

**Board of Supervisors Meeting**  
**January 2, 2014**  
**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, January 2, 2014.

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

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

Acting as convener until the election of a Chairman, the County Administrator Kenneth D. Eades called the meeting to order

**RE: INVOCATION**

Supervisor Long led the invocation.

**RE: PLEDGE OF ALLEGIANCE**

County Administrator Eades led in the Pledge of Allegiance.

**RE: ELECTION OF CHAIRMAN OF THE BOARD OF SUPERVISORS**

Supervisor Long made a motion to re-elect Ronald L. Jett as Chairman. The motion was seconded by Supervisor Haynie.

There were no further nominations and Supervisor Self made a motion to close the nominations. The motion was seconded by Supervisor Long and unanimously carried.

A roll call vote was then taken on the motion for Chairman and the vote was as follows:

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

Supervisor Ronald L. Jett then took over as Chairman of the Board of Supervisors.

**RE: ELECTION OF VICE-CHAIRMAN OF THE BOARD OF SUPERVISORS**

A motion was made by Supervisor Self to re-elect Richard F. Haynie as Vice-Chairman of the Northumberland County Board of Supervisors. The motion was seconded by Supervisor Long.

There being no further nominations, a motion to close the nominations was made by Supervisor Long, seconded by Supervisor Self and unanimously carried by the Board.

A roll call vote was then taken for Supervisor Haynie as Vice-Chairman. The vote was as follows:

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

Supervisor Richard F. Haynie was elected Vice-Chairman of the Board of Supervisors.

**RE: ADOPTION OF BY-LAWS**

The County Attorney had reviewed the proposed By-Laws.

Upon motion by Thomas H. Tomlin duly seconded by Richard F. Haynie the Board voted unanimously to adopt the By-Laws for the calendar year 2014 which included 7 exceptions from Robert Rules of Order. The vote on the motion was as follows:

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

**BY-LAWS AND RULES OF ORDER  
OF THE  
BOARD OF SUPERVISORS OF NORTHUMBERLAND COUNTY, VIRGINIA**

1. By Laws and Rules of Order. In order to provide for the ease and manner in which the meetings of the Board of Supervisors of Northumberland County, Virginia, are conducted, the following by-laws and rules for internal organization and procedure are adopted. Reference is made to the Constitution of Virginia (1971), the Code of Virginia, 1950, as amended, and the Opinions of the Attorney General as they may apply. In matters of procedure, the current edition of Robert's Rules of Order Newly Revised shall govern the Board in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Board may adopt. The following exceptions shall apply:

- a. The Chairman may make motions and vote on all questions.
- b. On a motion from the floor there is no need for a second prior to the vote.

- c. Citizens will follow the Public Hearing Rules of Conduct when addressing the Board at Public Hearings.
- d. Members need not rise when speaking.
- e. There is no limit to the number of times a member can speak to a question.
- f. Informal discussion of a subject is permitted while no motion is pending.
- g. The Chairman may speak in discussion without rising or relinquishing the Chair.

The by-laws and rules of order of this Board may be amended by a majority vote of the Board and shall be adopted and re-adopted at the organizational meeting of the Board annually.

2. Resolutions and Ordinances. The business and powers of the Board shall be exercised through resolutions and ordinances duly adopted by the Board in compliance with the provisions of the statutes of the Commonwealth of Virginia and paragraph 7 of these By-Laws and Rules of Order.

Resolutions, or orders, shall be used for all county business that is essentially administrative, including internal or housekeeping matters and temporary concerns of the Board. Resolutions shall not be required to meet any strict standards as to their form and content, but they shall be clear enough to establish the intent of the Board. In most cases a public hearing shall not be required prior to the adoption of a resolution. Ordinances, which are more formal enactments than resolutions, shall be used for most governmental or legislative matters that control the lives, liberties or property of citizens, that have a permanent effect, or that deal with subjects of county-wide concern.

