

Board of Supervisors Meeting
January 8, 2009
5:00 P.M.

NORTHUMBERLAND COUNTY, VA

A regular monthly meeting of the Northumberland County Board of Supervisors was held in the New Courts Building, on Thursday, January 8, 2009

Present: Ronald L. Jett. – Supervisor
 Richard F. Haynie – Supervisor
 A. 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

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

RE: INVOCATION

Pastor Edna Moore, from Melrose United Methodist Church led the invocation.

RE: PLEDGE OF ALLEGIANCE

Mr. Kenneth D. Eades, County Administrator led us in the pledge of Allegiance.

RE: ELECTION OF CHAIRMAN OF THE BOARD OF SUPERVISORS

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

There were no further nominations and Supervisor Tomlin made a motion to close the nominations. The motion was seconded by Supervisor Self 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 Tomlin, 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 Richard F. Haynie, duly seconded by A Joseph Self, Sr., the Board voted unanimously to adopt the By-Laws for the calendar year 2009 with 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 Thomas H. Tomlin, the board voted to use the Northumberland Courts Building for their meetings and adopt the following meeting dates.

January 8, 2009

February 12, 2009
March 12, 2009
April 9, 2009
May 14, 2009
June 11, 2009
July 9, 2009
August 13, 2009
September 10, 2009
October 8, 2009
November 12, 2009
December 10, 2009
January 14, 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: 2009 HOLIDAYS FOR COUNTY OFFICES

Upon motion by Richard F. Haynie., duly seconded by A. Joseph Self, Sr., the board voted to adopt the state holiday schedule approved and amended by the Governor of Virginia. The following holidays are added into the county calendar.

Thursday, January 1 - New Year's Day
Friday, January 2 - State Offices Closed
Friday, January 16 - Lee-Jackson Day
Monday, January 19 - Martin Luther King, Jr. Day
Monday, February 16 - George Washington Day
Monday, May 25 - Memorial Day
Friday, July 3 - Independence Day
Monday, September 7 - Labor Day
Monday, October 12 - Columbus Day
Wednesday, November 11 - Veterans Day
Wednesday, November 25 - Close At Noon
Thursday, November 26 - Thanksgiving
Friday, November 27 - Day After Thanksgiving
Thursday, December 24 – Christmas Eve
Friday, December 25 - Christmas

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 FROM DECEMBER 11, 2008

Upon motion by James M. Long, duly seconded by Richard F. Haynie., the Board voted unanimously to approve the minutes from the previous meeting on December 11, 2008. 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: APPROVAL OF AGENDA

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, 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. TODD VANLANDINGHAM, SUPERVISOR LOTTSBURG HEADQUARTERS

Mr. Todd VanLandingham reported to the Board that they are continuously patching the roads and trying to keep up with the potholes. They had many trees fall on New Years Eve, approximately twenty-five or thirty. He asked if there were any in the area that had not been cleaned up, to let him know.

Mr. Long asked what area were they currently in fixing pot holes. Mr. VanLandingham stated all over the county. Mr. Long reported there are some pot holes on Browns Store Road.

Supervisor Tomlin asked about dead trees. Mr. VanLandingham stated they are trying to cut as much of them themselves because as of right now, they do not have a bucket truck. He is keeping a list of dead trees to be removed.

RE: MR. D. CLINT STABLES, SUPERINTENDENT OF SCHOOLS

RE: APPROPRIATIONS TO THE SCHOOL BOARD

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

\$ 11,181.11 – CPMT reimbursement for September 2008.

\$ 2,811.68 – E-rate Reimbursement

\$ 10,363.59 -Reimbursement from English Construction- Electric bill for new school.

The vote on the motion was:

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

Thomas H. Tomlin – YEA

Mr. Stables reported on the state funds.

