

Board of Supervisors Meeting
April 9, 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, April 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

Supervisor James M. Long, led the invocation.

RE: PLEDGE OF ALLEGIANCE

The 4-H Garden Club girls led us in the Pledge of Allegiance.

RE: APPROVAL OF MINUTES FROM FEBRUARY 12, 2009 AND MARCH 12, 2009 and MARCH 30, 2009

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the board voted to adopt the February 12, 2009, March 12, 2009 and the March 30, 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 Thomas H. Tomlin, the Board voted unanimously to approve the agenda for today's meeting with two changes. The request by J. Carter Fox for a renewal and extension of the Conditional Use has been withdrawn. Also, the request by Robert Lee Downing, II for an Exception through the Resource Protection Area buffer and cross two areas of wetlands has been tabled until the June 11, 2009 Board of Supervisors meeting. The vote on the motion was as follows:

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

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

RE: MS. DAWN NEALE AND MS. JACKIE CLAYTON, CHILD ABUSE PREVENTION MONTH

Upon motion by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr., the board voted to adopt the following proclamation.

Proclamation
Observance
Child Abuse Prevention Month

Whereas, preventing child abuse and neglect is a community problem that depends on involvement among people throughout the community; and

Whereas, child maltreatment occurs when people find themselves in stressful situations, without community resources, and don't know how to cope; and

Whereas, the majority of child abuse cases stem from situations and conditions that are preventable in an engaged and supportive community; and

Whereas, all citizens should become involved in supporting families in raising their children in a safe, nurturing environment; and

Whereas, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies, the business community, and the citizens of Northumberland County; and

Now therefore we, the Board of Supervisors, do hereby recognize April, 2009, as Child Abuse Prevention Month in Northumberland County, and we call this observance to the attention of all our citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

The vote on the motion is as follows:

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

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

**RE: MR. CLIFTON BALDERSON, ASSISTANT RESIDENCY ADMINISTRATOR,
NORTHERN NECK VDOT RESIDENCY**

Mr. Clifton Balderson reported the maintenance crew was continuing to do patching around the county and they are also in the process of looking into mowing for this year because the standards have changed due to budget cuts.

Supervisor Tomlin asked if there would be some type of meeting that would be scheduled in Warsaw or Tappahannock to discuss the required secondary system. Mr. Balderson said that he has heard of any meetings but will check.

**RE: MR. CLINT STABLES, SUPERINTENDENT, NORTHUMBERLAND COUNTY
SCHOOLS**

Mr. Stables gave a brief overview of the school budget and stated that they were asking for less local money than last year. He stated he has given out the copy of the full budget and that if any items come up, to please give him a call.

He stated there is another change in schedule for the opening of the new High/Middle School due to a few punch list items. He stated they still plan on having prom there in the end of April as well events on May 2nd and May 3rd. There is still no set "move date" but that will not be before SOL Testing but he hopes to get in before summer.

Chairman Jett asked about the stimulus figure within the budget request. Mr. Stables said that was the federal funds given to the local school systems for Title I programs and various other budget needs.

Mr. Stables mentioned the school calendar for next year and that they were looking at ending school earlier as a way to save on costs. There will still be the same number of school days at in the current year but the state allows a system that puts in more hours per day to reduce the number of days. The calendar will be considered at the next School Board Meeting.

The Board scheduled a meeting to discuss the school board budget for April 21, 2009 at 5 p.m.

Ms. Sandy Harris from the audience asked about the "Stimulus Wish List" that was advertised and posted with reference to a \$350,000 meeting room for the School Board. Mr. Eades responded that this was a list for the Governor's Web Page that was part of numerous other jurisdictions requests just to get an idea of the types of items that government and non-profits were looking to complete in the near future.

**RE: MR. MIKE MCKENNEY, NORTHUMBERLAND COUNTY COMMONWEALTH
ATTORNEY**

Mr. McKenney was recently appointed as the Juvenile and Domestic Relations Court Judge and wanted to come to the Board to thank them for their past support. He stated that this was his 14th year as Commonwealth Attorney and he has valued the friendship and support of the Board. This is where he stated he has grown up here and he will now be serving as the Judge. He said that there are many mixed emotions and changes happening. This is the greatest place in the world. There will be a ceremony for him on May 29, 2009 at 4 p.m.

