

**Board of Supervisors Meeting  
March 13, 2008  
5:00 P.M.**

**NORTHUMBERLAND COUNTY, VA**

A regular monthly meeting of the Northumberland County Board of Supervisors was held in the Northumberland Courts Building, on Thursday, March 13, 2008

Present:        Ronald L. Jett – Chairman  
                  Richard F. Haynie – Vice-Chairman  
                  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 Jimmy Reamy, Chaplain Henrico Doctors Hospital led the invocation.

**RE: PLEDGE OF ALLEGIANCE**

Mr. Cecil Lee, Senior, Northumberland High School led us in the pledge of Allegiance. Northumberland County High School Government Class was in attendance at this meeting.

**RE: APPROVAL OF MINUTES FROM FEBRUARY 14, 2008**

Upon motion by James M. Long duly seconded by A. Joseph Self, Sr., the Board voted unanimously to approve the minutes from the previous meeting on February 14, 2008 with 1 correction on the building report on page 10. The years of construction were incorrect and switched. 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 James M. Long, the Board voted unanimously to approve the agenda for today's meeting with one change to add a closed session to the end of the public hearings to discuss the lawsuit filed against the County by Ree Ellis on the Cranes Creek boat landing. 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. PAUL LEE, ROBINSON, FARMER, COX ASSOCIATES – DISCUSSION OF AUDIT REPORT**

Mr. Lee summarized the County's audit. He stated that tax collections were at 100% again this year and the fund balance of \$6,056,632.00 is right where it needs to be between 15-20%.

The new auditing standards are in place and there is a material weakness in reporting. The new GASB requirements of justifying the audit numbers by a third source did not meet the format needed and the Treasurer is working on this issue to correct the formatting. He stated staff is doing a good job.

Mr. Lee recommended appropriating school construction funds for the new school construction project even though the bond holders are paying the construction payments. This should be done on an annual basis in each fiscal year.

Upon motion by A Joseph Self, Sr. duly seconded by James M. Long, the board voted to appropriate the bond money spent for the school construction for fiscal year 2007 in the amount of \$8,316,798 to newly created line item 9103-7024.

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 – NAY	

**RE: MR SEAN TRAPANI, RESIDENCY ADMINISTRATOR VDOT**

Mr. Trapani reported on the projected forecast for the area as far as budget cuts for roads and maintenance. He stated they are looking at a 44% cut in road maintenance funds. Mr. Trapani asked if the Public Hearing for the Six Year Plan originally scheduled for April could be held over until May.

Supervisor Long asked about W.A. and Peggy Jones's road problem with water draining into their well. He also stated there is a sign that is missing on Hacks Neck Road.

Mrs. Sandy Harris asked VDOT representatives about a culvert problem on Pumpkin Hill Road.

Supervisor Tomlin inquired about a traffic impact study on Mr. Dunn's request. Mr. Trapani said he had not received any site work on the project from the county.

**RE: TRAFFIC SPEED STUDY ON ACADEMIC LANE**

Chairman Jett asked about a traffic count study and how long would it take to get back. Mr. Trapani stated around 60 days.

Mr. Trapani was asked when the last speed study was done on Academic Lane; he responded the last one was done in 2005

Upon motion by A. Joseph Self, Sr. duly seconded by James M. Long, the board voted to do a traffic count study on Academic Lane. The vote on the motion is 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: MR. D. CLINT STABLES, SUPERINTENDENT OF SCHOOLS**

Mr. Stables described to the board the outdoor classroom that was built at the Elementary School with grant funds totaling \$8,000.00. The Northumberland Association of Progressive Stewardship and the Lions Club brought in about 10-12 people to work on the project.

Mr. Stables discussed their board's budget work session dates which will begin on March 17, 2008. He went into some detail about the outlook of the budget which he said did not seem to be good news. The state has ranked the county as the 12<sup>th</sup> wealthiest in the state of Virginia.

Mr. Stables went over the school calendar for 2008-2009 school year noting changes were made to accommodate the move to the new Middle/High School. One plan would end the semester right before Christmas Break.

Mr. Stables handed out a copy of the School Board Meeting Agenda.

Supervisor Tomlin asked Mr. Stables who will be in charge of the new school facility once completed. Mr. Stables responded saying that the Senior Administrator will be in charge.

**RE: MR ALLYN GEMEREK, PRESIDENT BAY AGING- COMMUNITY ACTION AGENCY**

Mr. Gemerek was unable to attend.

**RE: JOE MADEJ, ECONOMIC DEVELOPMENT COMMISSION**

Mr. Madej gave his quarterly report. Copies are on file in the Board Papers.