Budgeted for Current Year (2008-09) – 4,661,434
Projections for Current Year (2008-09) -4,630,046
Projections for Next Year (2008-09) – 4,333,148

Mr. Stables then outlined the new school update:

Closing/Opening Ceremony will be held March 14th at 2p.m. in the New School Auditorium

Schools will be closed on Thursday, March 26 and Friday, March 27 as moving days to the New School. Opening day for students at the New School will be Monday, March 30th.

Furniture /Fixtures and Equipment budget is on target and most of these items have been delivered and are being put together and installed.

The board discussed the difficulty they have had with Verizon as far as upgrading the service to accommodate the new schools telephone system.

RE: BUILDING PERMIT REPORT:		
	2007	2008
Total construction cost for the month	\$ 2,823,671.00	\$ 1,862,866.00
Total Bldg. Permit Cost for Month	\$ 6,127.36	\$ 4,897.00
Total Zoning Permit Cost for the Month	\$ 2,900.00	\$ 1,580.00
Total Levy Fee for the Month	\$ 104.94	\$ 85.99
<i>Total Construction cost year to date</i>	<i>\$ 68,574,394.09</i>	<i>\$ 58,370,822.60</i>

RE: MT. AIRE SEWER EXTENSION

Mr. Eades stated the Board needs to set a rate schedule for the sewer extension in the Sunnybank area. He suggested making the fees the same as the Callao rates.

Upon motion by James M. Long duly seconded by Richard F. Haynie, the board voted to adopt the following resolution.

Resolution

AGREEMENT BETWEEN REEDVILLE SANITARY DISTRICT AND THE SUNNYBANK SEWER EXTENSION FOR SEWAGE DISPOSAL SERVICES AND THE ESTABLISHMENT OF RATES

WHEREAS: the Board of Supervisors of Northumberland County, Virginia, is the governing body of the Reedville Sanitary District, a sanitary district established under the Code of Virginia to provide central sewage disposal for the Village of Reedville, and

WHEREAS: the County of Northumberland has approved the installation of a pressure sewer system in the Sunnybank area on August 10, 2006, and

WHEREAS: the installation of a sewer system to connect the Sunnybank community will be for each existing dwelling and lot along the sewer line and Mt. Aire Partners property as shown on the attached map,

NOW, THEREFORE, BE IT RESOLVED THAT upon completion of the aforementioned pressure line sewer system; the Reedville Sanitary District agrees to permit the residents of the Sunnybank area to connect to the sewage disposal system that has been installed by Mt. Aire Partners for their development with the stipulation that each existing dwelling and lot along the sewer line would be reserved a connection;

THAT operation, maintenance and management of the Reedville Sanitary District, including the Sunnybank customers, shall continue as described in Northumberland County ordinances; and the Reedville Sanitary District will continue to provide all monthly and annual operating statistics; and will continue to operate the District in accordance with all Federal, State and County government requirements,

THAT the owners of the properties connecting to the sewage disposal system shall be required to pay connection fees in accordance with Table 1 below and as adjusted by the Board of Supervisors of Northumberland County;

THAT the owners of the properties connecting to the sewage disposal system shall be required to pay monthly fees in accordance with Sections 120-13C of the Northumberland Code and in accordance with Table 2 below and as adjusted by the Board of Supervisors of Northumberland County,

THAT the aforementioned monthly fees shall begin on the date service is connected or available to the owner's property, whether or not connection is made,

THAT delinquent real estate and/or personal property taxes shall be paid prior to initiation of any application or service,

THAT the owners of the properties connecting to the sewage disposal system be required to install service lines and possibly pumps in accordance with Sections 1.0 through 4.0 of the Ordinance Regulating the Construction of Sewer Service Lines in the Reedville Sanitary District,

THAT any extension of the main sewage line shall be the responsibility of the property owners desiring connection to the system,

THAT sewer service, after notice by the Administrator, shall be terminated for any of the following causes:

1. Nonpayment of utility charges;
2. For tampering or altering by the customer, or others with knowledge of the customer, with any service connection or service line or other apparatus or appliance of the utility;
3. For fraud or abuse, including the non-disclosure of information on the "Application for Service" or any false statement or misrepresentation;
4. For abandonment of the premises;
5. For the willful or indifferent introduction of strong wastes into the sewer system above that provided for in the Ordinance for the Reedville Sanitary District.

