James M. Long, 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 personnel matter and legal 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	

No action was taken after the Closed Meeting.

## **PUBLIC HEARING**

**\*The request by Swanson has been tabled until next month but comments will be accepted tonight.**

**RE: REQUEST BY COWART PROPERTIES, LLC OWNER, AND S. LAKE COWART, JR. APPLICANT FOR A CONDITIONAL USE PERMIT TO ALLOW THE INSTALLATION OF A MOBILE HOME TO BE USED FOR SEASONAL HOUSING FOR H2-B ALIEN LABOR. THE PROPERTY IS LOCATED AT 755 LAKE LANDING ROAD NEAR LOTTSBURG**

Zoning Administrator W.H. Shirley described the request for the conditional use. He has not received any comments on the matter. He continued to say this request was approved several years ago for 2 units. At the time, they only did one and the permit has since expired.

Mr. Cowart was present for the meeting. He explained that more housing is needed for his workers. He has had the one location since 1997 and has never had any problems. Supervisor Tomlin asked if all the workers were legal. Mr. Cowart responded saying yes they all are.

Public Hearing Open

No comments were given.

Public Hearing Closed

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the Board voted to approve the request with the following conditions:

1. The permit is valid for one (1) year and will expire on September 12, 2014, if the housing is not established; and,
2. All state and federal regulations for this type of housing must be met.

The vote on the motion is as follows:

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

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

**RE: REQUEST BY RAYMOND SWANSON FOR A LANDING STRIP ONTO HULL CREEK  
(tabled until next month by applicant but the Board will take comments tonight)**

Mr. Dan Beckard, Vice President of the Fountain Cove HOA stated he strongly opposes this request. Hull Creek is a fabulous resource and is the reason he came here. He is very concerned that this will be disruptive to the heavily populated crab pots and will have a negative impact on the property values.

Mr. Walter Tomiak questioned the environmental impact and the procedures the county will go by. Mr. Eades said a lot of the laws and regulations will be set by the Game and Inland Fisheries. Mr. Tomiak continued to say this is a terrible idea.

Mr. Michael Goss said he has lived here for 22 years; full-time 10 years. In over that time period, the creek has gone from a few people to a crowded area and a large use of personal watercraft. He questions the safety and the damage to the shoreline as well as the crab pots this will affect.

Ms. Peggy Diese asked the Board to think about this very carefully because a lot of people aren't here to speak to the subject.

The matter will be further considered next month.

**RE: AMENDMENT TO THE ZONING ORDINANCE TO ADD PROVISIONS PERTAINING  
TO VIOLATIONS**

Assistant County Administrator Luttrell Tadlock described the zoning ordinance amendment. He said the Planning Commission held a public hearing on the amendment and recommends its adoption with the specific language.

Public Hearing Open

A person in the audience asked how this ordinance would be enforced, whether it would depend on the citizens or staff. Mr. Eades responded saying it would be a combination of both.

Public Hearing Closed

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board voted to approve the ordinance as written.

*An amendment to the Northumberland County Zoning Ordinance Chapter 148 Article XVI, Section 148-166;  
Conditional use permit, to add:*

*“D. In addition to any other remedies provided by law, the Zoning Administrator or designee, upon his/her determination that one or more of the conditions set forth in the Conditional Use Permit have been violated, may issue a cease and desist order. Said order shall require the owner/operator to immediately cease operation thereunder and shall be mailed to the owner and operator and posted on the front door of the property. The order shall advise that the permitted activity may not be restarted until the violations are corrected within the specified time period as verified by the Zoning Administrator, and if not corrected, a hearing will be held by the Board of Supervisors on the earliest regular meeting date that complies with the advertisement requirements of 15.2-2204 of the Code of Virginia, to determine whether the permit should be revoked.”*

The vote on the motion is as follows:

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

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

**RE: AMENDMENT TO THE ZONING ORDINANCE TO DEFINE THE LENGTH OF TIME THAT A TOURIST HOME CAN BE RENTED**

Assistant County Administrator Luttrell Tadlock described the amendment to the zoning ordinance to define the length of time that a tourist home can be rented. The Planning Commission approved the proposed language at the August 15, 2013 meeting.

Public Hearing Open

Mr. Ted Caskinsky from the Tides of the Chesapeake stated that his Board supports this definition.

Public Hearing Closed

Upon motion by James M. Long, duly seconded by Richard F. Haynie the Board took a vote on the motion to approve the amendment.

Supervisor Self questioned if the Board wanted to make this decision at this time. County Attorney Kilduff stated he didn't think this change would have an impact on the hearing next week by the Planning Commission whether Tourist Homes should be allowed by-right. Supervisor Tomlin explained that at next weeks' Planning Commission Meeting they will consider changing the Conditional Use permit requirement to a By-Right use. He said we needed to look at the total package with what is coming up next month and would like for this to be tabled.

The original motion was withdrawn by Supervisor Long and Supervisor Haynie.

Upon motion by James M. Long, duly seconded by Thomas H. Tomlin, the Board voted to table this amendment.

The vote on the motion is as follows:

Ronald L. Jett – YEA

Thomas H. Tomlin – YEA

A. Joseph Self, Sr. – YEA  
James M. Long – YEA

Richard F. Haynie – YEA

**RE: LEASE AGREEMENT WITH VERIZON WIRELESS TO LEASE LAND BEHIND THE SCHOOL BOARD OFFICE IN LOTTSBURG**

County Administrator Eades described the request for the lease agreement. He said he has received a letter but not in objection. The letter was requesting better services in Reedville.

Public Hearing Open

Ms. Ginny Estelle asked the Board to hold their feet firm to improve phone services in the area. Mr. Eades said he agrees the phone system does need to be upgraded but he was told this Verizon is a different company for wireless services. Supervisor Tomlin responded saying that we basically have no leverage and this is frustrating.

Mr. Dick Saxer asked if they will be doing away with land line.

Supervisor Tomlin asked about the fee involved in this lease. Mr. Eades explained it has a 5 year no rent then a monthly fee of \$1,000. Mr. Tomlin then said maybe we can negotiate other leases to get tower in Reedville.

Mr. Tom Parham stated he lives in Reedville and uses a signal checker app that he has on his phone that clearly picks up a tower in Maryland versus the one in Northumberland.

Public Hearing Closed

Supervisor Tomlin suggested re-negotiating the contract to help improve the other existing towers get upgraded. He said he would like to see this get tabled. Mr. Eades said if this is tabled then it may slow down the process of upgrading the radio system.

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr., the Board voted to approve the lease agreement with Verizon but to seek re-negotiation of other contracts to get better access of cell coverage in the Reedville area.

The vote on the motion is as follows:

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

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

**RE: PUBLIC COMMENT PERIOD**

Ms. Ginny Estelle stated her concern with getting emergency coverage on her land line after a recent neighbor of hers tried to dial 911 to report a house fire and was having difficulty. The Board asked Ms. Estelle to try to dial 911 from her home to make sure it works. Supervisor Tomlin asked if it didn't work to contact the State Corporation Commission and make a complaint.

**RE: ADJOURNMENT**

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

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