

**Board of Supervisors Meeting**  
**July 9, 2009**  
**5:00 P.M.**

**NORTHUMBERLAND COUNTY, VA**

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

**RE: INVOCATION**

Reverend Jeff Cerar, led the invocation.

**RE: PLEDGE OF ALLEGIANCE**

Chairman Ronald Jett led us in the Pledge of Allegiance.

**RE: APPROVAL OF MINUTES FROM JUNE 11, 2009**

Upon motion by James M. Long, duly seconded by Thomas H. Tomlin the Board voted to adopt the May 18, June 4 and June 11, 2009 minutes. The vote on the motion is as follows:

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

**RE: APPROVAL OF AGENDA**

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long the Board voted unanimously to approve the agenda for today's meeting with changes. The Jacob/Beasley request for a conditional use permit has been withdrawn. Also, the continued request by William Burgess will be moved up to be first on the public hearings list. Changes also included: A VDOT representative from Warsaw will not be able to attend, and the School Superintendent will not at the 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: VIRGINIA DEPARTMENT OF TRANSPORTATION**

Representatives were unable to be able to attend but requested that any concerns can be sent to them and they will call if they have any questions.

**RE: RESOLUTION- VDOT**

Upon motion by Thomas H. Tomlin duly seconded by A. Joseph Self, Sr., the Board voted unanimously to approve the Cranes Creek Bussel Point Resolution. 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	

**RESOLUTION  
REFERENCE: CRANES CREEK SUBDIVISION**

WHEARAS, the streets in the Cranes Creek Subdivision as described on the attached VDOT Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk’s Office of the Circuit Court of Northumberland County, and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation has advised the Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation,

WHEREAS, the County and the Virginia Department of Transportation have entered into a comprehensive agreement on February 11, 2004, for the stormwater detention in Northumberland County.

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached VDOT Form AM-4.3 to the secondary system of state highways, pursuant to Sec. 33.1-229, Code of Virginia, and the Department’s Subdivision Street Requirements, and

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

**RE: NORTHUMBERLAND COUNTY SCHOOLS**

**RE: SCHOOL BOARD APPROPRIATION**

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

\$ 27,044.57 – CPMT reimbursement for January 09- April 09

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: FUEL BID ACCEPTANCE, NOBLETT**

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long the Board voted to accept the bid by Noblett Propane and Oil for Diesel; \$1.92628, Heating Oil; \$1.9049, Propane; \$1.1010 and TCH – Quarles for Gasoline; \$2.1030. The vote on the motion is as follows:

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

**RE: BUILDING PERMIT REPORT**

<b>RE: BUILDING PERMIT REPORT:</b>		
	<b>2009</b>	<b>2008</b>
Total construction cost for the month	\$ 3,457,109.17	\$ 5,076,311.60
Total Bldg. Permit Cost for Month	\$ 7,009.48	\$ 6,817.64
Total Zoning Permit Cost for the Month	\$ 3,200.00	\$ 3,580.00
Total Levy Fee for the Month	\$ 123.10	\$ 119.75
<i>Total Construction cost year to date</i>	<i>\$ 35,433,980.41</i>	<i>\$ 29,475,107.60</i>

**RE: REQUEST FROM COMMONWEALTH ATTORNEY TO APPROPRIATE DRUG FORFEITURE MONEY**

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to appropriate \$2,000.00 from Drug Forfeiture money to the Commonwealth Attorney’s part-time line item 2201-1003. 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: APPOINTMENT TO THE TOURISM COUNCEL, LINDA MORRIS**

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to appoint Ms. Linda Morris to the newly formed Northern Neck Tourism Commission. The vote on the motion is as follows:

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

**RE: DECISION TO ADVERTISE WHITE SAND HARBOUR AS A GOLF CART COMMUNITY**

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to advertise for next months meeting to consider White Sand Harbour Subdivision as a golf cart community. 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: REQUEST TO REMOVE THE NO WAKE ZONE FROM HARDINGS WHARF ON DIVIDING CREEK.**

County Administrator Eades informed the Board that he had received a request by Mr. Bud Hudnall to remove the No Wake Zone on Diving Creek. He stated he had talked to Mr. Ken Williams, Game Warden, and he didn't see a problem with removing the signs. The Board suggested sending a letter to the Dividing Creek Home Owners Association to receive comments about removing the No Wake Zone.

**RE: REQUEST TO EXTEND SEWER IN REEDVILLE**

Mr. Eades stated he had received a request from Mr. Jeff Howeth to extend the sewer system from Reedville up to Old Bethany Drive, across from the Roseland Cemetery. Mr. Eades suggested forwarding the request onto Lee Bowles and to Resource International to get more information. Mr. John Sterrett would put in the sewer lines and then the installed lines would be turned over to the County.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to forward the request onto Resource International to get more information and how it will affect our existing sewer system. 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: VIRGINIA FOREST STEWARDSHIP PLAN**

Mr. Eades reported that he just received a Forest Stewardship Plan for the old "Poor House Tract" completed by Richard Steensma, Lancaster and Northumberland Forester. The plan projects when to cut timber on the site and reasons for scheduling cuttings over long periods of time. The Board asked if Mr. Steensma can present the plan at their next meeting.