(Except that, service shall not be discontinued if the State Health Commissioner shall have found and shall certify to the utility that suspending such service will endanger the health of the persons occupying such premises or the health of others.)

THAT the developer of any new subdivision intended for residential, commercial or industrial use or any combination thereof, must have any plans for connection to the sewer system approved by the Administrator in addition to other approvals that may be required and further the rates for connection and service for each unit and for the subdivision shall be established by the Board of Supervisors.

THAT any owner with a grievance may seek relief from the Board of Supervisors.

TABLE 1 CONNECTION FEES
(1) Residential: \$6,000.00
(2) Commercial: \$9,600.00
(3) Other: By Decision of the Board of Supervisors

TABLE 2 USER CHARGES				
<p>The basic rate is \$32.00 per month which is a flat rate for each Equivalent Dwelling Unit, EDU. System design is based on a daily rate of 240 gallons per EDU, and a monthly rate of 7,300 gallons. Commercial users and schools have an option of the flat rate or choosing a metered rate of \$32,00 per each 7,300 gallons of water entering the establishment. The minimum charge remains regardless of the quantity of water used.</p> <p>The data in the Estimated Monthly Flow column are standard Health Department parameters for reference.</p>				
User Classification	Estimated Monthly Flow (gallons)	Unit	Minimum Monthly Charge	Flat Monthly Rate
Single-family residence (4 persons) (400 gal/family/day)	12,130	each	\$32.00	\$32.00
Apartments in residences (100 gal/per bathroom/day) See Note 1 below.	3,030	each	\$8.00	\$8.00
Multiple Family/Apartment Building Note 2	12,130/ Unit	Family Unit	\$64.00	\$32.00/ Family Unit
Mobile homes (Same as residential)	12,130	each	\$32.00	\$32.00
Small commercial (less than 2,000 square feet) (150 gallons/1000 SF/Day)	9,100	MSF	\$32.00	\$32.00
Medium commercial (2,000 square feet to 7,000 square feet) (100 gal/1000 SF/Day)	6,070 – 21,000	MSF	\$64.00	\$96.00 (3 EDUs)
Large Commercial (Over 7,000 square feet)	6,070	MSF	\$64.00	Meter Required
Service Stations (300 gal/pump/day) (Excludes car wash)	9,100	pump	\$64.00	\$64.00 (2 EDUs)
Small Schools (less than 24 pupils and staff) (10 gal/person/day)	300	person	\$32.00	\$32.00
Medium Schools (less than 48 pupils and staff)	300	person	\$32.00	\$64.00 (2 EDUs)
Large Schools (More than 48 pupils and staff)	300	Person	\$64.00	Meter Required
Restaurants (50gal/seat/day) 15 seats and fewer)	1,520	seat	\$64.00	\$160.00 (5 EDUs)
Restaurants (above 15 seats)	1,520	Seat	\$96.00	Meter Required
Motels and hotels (130 gal/room/day) (10 rooms or fewer)	3,940	room	\$64.00	\$96.00 (3 EDUs)
Motels and hotels (more than 10 rooms)	3,940	Room	\$96.00	Meter Required
Industrial users (No harsh chemicals) Note 3.	7,300	gallons	\$64.00	Meter Required
Other: by decision of the Board of Supervisors	7,300	gallons	\$64.00	TBD

Note 1. A Bed and Breakfast would include one single family residence plus a number of “Apartments in Residences”. (Rate for 4 guest units would be \$32+ 4x8 = \$64 per month)

Note 2. The rate for Multiple Family units & Apartment buildings is based only on the number of family units or apartments at the EDU rate.

Note 3. Industrial users must be metered; rate may vary depending on chemical composition of the effluent.