**RE: BUILDING PERMIT REPORT**

	<b>2008</b>	<b>2007</b>
Total construction cost for the month	\$ 5,384,797.00	\$ 4,957,080.50
Total Bldg. Permit Cost for Month	\$ 7,908.35	\$ 7,348.76
Total Zoning Permit Cost for the Month	\$ 2,820.00	\$ 3,590.00
Total Levy Fee for the Month	\$ 138.85	\$ 128.96
<i>Total Construction cost year to date</i>	\$9,776,712.00	\$13,960,975.50

**RE: LOCAL CHOICE INSURANCE RENEWAL**

Mr. Eades explained to the Board that our policy with Anthem, Local Choice has no increase in premiums and there are added benefits.

Upon motion by Thomas H. Tomlin, duly seconded by Richard F. Haynie, the board voted to stay with Local Choice at the approved rate and continue to fund the individual premium at 100%. 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: APPROPRIATIONS, SHERIFF DEPARTMENT FOR CELL PHONE PLAN AND AIR BAGS**

Upon motion A. Joseph Self, Sr., duly seconded by James M. Long, the board voted to appropriate the following within the Sheriff's Department budget:

A credit refund given for air bags on two police cruisers in the amount of \$600.00 in line item 3102-7005.

A credit refund given on an old cellular phone plan to line item 3102-5203 in the amount of 380.15.

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: RESOLUTION FOR COMMERCIAL KENNELS BEING SENT TO PLANNING COMMISSION**

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

**RESOLUTION AMENDMENT TO ZONING ORDINANCE**

WHEREAS, On March 13, 2008 the Northumberland County Board of Supervisors discussed proposed kennel requirements for privately owned animal shelters; and

WHEREAS, the same Board wants to use a draft ordinance proposed by staff; and

WHEREAS, the first step in this process is for the Planning Commission to review this possible amendment;

NOW, THEREFORE, BE IT RESOLVED that the Northumberland County Board of Supervisors asks the Northumberland County Planning Commission to review the draft ordinance on kennel requirements and make a recommendation back to the Board of Supervisors for their consideration.

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: ZONING DISCUSSION GROUP**

Mr. Eades discussed with the board the zoning ordinance update schedule that the Planning Commission is discussing and they have set up a small working group to prepare the schedule and changes needed. He explained that the group will be coming up with suggestions and then we will have a joint meeting with the Commission on the matter.

**RE: REGION II VACo (VIRGINIA ASSOCIATION OF COUNTIES) MEETING**

Mr. Eades explained the Region II VACo meeting is scheduled for May 14, 2008 at 9:00 a.m. at the Regatta Point Yacht Club in Deltaville. Anyone that would like to attend please let our office know.

**RE: LETTER RECEIVED FROM DEBORAH MILLS, HAZARDOUS MITIGATION**

Mr. Eades explained he had received a letter from the Virginia Department of Emergency Management, Hazard Mitigation section, after sending the resolution last month. The letter stated that they were reviewing the elevation requests from Lewisetta and further information will be forthcoming on the actual reason everyone was turned down.

**RE: ABSTRACT VOTES FOR FEBRUARY 12 AND FEBRUARY 19, 2008 ELECTIONS.**

**Democratic Presidential Primary Election**

Barack Obama	1,244
Dennis J. Kucinich	4
Hillary Clinton	603
Bill Richardson	2
Joe Biden	1
John Edwards	15
Total Overvotes	0

**Republican Presidential Primary**

Ron Paul	47
John McCain	953
Fred D. Thompson	7
Mike Huckabee	444
Rudy Giuliani	8
Mitt Romney	46
Total Overvotes	0

**Member, House of Delegates 99<sup>th</sup> District**

Albert C. Pollard, Jr.	1717
Lee Anne Washington	1222
Total Overvotes	0

**RE: AUTHORIZATION TO PROCEED ON PROJECT AT COOPERS LANDING**

Mr. Eades explained that on October 10, 2002 the Board approved improvements at Coopers Landing for a fishing pier with the stipulation that there funds for the project would be in grants or donations. The Public Access Authority has received some money and would like to pursue the project if approved by the Board. The Board agreed to continue plans for the pier and the Board will consider the matter after the environmental permits are obtained.

Upon motion by Richard Haynie, duly seconded by A. Joseph Self, Sr., the Board voted to approve pursuing a fishing pier at Coopers Landing. 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: DEAN REQUEST FOR REIMBURSEMENT**

Mr. Eades stated that Mr. Eric Dean has withdrawn his request to build a deck ten feet within the 100 foot RPA. In his withdraw letter he asked for a refund to his permit application. Mr. Eades went further to say that it is not the policy to refund the application fee once the advertisement has ran and the hearing has been held due to the expenses that occurred. The Board agreed and decided not to refund Mr. Dean his application fee.