The procedure for enacting an ordinance shall require compliance with strict statutory rules. Descriptive notice of the Board's intention to propose an ordinance shall be published once a week for two successive weeks prior to passage. Emergency ordinances may be adopted without notice, but they may not be enforced for more than 60 days unless re-adopted in the manner required by law. Land use controls and certain tax ordinances shall be subject to more stringent procedural requirements than other ordinances.

3. Chairman and Duties. A chairman and vice-chairman of the Board shall be elected by the affirmative majority vote of the Board at the annual organizational meeting of the Board. Their term shall be for one year or until a successor is elected. It shall be the duty of the chairman to preside over all meetings of the Board and to discharge any other duties as become necessary and are permitted. The vice-chairman shall act in the absence or disability of the chairman. The chairman shall be authorized to administer oaths to persons concerning any matters submitted to the Board or connected with its powers and duties. The chairman and/or the vice-chairman are permitted to make motions at their discretion. The chairman may sign all orders issued by the Board, but the Board assigns this duty to the County Administrator. The chairman, or the county administrator as designated, shall sign the records of proceedings of the Board's meetings and the monthly list of salaries/invoices.

4. Meetings. The Board shall hold a regular meeting at least monthly on a day and at a time to be set at the annual organizational meeting. The regular meeting of the Board may be adjourned from day to day, from time to time and from place to place, but not beyond the date set for the next regular meeting, until all business is completed. The regular meetings and public hearings of the Board shall be held in the Northumberland Courts Building in Heathsville. If the Board finds it necessary to hold a regular meeting at a time or public place different from the Courts Building, such

new time and place may be designated by duly passed resolution posted on the door of the Courthouse, Courts Building and advertised in a newspaper having general circulation in the County once a week for two successive weeks before such meeting.

Special meetings of the Board may be called by the Chairman or requested by two or more of the members of the Board of Supervisors. The call or request shall be made to the county administrator (clerk of the Board) and shall specify the matters to be considered at the meeting. Upon receipt of such call or request, the county administrator, after consultation with the chairman of the Board, shall immediately notify each member of the Board of supervisors and the county attorney in writing delivered to his place of residence or business to attend such meeting at the time and place stated in the notice. Such notice shall specify the matters to be considered at the meeting. No matter not specified in the notice shall be considered at such meeting, unless all members are present. The notice may be waived if all members of the Board of supervisors attend the special meeting or sign a waiver (§15.2-1418). The Northumberland Echo and Rappahannock Record will also be notified of any special meetings.

5. Open Meetings. All meetings of the Board shall be held pursuant to the provisions of the Virginia Freedom of Information Act, which provides explicit directions for holding open meetings. An "open meeting" or "public meeting" means a meeting at which the public may be present to observe the operations of government.

6. Closed Meetings. A "closed meeting" means a meeting from which the public is excluded.

A closed meeting of the Board may be held only for those purposes specifically provided by law, as follows or as specifically provided for in the Code of Virginia (1950), as amended:

(1) Discussion or consideration of specific personnel cases, that is, of the employment, appointment, disciplining, performance, salary, dismissal or other related matters of particular governmental officials or employees of the public body;

(2) Discussion or consideration of the condition, acquisition, or use of real property for public purpose, or the disposition of publicly held property;

(3) The protection of the privacy of individuals and personnel matters not related to public business;

(4) Discussion concerning the prospective location of a business or industry prior to any announcement of its interest in locating in the community;

(5) Consideration of the investment of public funds when publicity might adversely affect the financial interest of the governmental unit involved;

(6) Consultation, with or without legal counsel and staff, with respect to actual or probable litigation or other legal matters in the public body's jurisdiction;

(7) Discussion or consideration of tests or examinations used by a public body to evaluate employee qualifications or aptitude for employment, retention, or promotion and evaluate qualifications for any license or certificate issued by the public body.