The vote on the motion was:

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

RE: RESOLUTION RECOGNITION TO JEREMIAH QUINN ELLIS, EAGLE SCOUT AWARD

Upon motion by James M. Long, duly seconded by Richard F. Haynie the board voted on the following resolution.

RESOLUTION RECOGNITION TO JEREMIAH QUINN ELLIS

WHEREAS; Mr. Jeremiah Quinn Ellis a sophomore at Northumberland County High School, who has obtained the rank of Eagle Scout that will be presented with the coveted Eagle Scout Award at a ceremony on January 31, 2009; and

WHEREAS; the Eagle Scout is the highest rank of recognition offered in Scouting; and

WHEREAS; to earn the rank of Eagle Scout, a Boy Scout must advance through five ranks, starting with Tenderfoot, then moving to Second Class, First Class, Star, Life and then Eagle. A scout must earn 21 merit badges, and in addition to other requirements he must complete a service project that benefits a non-profit organization within the community; and

WHEREAS; Quinn Ellis, a valued member of Boy Scout Troop 250, is a dedicated young man who has earned the respect and admiration of his fellow scouts through his active participation in the many programs sponsored by the Boy Scouts of America; and

WHEREAS; Quinn Ellis completed his project that was a 50 foot long bridge on the Elementary School nature trails which allows younger students easier use of the trail and helped the cross country team create a full length trail; and

WHEREAS; Quinn Ellis completed two Boy Scout fifty miler Awards; one for backpacking and one for canoeing, Attended Philmont Scout Ranch in Cimmaron New Mexico in the summer of 2007, has seventy-one hours of community service through scouting, eighty-six nights camping, a Boy Scout Religious Emblem, and is a Brotherhood Member of the Order of the Arrow,

NOW, THEREFORE, BE IT RESOLVED, THAT THE Board of Supervisors does hereby recognize Mr. Jeremiah Quinn Ellis for his contribution to Northumberland County and the inspiration he has given the students of this county and its citizens, extends to him their sincere appreciation and their best wishes for a bright and successful future.

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 RESOLUTION

Upon motion by James M. Long, duly seconded by Thomas H. Tomlin, the board voted on the following resolution.

COMMONWEALTH'S FY 2009-2010 BUDGET SHORTFALL

Whereas, Northumberland County is committed to ensuring fiscal sustainability at the local and state levels of government because fiscal sustainability enables the Commonwealth and its local governments to provide high quality, cost effective, core public services that benefit Virginians today and for generations to come; and

Whereas, the current difficult economic and financial times require government, at all levels, to evaluate service delivery responsibilities and to determine the continued importance of programs meeting critical needs; and

Whereas, the Commonwealth must resolve an estimated 2009 and 2010 biennial revenue shortfall approaching \$3 billion that may in fact continue to escalate in the near term; and

Whereas, Northumberland County must resolve significant local revenue shortfalls for these periods as well; and

Whereas, the Commonwealth's General Fund supports most critical core government services including public education, health and human resources, including the Comprehensive Services Act, public safety, natural resources and environmental services by dedicating almost 50 percent of the state's General Fund to local governments (with 74 percent of this funding supporting K-12 public education); and

Whereas, if one level of government establishes and ensures a priority, it is then incumbent upon that level of government to adequately fund the services necessary to meet that priority; and

Whereas, the current economic environment threatens the sustainability of these critical core public services if the Commonwealth is required to reduce its contribution to the financial partnership between the state and its local governments including Northumberland County; and

Whereas, specific and necessary state budget reductions may impact a wide array of core public services, including but not limited to public education, the Comprehensive Service Act, and public safety, and many local governments, including Northumberland County, will absorb significant state reductions in 2009 and may be compelled to increase real property taxes to help ensure the continuation of vital core public services; and

Whereas, Northumberland County stands ready to partner with the Commonwealth to make the difficult budgetary decisions required, including thoroughly evaluating programs and working together to maintain a structural balance between revenues and expenditures that promotes the long-term viability of our Commonwealth.