**RE: APPROVAL OF CHECK REGISTER**

Upon motion by James M. Long duly seconded by A. Joseph Self, Sr., 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
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James M. Long – YEA  
Thomas H. Tomlin – YEA

Richard F. Haynie - YEA

**RE: BOARD COMMENT PERIOD**

Supervisor Tomlin stated issues with the school that included the following:

- ❖ Roof leaking
- ❖ Phone does not work
- ❖ The floor in the gym has issues
- ❖ Panel on the front of the building

The Board suggested a walk through with Clint Stables to note the concerns.

Supervisor Tomlin commented on an article in the Richmond Times Dispatch about graduation rates. The article talked about a new law that every child counts.

**RE: RESOLUTION FOR WOUNDED WARRIORS COMMENDING THE AMERICAN LEGION**

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

**RESOLUTION  
OF COMMENDATION**

**WHEREAS**, on June 9, 2009, through the efforts of the American Legion Post 117 in Reedville, wounded veterans were given the opportunity to go fishing in the Chesapeake Bay with local charter boat captains; and

**WHEREAS**, these wounded veterans had a good time due to the generosity of time and money from the American Legion Post 117, local charter captains and crew, local businesses and others;

**NOW THEREFORE, BE IT RESOLVED**, that the Northumberland County Board of Supervisors, first, wishes to thank all veterans who served this country; and

**BE IT FURTHER RESOLVED**, that the Northumberland County Board of Supervisors hereby commends American Legion Post 117, the local charter boat captains and the businesses and individuals who donated their time and money to the very worthy event.

Supervisor Tomlin also suggested giving the same amount the county gives to after prom to the American Legion for the fishing trip.

**RE: CONSERVATION EASEMENT**

Upon motion by Thomas H. Tomlin, duly seconded by Richard F. Haynie, the Board voted to have the County Administrator check with the Northern Neck Land Conservancy and see what is necessary for the county to hold conservation easements. The vote on the motion was as follows:

Ronald L. Jett – YEA  
James M. Long – YEA

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

Thomas H. Tomlin – YEA

**RE: UPDATE ON WICOMICO APPARTMENTS**

Supervisor Long stated he had met with Mr. Al Carter, Owner of the Wicomico Apartments on the matters that have been discussed in past meetings concerning the law enforcement problems at the Wicomico Apartments. He stated that Mr. Carter was trying to make the apartments solely for the elderly.

**RE: LITTLE RIVER DREDGING**

Mr. Eades stated everything is in place to have the mouth of the Little Wicomico River dredged. All the easements have been recorded and the project is ready to go to bid. It will begin either this fall or spring depending on the contractor's schedule.

**PUBLIC HEARINGS**

**RE: CONTINUATION OF A REQUEST BY R. WAYNE AND GLORIA BURGESS FOR A CONDITIONAL USE PERMIT TO PLACE A PRIVATE STORAGE BUILDING ON THEIR LAND LOCATED ON COAN STAGE ROAD.**

Zoning Administrator, W.H. Shirley stated that Erosion and Sediment Control issue has been addressed on this matter. Mr. Shirley stated the Mr. Ken Harper who was allowed to speak on this issue was unable to be here tonight because he is on active military duty. Mr. Harper did send a letter in which the Board received.

Mr. Wayne Burgess stated that he has owned this piece of property since 1985, five year before the Bowles' bought their property. At the time he installed the septic and well and had plans for a building and eventually a house. Mr. Burgess stated the purpose of this storage building is to store antique cars and to work on diesel trucks. This will not be a trucking terminal.

Mr. Shirley read the suggested conditions:

1. Should the building or any portion of it be converted to a commercial use, that use must comply with the Northumberland County Zoning Ordinance and will require V.D.O.T. approval for the entrance and Health Department approval for septic and well;
2. The building must be screened from the view of the home at 530 Coan Stage Road with a privacy fence 14' in height and the fencing must be pre-approved before installation;
3. Additional fast growing vegetation such as Leland Cypress must be planted in the front of the area where the proposed building will be located, from the existing hedgerow to the driveway accessing the site;
4. No inoperable vehicles may be kept outside of the proposed storage building;
5. All exterior lighting must be non-reflective and directed downward and pre-approved before installation;
6. No excess tanker cargo or rinse material may be dumped on the property; and,
7. The property must be kept free of trash and debris.