The substantive and procedural requirements established for closed meetings shall be strictly observed. Prior to each closed meeting, the Board of Supervisors shall vote in open meeting to hold a closed meeting. That vote, as well as a statement specifying precisely the statutory basis for the closed meeting, shall be recorded in the minutes of the open meeting. When in a closed meeting, the Board may consider only those specified matters. For any action agreed to in an executive session to become effective, the Board of Supervisors shall reconvene in an open meeting and take a vote of its membership on the particular action, the substance of which must be reasonably identified in the open meeting.

7. Quorum and Method of Voting. A majority of the members of the Board constitutes a quorum. Unless a greater requirement exists pursuant to the statutes of the Commonwealth, all questions submitted to the Board for decision shall be determined by a majority of the supervisors voting on a question by voice vote or by other method, which sufficiently identifies the matter upon which a vote is being taken. Individual votes of the Board members shall be recorded. A motion by a member of the Board shall not require a second. Abstention from voting shall not constitute a negative vote. The vote of a member of the Board shall become final once the decision of the question has been finally and conclusively pronounced by the chairman and cannot be changed except after adoption of a motion to reconsider the action. If one or more members of the Board are disqualified from voting under the provisions of the Virginia Conflict of Interest Act, leaving less than the number of Supervisors required for action, the remaining member or members may act by majority vote. A tie vote shall defeat the motion, resolution or issue voted upon.

8. Records. Minutes shall be taken of all actions taken during meetings of the Board of Supervisors, except during closed meetings, and shall be recorded in bound volumes. These minutes shall include a description of the issue being considered by the Board of Supervisors, any motion made regarding the issue and a record of the vote of each member of the Board of Supervisors. Incomplete volumes shall remain in the County Administrator's office; completed volumes shall be filed in the record room of the Clerk of the Circuit Court. Copies of the minutes shall be available to the public, at the normal charge for copying, after the minutes have been approved by the Board and signed by the County Administrator as the Clerk for the Board.

The books, records and accounts of the Board of Supervisors, except those excluded by the Virginia Freedom of Information Act, shall be open to the examination of all persons and at all reasonable times.

9. Order of Business and Agenda. The order of business at all regular meetings shall be as follows unless changed by Board action:

1. Call to order
2. Consideration Docket
3. Presentations
4. Board Reports
5. County Administrator Report

6. Board Comment Period
7. Closed Meetings
8. Public Hearings
9. Public Comments
10. Adjournment

A detailed agenda shall be distributed in advance of each regular meeting to the members of the Board. This shall include the minutes, check register and correspondence/reports for reading and review in advance of the meeting in an effort to conserve time during the meeting. A copy of the agenda shall be made available in the County Administrator's office for examination by the public and a copy shall be delivered to the local newspaper for publication whenever possible.

10. The Right to Require Information. The Board of Supervisors shall have the right to require monthly financial reports from any officer or office of the County or district thereof, may investigate bills and receipts thereof and may, for these purposes, require the production of books, papers and other evidence.

For the purpose of preparing and approving the County's annual budget, the Board of Supervisors may require the heads, or other responsible representatives, of all offices, departments, divisions, boards, commissions, agencies and all other recipients of County funds or appropriations to furnish financial reports and such other information as may be deemed necessary and in such form as may be required in relation to their affairs and activities.

The Board may subpoena witnesses and administer oaths for the purpose of acquiring information for making financial decisions in line with its function and duties as the governing body.

11. County Administrator. The Board of Supervisors shall appoint an executive secretary, who shall be designated County Administrator and such appointment shall be evidenced by a resolution. The County Administrator shall serve at the pleasure of the Board.

The County Administrator shall be the clerk to the Board and his/her duties shall be those as prescribed by law.

12. Legal Counsel. The Board of Supervisors may create the office of County Attorney and appoint an attorney to handle its legal affairs. The County Attorney shall serve at the pleasure of the Board and his/her salary shall be set by the Board. The County Attorney, when possible, shall attend all regular and special meetings of the Board.

His/her responsibility shall be in matters including but not limited to the following:

- (1) Advising and representing the Board of Supervisors and its boards, departments, agencies, officials and employees.
- (2) Drafting, preparing and reviewing county ordinances, contracts and agreements.
- (3) Defending or bringing actions in which the County or any of its boards, departments, agencies, officials, or employees is a party.