Now, therefore, be it resolved that the Board of Supervisors of Northumberland County respectfully offers the following budget and revenue recommendations for the 2009 legislative session to the Governor and Virginia General Assembly including Northumberland County's Delegates and Senators:

- Budget and appropriate sufficient withdrawals from the state's Revenue Stabilization Fund ("Rainy Day Fund") to help offset necessary state budget reductions. Global and national financial markets are imbalanced; consequently, Virginia is one of many states facing a significant state revenue shortfall. The Commonwealth is required to replenish the Fund when economic conditions improve, and Northumberland County supports recapitalizing the Fund in better economic times.
- Before budgeting and appropriating necessary state budget reductions, revisit recent state tax exemptions. Since the late 1990s the state has enacted more than \$1.8 billion in net biennial tax reductions and specific General Fund transfers.
- Oppose the enactment of new unfunded and under-funded state mandates that will impose new costs on local governments. Additionally, consider repealing specific, unfunded and under-funded state mandates. In the area of public education, the Governor and Virginia General Assembly

should consider providing localities and school districts maximum flexibility to i) suspend specific mandates and ii) manage specific public education reductions.

- Enact a law authorizing equal taxing authority for counties. Counties should be enabled, like cities and towns, to institute specific taxes, including a meals tax without a referendum. The new sources of revenue would be tailored to the needs of a jurisdiction and could help local governments protect adequate funding for the core government services including K-12 public education, and reduce county dependence on property taxes.
- Consider additional possibilities for mitigating the impact of state cuts on local governments. Local governments will have to make significant cuts in services because of flat or decreasing real estate revenues. Permit local governments, at their option, to implement a one-half percent increase in the sales tax as a way to minimize the potential burden passed on to homeowners through increased real property taxes.

Furthermore, Northumberland County offers these recommendations in the spirit of compromise and partnership to the Governor and Virginia General Assembly including Northumberland County's Delegates and Senators.

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: CONSERVATION, RECREATION TESTING, TREVOR WIND

Mr. Eades informed the Board that our Assistant Zoning Administrator, Trevor Wind, has completed all three aspects of the testing that is needed to be certified by the Department of Conservation and Recreation as a Certified Erosion and Sediment Control Inspector, Site Plan Reviewer and Code Administrator.

RE: BAY TRANSIT TO INCREASE FEES TO 2 DOLLARS

Mr. Eades said because of the budget cuts, Bay Transit may be increasing their fees to \$2.00 to avoid cutting service routes.

RE: DON PHILLIPS, REAPPOINTMENT TO CPMT

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the board voted to reappoint Mr. Don Phillips to the Community Policies and Management Team Board at Social Services. 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: NORTHUMBERLAND COUNTY PAVILION LINE ITEM ADDED

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the Board voted to add line item 9103-7025 "Pavilion Grant" and appropriated \$107,000.00 to the account in the budget for the pavilion construction. 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: ADJUSTMENT IN FICA IN CLERKS OFFICE

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to increase line item 2106-2001 "FICA" and appropriated \$14,305.00 to the account for a total line item amount of \$15,827.00. The number in this line item that was approved for FY 09 was a typographical mistake and this action is to correct the mistake. 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: HEALTH DEPARTMENT SURPLUS

Mr. Eades informed the Board that he was notified by the Health Department of a surplus in FY 09 local funds in the amount of \$16,988.00. The Health Department would like to apply \$12,973.00 to the previous year's deficits to break even.

Supervisor Self suggested waiting until budget time to discuss this further and get more information.

RE: EMERGENCY ZONING ORDINANCE

Zoning Administrator Shirley presented a list on emergency ordinances to expedite control on zoning issues.

Supervisor Tomlin questioned if we could do this legally.

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the board voted to adopt the following ordinance.