**RE: WASTE MANAGEMENT CONTRACT**

Mr. Eades stated that the Waste Management contract is coming up and asked the Board to think about any changes they wanted to add. The contract expires July 1, 2008 and Richmond County is also in the discussions due to the fact we have the contract jointly.

**RE: KAYAK SUPPORT LETTER**

Mr. Eades explained that our Grants Administrator Carol Seymour is applying for a grant for a kayak landing at three landing sites to develop a trail. The grant would be no cost to the county because NAPS will be matching the grant received.

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

**KAYAK RESOLUTION**

WHEREAS the Northumberland County Board of Supervisors has been informed that the Northumberland Association for Progressive Stewardship (NAPS) is prepared to apply for a grant under the Recreational Trails program of the Virginia Department of Conservation and Recreation, and

WHEREAS the proposed grant supports a kayak trail and necessary improvements in fixed piers and floating docks for launching canoes and kayaks at Rowe’s Landing, Glebe Point, and one other site, if feasible,

WHEREAS these sites are public water access properties of Northumberland County and the project complements and does not interfere with work underway to improve water access, and

WHEREAS NAPS has resolved to provide the matching funds (\$5,000) required by the application, and

WHEREAS this project serves to provide excellent benefits to the citizens of Northumberland County, promote tourism, and is in keeping with the goals of the Comprehensive Plan,

BE IT RESOLVED that the County Administrator shall issue an appropriate letter of support for the project, including the intent of the County to participate in the design of the proposed improvements, if the grant is made, and to provide necessary ongoing maintenance for the sites once construction is completed.

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 LIBRARY BOARD**

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to approve the appointment of Supervisor Thomas H. Tomlin to the Northumberland County Library Board as the county's representative. 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 – ABSTAIN	

#### **RE: HUDNALL LANE CLEAN UP**

Mr. Eades stated the county had to step in and clean up the site on Hudnall Lane. The County will bill the land owner for the expense of cleaning up the property and if the bill is not paid, the total will be added to the owner's tax bill. He added the clean up took out 3 tractor trailer loads, equal to about 30 tons of material.

#### **RE: VIRGINIA MUNICIPAL LEAGUE LETTER**

Mr. Eades read a letter to the board that had been sent from the Virginia Municipal League criticizing the states handling of the budget by cutting localities to balance their budget.

#### **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
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

**RE: APPOINTMENT TO NORTHUMBERLAND PLANNING COMMISSION, GEORGE KRANDA**

Upon motion by Richard F. Haynie, duly seconded by A. Joseph Self, Sr. the board voted to appoint Mr. George Kranda, 3459 Newman's Neck Road, Heathsville to the Northumberland County Planning Commission. Mr. Kranda's appointment will expire on March 13, 2012. The vote on the motion is as follows:

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

**RE: BOARD COMMENT PERIOD**

**RE: PENDING RESOLUTION TO BE SENT CONCERNING THE MAGISTRATE.**

Supervisor Tomlin stated his concerns with the situation in the magistrate's office saying that we are not receiving the same service as other localities. He asked that if the situation is not straight and if they are not online by Monday, March 17, 2008, a resolution is to be sent to higher officials first thing on Tuesday morning objecting to the fact the county has to take their arrests to other jurisdictions to have them processed when all the other jurisdictions can be processed within their departments.

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr. the board voted to send a resolution with the Board's concerns with the Magistrate's Office if the matter is not satisfactory by Monday, March 17, 2008. 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: LETTER SENT TO COMMEND POLL WORKERS FOR RECENT ELECTIONS**

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr. the board voted to send a letter to the poll workers in appreciation for their work in the recent four elections we have held in the last four months. 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: AUDIT TO BE VIEWED ONLINE**

Supervisor Tomlin asked that the audit that we have received be put on the counties website.

## **Public Hearings**

### **RE: REQUEST BY PHILLIP N. SHAHAN OF 210 CAPTAIN WALTERS LANE, REEDVILLE, VIRGINIA, FOR A PERMIT TO CONSTRUCT A DUPLEX ON TIMBS ROAD IN FAIRPORT**

Zoning Administrator W.H. Shirley described the request. No comments were received prior to the hearing.

Mr. Shahan was present at the hearing and explained that it is a one acre lot that will have a multi home duplex on the land. He stated it will be for rental housing.

Mrs. Gladys Haynie (neighbor) stated she had some concerns with the request but is now okay with it after talking to Mr. Shahan.