(4) Prosecuting violations of orders of the Board of Supervisors, resolutions or ordinances.

In addition the Board may employ separate counsel when it deems it necessary in any suit against the County, in matters concerning County property, in collection of delinquent taxes, as well as in other matters concerning the County's interests.

#### **RE: SCHEDULE OF MEETINGS**

Upon motion by Richard F. Haynie duly seconded by James M. Long the Board voted to use the Northumberland Courts Building for their meetings and adopt the following meeting dates.

February 13, 2014  
March 13, 2014  
April 10, 2014  
May 8, 2014  
June 12, 2014  
July 10, 2014  
August 14, 2014  
September 11, 2014  
October 9, 2014  
November 13, 2014  
December 11, 2014  
January 8, 2015

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: 2014 HOLIDAYS FOR COUNTY OFFICES**

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long the Board voted to adopt the state holiday schedule approved and as amended by the Governor of Virginia. The following holidays are added into the county calendar.

Friday, January 17 – Lee-Jackson Day  
Monday, January 20 – Martin Luther King, Jr. Day  
Monday, February 17– Presidents Day  
Monday, May 26 – Memorial Day  
Friday, July 4 – Independence Day  
Monday, September 1 – Labor Day  
Monday, October 13 – Columbus Day  
Tuesday, November 11 – Veterans Day  
Wednesday, November 26 – Close At Noon  
Thursday, November 27 – Thanksgiving

Friday, November 28 - Day after Thanksgiving  
Wednesday, December 24 – Close at Noon  
Thursday, December 25 – Christmas Day  
Friday, December 26- Day After Christmas  
Thursday, January 1, 2015 – New Year's Day

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 MINUTES FOR DECEMBER 12, 2013**

Upon motion by Thomas H. Tomlin duly seconded by A. Joseph Self, Sr., the Board voted to carryover the minutes from the December 12, 2013 due to Supervisor Long not receiving them. 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 Richard F. Haynie., the Board voted to approve the agenda for today’s meeting. Mr. Eades stated that VDOT would not be attending. 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: DR. REBECCA GATES, SUPERINTENDENT OF SCHOOLS**

Dr. Gates updated the Board on the heat problem in the gym of the New High/Middle School. She stated that the blower wheel needed to be replaced and they now have heat. Dr. Gates also discussed the cost as well as the warranty on the unit. Supervisor Haynie suggested checking it for maintenance issues once a month.

Dr. Gates gave a brief report on the safety equipment status. She also noted that guidelines for ticket entry for the basketball games have changed for security purposes.

There will be a joint meeting with the School Board member and the Board of Supervisors on the budget on February 24, 2014.

**RE: DANCE HALL APPLICATION – SPLIT LOUNGE RESTAURANT IN BURGESS  
(TONY DUBLIN)**

Mr. Eades gave a background of application and stated that on December 2, 2014 the Building and Zoning department ordered a cease and desist order concerning the parking issues at several events and no “Dance Hall” permit was issued for either event at the location. On December 10, 2013 an injunction was issued to stop all events at the Split Lounge Restaurant in Burgess. The court issued an injunction until December 23, 2013 when the Split Lounge owners could appear before the courts. The Judge ruled the Restaurant part of the business could stay operating but the special events were not permitted until the issues of parking and obtaining a dance permit were corrected. Mr. Eades continued to discuss with the Board the police intervention that has taken place at several events in the past and expressed his concern. Mr. Eades also stated that the parking issue needed to be addressed to set a limit to the amount of cars that can enter the parking lot as well as the “dance permit” issuance.

Chairman Jett questioned the County’s Building Official, Bill Knight on the amount of spaces that safely can fit in the parking lot. Mr. Knight used his calculations by the standards he had received and came up with approximately 28 spaces.

Mr. Dublin, who leases the building for the Split Lounge, explained that his parking lot is marked off and he estimates more than 40 spaces. He is talking with neighbors also to help with providing overflow parking.