RE: AMENDMENT OF ZONING ORDINANCE

Mr. W.H. Shirley presented a list of changes to the Zoning Ordinance and brought to the Board's attention that there will be a lot of requests when we start discussing a new Zoning Ordinance. If we do not expedite some of the use changes the office will be swamped with requests and uses that will be out of character with the new ordinance. Mr. Shirley stated that he would like to see an emergency ordinance adopted for these changes and requested amending the County Code in Chapter 148, which is the Zoning Ordinance.

Chairman Jett asked if this ordinance could only be used when a local emergency was declared. Mr. Eades said that was correct if you want the changes to take place immediately.

Supervisor Tomlin asked if the Board could use this statute for a zoning amendment. Mr. Kilduff stated that you could use the emergency statute for this change.

Emergency Ordinance

Pursuant to the authority of §15.2-922.1 of the Code of Virginia, the Northumberland County Board of Supervisors, hereby adopts the following emergency ordinance:

Article II, Conservation District; C-1: Proposed amendments to this district would change the following uses from being permitted to requiring a Conditional Use Permit within the same district: Seafood Processing; Food Processing and Canning; Portable Sawmills; Boat Sales and Rentals; and Grain Elevators.

Article III, Agriculture District; A-1: Proposed amendments to this district would change the following uses from being permitted to requiring a Conditional Use Permit within the same district: Motels and hotels; Sawmills; Portable Sawmills; Service Stations; Retail Food Stores; General Stores; Home Appliances, Sales and Services; Auto Sales and Service; Lumber and Building Supplies; Plumbing and Electrical Supplies; Machinery Sales and Service (including farm machinery); Feed and Seed Stores; Wholesale Businesses and Storage Warehouses; Country General Stores; Boat Sales and Rentals; Mobile Home Sales Yard; Service and Repair Shops; Seafood Processing; Food Processing and Canning; Assembly of Electrical Appliances, Electronics, etc.; Auto Reconditioning, Truck Repair, Retreading; Blacksmith shops, Welding or Machine Shops; Contractors Equipment Storage Yard; Boat Building; Monumental Stone Works; Flour Mill, Grain Milling; Grain Elevator; Truck and Motor Freight Terminal.

Article V, Residential Waterfront; R-2: Proposed amendments to this district would change the following uses from being permitted to requiring a Conditional Use Permit within the same district: Country General Stores; Boat Sales and Rentals; Seafood Processing; Grain Elevators; Boat Building.

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie., the Board voted to adopt the emergency ordinance and advertise for public hearing the amendments noted above. The vote on the motion is as follows:

A. Joseph Self, Sr.	YEA
Ronald Jett	YEA
Richard Haynie	YEA
James Long	YEA
Thomas H. Tomlin	NAY

By a majority vote of the Board the motion passed.
Supervisor Tomlin stated that he didn't view it as valid but liked the idea.

RE: BOARD COMMENT PERIOD

None

RE: APPROVAL OF CHECK REGISTER

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

Mr. Haynie stated that he could not open the attachment that was emailed him. Mr. Eades said he would check on that for Mr. Haynie.

RE: REQUEST BY MICHAEL AND BRENDA SANDERS, FOR A PERMIT TO CONSTRUCT AN 18’X36’X16’ OPEN-SIDED BOATHOUSE ON THE COAN RIVER AT 990 COAN HAVEN ROAD WITHIN COAN HAVEN SUBDIVISION NEAR BUNDICK

Zoning Administrator, Shirley described the request.

Mr. Shirley read the conditions suggested by staff.

Mr. Craig Palubenski of Bay Shore Design described the construction and briefed the Board on the specifications of the boathouse.

Supervisor Jett asked how many feet from the marsh to the boathouse. Mr. Palubenski stated that it is 89’ feet.

Public Hearing Open

Mr. Bill Webb, neighbor stated that he is normally not opposed to boathouses but in this case this construction is very large for a small river. (Mr. Webb showed pictures of his view (copies enclosed in Board papers). He stated this would be an eye sore for him.

Mr. Shelby Dawson stated this would be a view problem for her. She asked that the Board not approve this request.

Supervisor Self stated he was going to abstain on this vote due to a conflict of interest involving a previous financial interest in this property.