Mrs. Frances Flint Erceline was concerned with the septic system because the land is in a low lying area.

Upon motion by Ronald L. Jett, duly seconded by A. Joseph Self, Sr., the Board voted to approve this request with the following conditions: a. The property may not be divided to allow a dwelling unit on separate parcels, b. Occupancy shall be limited to a maximum of four (4) full time residents per dwelling unit, c. Off street parking must be provided for a minimum of two (2) vehicles per dwelling unit.

The vote on the motions 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: AMENDMENT TO CHAPTER 58, SECTIONS 58.1 THROUGH 58.6 AND CHAPTER 68 OF THE NORTHUMBERLAND COUNTY CODE PERTAINING TO DANCE HALL REQUIREMENTS AND REGULATIONS**

Upon motion by A. Joseph Self, Sr. duly seconded by James M. Long, the Board voted to adopt the following changes to the Dance Hall Chapter, 58.1 through 58.6:

#### **Chapter 58: DANCE HALLS**

§ 58-1. Term defined.

The term "dance hall" shall include the term "dance," and the term "dance" shall include the term "dance hall" for the purposes of this chapter.

§ 58-2. Permit required; fee. [Amended 7-12-2001]

No person, firm or corporation shall, in Northumberland County, operate, conduct or permit the operation or conducting on his or her property of a public dance hall, herein defined as any place open to the general public where dancing is permitted, without a permit. The permit issued shall be either for a single event or for a period of one year. Application for such permits shall be on forms provided by the County and available at the County Administrator's Office, in Heathsville, Virginia. The application shall be signed by the person, firm or entity seeking to conduct the dance, as well as the owner or person

in control of the premises upon which the dance is to be conducted. **The person holding the event shall include a criminal check obtained through the Virginia State Police and submit it with the application.** The application shall be submitted to the County Administrator at least 10 days before the scheduled event, or in the case of renewal of an annual permit, at least 10 days before the expiration of the current permit. A fee shall accompany the application, which if by check shall be made payable to the Treasurer of Northumberland County, and which fee shall, for a single event and for an annual permit, be as set forth in the Fee Schedule; Editor's Note: See Ch. 68, Fee Schedule. provided, however, that the fees may be reduced or increased by the Northumberland County Board of Supervisors by resolution from time to time as required.

### **§ 58-3. Exemptions**

**This chapter, however, shall not apply to dances held for beneficial or charitable purposes, or when the same are conducted under the auspices of religious, educational, civic or military organizations.**

§ 58-3. Law enforcement intervention; violation of alcoholic beverage control regulations.

- A. Upon receipt of the application, the County Administrator or his or her designee shall make inquiries within the Northumberland County Sheriff's Department to determine whether any dances previously permitted to the applicant have resulted in intervention by law enforcement entities or violations of alcoholic beverage control regulations. If the County Administrator or his or her designee determines that there have been no law enforcement interventions or violations of alcoholic beverage control regulations, he or she shall issue the permit, which shall be signed by the **owner of the property and person holding the public dance (if different) whom will both be the** applicant. This signed permit will serve as evidence of his or her agreement to abide by all terms and conditions of the permit and this chapter.
- B. In the event that the County Administrator or his or her designee determines that there has been law enforcement intervention or violations of alcoholic beverage control regulations at a previous dance held by the applicant or conducted on his or her property, he or she shall notify the applicant, in writing, that a determination as to whether the permit should be issued will be made by the Northumberland County Board of Supervisors at its next regularly scheduled meeting, advise the applicant of the date and time at which such determination will be made and advise the applicant of the intervention or regulatory violation record. At its next regularly scheduled meeting, the Northumberland County Board of Supervisors shall afford the applicant an opportunity to be heard and, after considering the nature of the law enforcement intervention or the violations of the alcoholic beverage control regulations, and such other matters as the applicant may bring before the Board, the Board shall determine whether to issue the permit.
- C. Should the application have been for a single event the date for which has passed prior to the hearing before the Board of Supervisors, the applicant may still be afforded an opportunity to be heard as to his or her ability to conduct dances in the future, and a determination by the Board of Supervisors that he or she is a proper person or entity to receive a permit shall be binding on future applications to the County Administrator unless new information as to law enforcement intervention or a violation of the alcoholic beverage control regulations shall be received.

§ 58-4. Rules and regulations for operation.