Mr. Knight continued to explain the amount of people that is allowed in the building is a maximum of 99 because of the building code requirements.

The Supervisors questioned Mr. Dublin on his parking figures which came to 42 spaces. He said he just re-marked the lines that were already there. The Supervisors then questioned why he continued to have an event after the cease and desist order was issued. Mr. Dublin explained it was a misunderstanding with the County and he is all about safety and he has been struggling to find out what is needed to come into compliance.

Chairman Jett explained to Mr. Dublin that another layout of the parking needs to be submitted.

Upon motion by Thomas H. Tomlin duly seconded by Richard F. Haynie, the Board voted to reconsider this request at the next Board meeting in February and advise Mr. Dublin to coordinate with staff on the regulations needed. 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: BUILDING PERMIT REPORT**

Month of December
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	<b>2013</b>	<b>2012</b>
Total construction cost for the month	\$ 1,035,192.61	\$ 1,373,924.38
Total Bldg. Permit Cost for Month	\$ 3,176.04	\$ 5,987.64
Total Zoning Permit Cost for the Month	\$ 1,090.00	\$ 1,150.00
Total Levy Fee for the Month	\$ 63.53	\$ 116.75
<b><i>Total Construction cost year to date</i></b>	<b><i>\$ 26,897,085.00</i></b>	<b><i>\$ 20,992,554.54</i></b>

**RE: PROJECTS FOR 2014**

Mr. Eades listed the following anticipated projects for the year 2014:

- Radio Upgrade for Emergency Services.
- Sheriff's Office Construction.
- Reedville Sanitary District Upgrade.
- Disposition of Old High School.
- Reassessment.
- Light Street.
- Budget Challenges.
- Comprehensive Plan Updates.
- Stormwater Ordinance and Implementation.
- FEMA Flood Plain Ordinance.
- Volunteers

**RE: BUDGET SCHEDULE**

Mr. Eades presented an early draft on the FY 2015 budget.

Preliminary Schedule Subject to Change:

- February 27, 2014 All Budget Request Submitted.
- March 31, 2014 School Board Finalizes their Budget and Presents it to the County.
- March – April Budget Prepared.
- April 10, 2014 Draft County Budget given to Board of Supervisors.
- May 8, 2014 Board of Supervisors Regular Monthly Meeting – Adoption of School Board Budget.
- June 12, 2014 Possible Final Budget Adoption.

**RE: WATER LINE BIDS FOR NEW SHERIFF OFFICE PROPERTY**

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to accept the low bid of \$13,233.74 by Dawson Excavating to install the water line on the property beside the Pavilion for the new Sheriff Office project. 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: BLUFF POINT – DINGLEDINE PROPERTY ACREAGE**

Mr. Eades briefed the Board on the 900 acre site outside of Kilmarnock that was approved in December 2011 for a Planned Unit Development. Mr. Dingledine has deeded 37 acres to James Madison University, 6 acres to Northumberland County and the remaining acreage is placed into a conservation easement held by the North America Land Trust. The land will now not be developed into a residential/commercial development as approved.

**RE: YMCA MEETING – DISCUSS DEED**

The Board after questioning specific parts of the donation deed to the YMCA decided to meet with YMCA representatives to come up with a solution on a reversion clause if the property is sold.

**RE: BOARD COMMENT PERIOD**

Supervisor Long listed two issues for Virginia Dept. of Transportation

- 1) Sign on Browns Store Road is down.
- 2) Sign down near Pumpkin Hill Road.

Supervisor Tomlin noted that new road signs are not getting into the GPS system for maps and if our County Attorney could review the Conservation Easement that Mr. Dingledine has put to record to see if future development is possible.

Supervisor Self stated that Ernie Thrift has decided to be a member of the Board of Equalization.

**RE: APPROVAL OF CHECK REGISTER**

(Due to the date of this meeting, the check register is not available)

**RE: ADJOURNMENT**

Upon motion by A. Joseph Self, Sr., seconded by James M. Long, 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