Upon motion by Ronald L. Jett, to deny the request with no second to the motion, the vote was as follows:

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

Due to the tied vote the motion was defeated.

Upon motion by Thomas H. Tomlin, to approve the request, duly seconded by James M. Long, the vote was as follows:

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

Richard F. Haynie - NAY

Due to the tied vote the motion was defeated.

Supervisor Tomlin stated we need consistency and questioned how much view is reasonable.

Supervisor Jett stated that consistency doesn't matter, we can't vote nay one month and yea the next month. View is always the main concern.

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board voted to request a legal opinion on a tie vote to make sure it defeats the motion. 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: CONSIDERATION OF CHANGES TO THE “NO WAKE” MARKERS ON LITTLE WICOMICO RIVER FROM SHERWOOD FOREST TO COCKRELL’S MARINE RAILWAY

County Administrator, Eades described the request and stated that Game and Inland Fisheries has suggested that the Board take the long "No Wake" area in the Little Wicomico River and break it up into three small "No Wake" zones. This will protect the marinas and speed up boat traffic.

Mr. Rich Gozka from the Game and Inland Fisheries stated it takes 30 minutes to get from Sherwood Forest to Cockrell's Creek.

Chairman Jett asked who is responsible for the markers. Mr. Gozka stated the owners are responsible and if they don't want the zones, they don't have to put up the markers.

Mr. Clint Stables of Sherwood Forest questioned an enforcement issue with the half-creek zone in front of the Sherwood Forest pier. Mr. Gozka said that once they are within the markers it is a "No Wake" area.

Mr. Jim Grath a Sherwood Forest resident stated he is worried about the safety issue and the hardening of the shoreline. He stated he is strongly in favor.

Ms. Pam Haggy asks to extend the proposed points because of the area they swim in along Sheps' Point.

Mr. Lancaster of Sherwood Forest stated he is worried about the kids at the marina and wants to see them safe.

Mr. Kenny Hayden of Sherwood Forest stated this will help those areas with wake problems.

Mr. Jimmy Clegg stated that the Department of Game and Inland Fisheries did a great job on this project. He stated he lives at the head waters and it takes about 20-30 minutes to go through the area designated no wake and it is miserable during the heat. He said that Jet Ski's pull more wake than a boat and by regulating jet skis would be the best way to handle this.

Mr. Rick Stark stated he is a property owner at the mouth of Cod Creek and the wake zone should be extended. He said this may not be any good.

Mr. Jim Haynie stated it will be hard to please everyone but stated what is proposed will help those in the Sherwood Forest area.

Mr. Lynton Land stated he objects to what is proposed. He said Spencer's Creek will no longer be in the zone. He said the only ones violating the zone are the young waterman and the only reason to speed through this area is to be in a hurry. The reason for "No Wake" is to prevent erosion and erosion is pollution. He stated that what is proposed for Sherwood Forest is worthless.

Supervisor Jett clarified that Spencer's Creek was never in the "No Wake" zone.

Mr. Greg Lewis stated he is in favor of the zones because of the help it will give the working waterman.

Mr. Paul Parsneka a property owner on Flood Point stated that this plan does not protect from erosion. The area at Sherwood Forest should extend to the east and go all the way across the river.

Public Hearing Closed

Upon motion by A. Joseph Self, Sr., with no second to the motion, the Board voted to approve the request as presented. 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 Self stated that everyone may not agree with this decision but it should help and it can always be expanded on.

Supervisor Tomlin stated this is a work in progress and it is hard to legislate common sense.

RE: PUBLIC COMMENT PERIOD

No public comments were given.

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 a personnel matter as permitted by Virginia Code Section 2.2-3711 (A) (1). 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 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 personnel matters.

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 discussed or taken after the closed meeting.

RE: ADJOURNMENT

Upon motion by Thomas H. Tomlin, the Board voted unanimously to adjourn. The vote on the motion was:

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

Kenneth D. Eades, Clerk