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

Ronald L. Jett – YEA  
James M. Long – YEA  
Thomas H. Tomlin – YEA

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

**RE: REQUEST BY HOLCOMB INVESTMENTS, LLC, OWNER AND QUARLES PETROLEUM, INC. FOR A SPECIAL EXCEPTIONS PERMIT TO BUILD A PETROLEUM AND PROPANE STORAGE FACILITY NEAR KILMARNOCK ADJACENT TO THE COUNTY'S SOLID WASTE DISPOSAL SITE ON RT. 200**

Mr. Craig McBride, Engineer for Quarles stated this project will supply them with the ability to be a full service provider and improve service to the area.

Supervisor Tomlin asked if this was the first step in their application process. Mr. McBride stated that yes it was. Supervisor Tomlin then asked if they had touched base with VDOT as far as the entrance. Mr. McBride stated no they have not. Supervisor Tomlin stated that he has his concerns with the environmental impact of this project. Mr. McBride stated they are in good standings the Department of Environmental Quality and they do not want any problems with safety.

Mr. John Kelly from the Northern Neck Soil and Water stated he is commenting because he is a concerned citizen and thinks this will be a negative impact on the creeks and the drinking water and noted a problem with a propane plant in the Reston area that had safety problems.

Mr. Charles Kramb asked the Board not to approve this request because of the safety issue and the environment. He stated Rt. 200 is dangerous due to the sight distance. Mr. Graham stated that there is no fire and rescue at this end of the county. Mr. Eades responded to the fire and rescue question, stating that where this facility would be located is in Kilmarnock's run territory and that they would be the first to respond.

Ms. Helen Kelley (copy of her letter is in Board papers) questioned if the facility would have an attendant and she has a concern with whether the Fire Department responding has the equipment to handle if something were to happen there.

Mr. Mike Baughan spoke and said that this is an issue everywhere but we still need a fuel supply. This may help drop the prices of gasoline if they can serve more customers.

Mr. Bill Rogers commented on the facility at Kinsale and said it is not a "beauty".

Ms. Margie Rankin is concerned with the pollutants and says the land will never be reclaimed and if the land was ever sold, who would clean it up?

Mr. Eades questioned the retention basins in relation to the size of the tanks.

Supervisor Tomlin questioned the stormwater management. Mr. McBride said the detention area for stormwater would be just like any other business. Concrete containers would be submerged and pretreated.

Supervisor Tomlin then questioned the entrance needed at the site. Mr. McBride stated they will have to meet the 600 foot sight distance and they know they will have to meet VDOT standards.

Public Hearing Closed

Mr. McBride responded to some of the concerns of the citizens. He stated that the distance from the facility to residential areas is a half mile away. The equipment meets all codes and standards for containment dikes etc. There will not be an office building there just propane storage and later fuel oil. He stated they will work with the fire departments to make sure they are well equipped to manage anything that could happen.

Upon motion by James M. Long duly seconded by Thomas H. Tomlin, the Board voted to deny the request as submitted because of the location of the site, the environment impact.

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	

Chairman Jett stated he would like to see this facility in the county just not at this site.

**RE: REQUEST BY MARK AND ELAINE JOHNSEN FOR A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF A PRIVATE STORAGE BUILDING/BARN ON LOT 36 WITHIN OYSTER COVE SUBDIVISION**

Zoning Administrator W.H. Shirley described the request stating this is a private storage served by the owner and the reason for the conditional use permit is because there is nothing else on the property.

Mr. Johnsen stated he plans on roughing this in and finishing the upstairs into a dwelling unit.

Public Hearing Open

No comments were stated.

Public Hearing Closed

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

1. The building must be located on the property as shown on the site plan submitted with the application; and,
2. The building may not be used for any commercial purpose.

The vote was as follows:

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

**RE: PUBLIC COMMENT PERIOD**

Mr. Porter Kier stated he has been here for 23 years and that Becky and Tom (Bowles) are good people. He thanked the Board for their efforts in this situation and stated that this type of thing would not have happened if we had a better zoning ordinance.

Rev. T.W. Morris stated he is concerned with the disposition of the old Middle School. He said this building can be used as a School Board office because it is not far from the bus garage and all the schools. The gym can still be used for the athletic program. He said he is concerns that students will get home late from school because of the lack of space they will have for all the programs and practices will be later due to scheduling gym space. He asked the Board to consider maintaining the building for further use.

Mr. Bill Thompson stated he has looked at the Middle School structure and it is sound. The building would look nice and in good condition if it was maintained.

Ms. Arnette Butler, principal of the Northumberland County Elementary School stated she sees the need for the gym. Many teams practice at the elementary school and it is wearing out the carpet.

**RE: ADJOURNMENT**

Upon motion by Richard F. Haynie, the Board voted unanimously to adjourn. The next meeting will be August 13, 2009. 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