Dance halls and dances shall be operated subject to the following rules and regulations:

- A. Adequate parking facilities for automobiles owned or used by patrons of the dance or dance hall shall be provided by the operator of the dance hall so that there is no parking of automobiles on the state highway right-of-way or on private property without written permission of the owner of the property.
- B. No dance hall or dance shall be operated until all rules, regulations and County ordinances are complied with, including but not limited to Chapter 45, Building Construction, and ordinances, rules or regulations in regard to health, zoning and sanitation.
- C. The dance halls shall be open to inspection by the Northumberland County Sheriff's Department and other law enforcement officers at all times during the operation of such dances.
- D. No dance shall be conducted unless the permit to hold such dance is posted in a conspicuous place which is easily accessible for inspection by law enforcement authorities. **The owner or a designee representing the owner, and applicant, if different, must be on the property at all times until everyone has left the property.**
- E. No dances shall be conducted between the hours of 1:01 a.m. and 8:00 a.m.
- F. Amplification of music shall not be maintained at a volume which constitutes a nuisance to adjoining property owners.
- G. **Listed on the application must be how the applicant is going to provide adequate security and a means to contact any emergency services. Security must be provided during the entire event and until everyone has left the property.**

§ 58-4.1. Public nudity prohibited. [Added 8-13-1998]

Public nudity, or the encouragement of such, is prohibited on the premises. If there are any law enforcement interventions, violations of the Alcohol Beverage Control Laws or regulations of the County, then no further permits for dance halls will be issued for that location until the owner(s) of the dance hall appear(s) before the Board of Supervisors, at which time the Board of Supervisors shall decide whether or not to revoke permits for the dance hall for a period not to exceed one year.

§ 58-5. Revocation of permit.

A permit may be revoked at any time by the County Administrator upon evidence that the holder of the permit has failed to comply with the provisions of this chapter. Upon revocation, the holder may request, in writing, that the revocation be considered by the Northumberland County Board of Supervisors at its next regularly scheduled meeting.

§ 58-6. Violations and penalties.

Any person who shall operate or permit the operation on his or her property or property under his or her control of a public dance hall or dance as herein defined without a permit to operate a public dance hall or dance shall be guilty of a Class 3 misdemeanor.

**A permit fee of \$500.00 is required for each event.**

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: PUBLIC COMMENT PERIOD**

Mrs. Jenny Estell questioned if the Board could require an engineered septic system be hooked to a generator. Supervisor Self stated that the Health Department regulates those issues.

Mrs. Emma D. Carter thanked the Board for their work in the county. She then questioned the internet poles being placed in certain spots in the county and stated many are an eye soar and decrease land values. The one on Newman’s Neck Road, which is close to her property, is of the most interest and questioned how secure it is. Chairman Jett asked Zoning Administrator Shirley if there are any guidelines concerning the location. Mr. Shirley said there are not any guidelines to their placement. The County Administrator was authorized to look into the placement of the polls as far as the stability and the fall radius.

Ms. Anne Belinger asked the board what system is in place to track conditional use permits. Staff responded saying that Administrator keeps track of it and that they are working on a more reliable electronic system.

**RE: LEASH LAW REQUESTED IN WICOMICO VIEW SUBDIVISION**

Mr. William Coleman stated he is trying to get a leash law in Wicomico View Subdivision and he was sent a letter stating that a leash law in the area where he lives will not help in his situation due to the fact that the dogs are coming from outside the development. There are very few lots within this subdivision and all 4 of the homeowners have signed a statement saying that they want the leash law because they are having a problem with the same dog. County Attorney Kilduff suggested a civil action suit would be better than a leash law in this matter.

Upon motion by Ronald L. Jett, duly seconded by A. Joseph Self, Sr. the board voted to advertise this request for a leash law in the Wicomico View Subdivision. The vote on the motion is as follows:

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

**RE: CLOSED MEETING**

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted unanimously to convene into closed meeting to discuss potential litigation as permitted by Virginia Code Section 2.2-3711 (A) (7). The vote on the motion was as follows:

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

**RE: OPEN MEETING**

The Board convened back into open session upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, 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 James M. Long, 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 matters of potential litigation.

The vote on the motion was passed by a roll call vote as follows:

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

**RE: ACTION TAKEN**

The Board directed the County Administrator to contact Risk Management concerning the lawsuit filed by Ree Ellis against the County on the Cranes Creek boatramp.

**RE: FIRE DEPARTMENT SURVEY**

Chairman Jett asked if the Board would consider the hiring of a consulting firm to study the future needs of the fire departments within the county. The Board directed Mr. Eades to write up a Request for Proposal to see if we can hire a firm to look at our growth areas and what future needs there were for the departments.

**RE: ADJOURNMENT**

Upon motion by A. Joseph Self, Sr., the Board voted unanimously to carry the meeting over in case action is needed on the lawsuit filed against the county. 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