RE: BUILDING PERMIT REPORT:		
	2009	2008
Total construction cost for the month	\$ 7,555,946.50	\$ 4,891,548.00
Total Bldg. Permit Cost for Month	\$ 7,000.52	\$ 7,695.96
Total Zoning Permit Cost for the Month	\$ 3,240.00	\$ 3,260.00
Total Levy Fee for the Month	\$ 122.73	\$ 132.51
<i>Total Construction cost year to date</i>	<i>\$ 18,381,991.10</i>	<i>\$ 14,668,260.00</i>

RE: BOATHOUSE ISSUE SENT TO PLANNING COMMISSION

Mr. Eades stated he received a response from the Northumberland County Planning Commission from the Boards resolution last month on whether the county should discontinue boathouses permits, allow them by right or continue issuing them by Special Exceptions permit. The Planning Commission decided to not change the way they are handled and continue to issue Special Exceptions permits.

RE: RANDOLPH NEALE REQUEST FOR ROAD ABANDONMENT (ADVERTISE)

Mr. Eades stated he had received a request from Randolph Neale to abandon an alley way in the Fleeton area. The Board agreed to advertise this abandonment for next month.

RE: FIRE STATION STUDY ADVERTISEMENT

Mr. Eades stated that he had advertised the Fire Station Study that was discussed last month. The bids are due Thursday, April 23, 2009.

RE: JACK MILLER, RESOLUTION SUPPORT VACO

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

**RESOLUTION
ENDORSEMENT OF JOHN D. (JACK) MILLER
FOR SECRETARY/TREASURER OF VACO**

WHEREAS, John D. Miller, Jr. has served on the Middlesex County Board of Supervisors for 12 years, since 1996; and

WHEREAS, John D. Miller, Jr. has worked with Northumberland County in rural matters involving the Middle Peninsula and Northern Neck Counties; and

WHEREAS, leadership and service of Mr. Miller have shown his commitment and dedication to public service;

NOW THEREFORE, BE IT HEREBY RESOLVED, that the Northumberland County Board of Supervisors hereby endorses the candidacy of John D. (Jack) Miller, Jr. for the position of Secretary-Treasurer of the Virginia Association of Counties.

RE: REQUEST BY DON CHAMBLEE, LEASH LAW AT SMITH POINT MARINA

Mr. Eades stated that Mr. Chamblee had requested again for a leash law at Smith Point Marina and Campground. Mr. Eades was directed by the Board to write Mr. Chamblee a letter stating that he can control his own property and there is no need for the leash law.

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: BOARD COMMENT PERIOD

PUBLIC HEARINGS

- **AGENDA CHANGES – ZONING ADMINISTRATOR W.H. SHIRLEY ANNOUNCED TO THE PUBLIC THAT THE REQUEST FOR PUBLIC HEARING. THE REQUEST BY J. CARTER AND CAROL S. FOX FOR A RENEWAL AND EXTENSION OF THE CONDITIONAL USE PERMIT APPROVED AUGUST 10, 1989, TO CONSTRUCT A 28 UNIT CLUSTER DEVELOPMENT AT 2046 WHAYS CREEK ROAD HAS BEEN WITHDRAWN. ALSO, THE REQUEST BY ROBERT LEE DOWNING, II FOR AN EXCEPTION TO THE CHESAPEAK BAY PRESERVATION AREA ORDINANCE IN ORDER TO CONSTRUCT A ROADWAY WTHROUGH THE RESOURCE PROTECTION AREA BUFFER AND CROSS TWO AREAS OF WETLANDS TO REACH THEIR PROPERTY LOCATED NEAR LOTTSBURG HAS BEEN TABLED UNTIL JUNE 11, 2009.**

RE: REQUEST BY C.W. O'BIER AND SONS, INC. FOR A SPECIAL EXCEPTIONS PERMIT TO ESTABLISH A FENCED AREA TO GARAGE TRUCK, SEMI-TRACTORS AND TRAILERS AT 2980 MUNDY POINT ROAD

Zoning Administrator W.H. Shirley described the request. He received one comment in objection on the request.

Public Hearing Open

Mr. Stanley O'Bier said that the trucks are there as storage buildings more than anything else. Whenever there are high tides they are used to get their product out of harms way.

Mrs. Julia Middleton neighbor read a prepared statement which listed her concerns on the request (copy attached in Board papers).

Public Hearing Closed

Mr. Shirley read the conditions recommended on the request.

1. The area on which the vehicles and vehicle bodies will be garaged must be shielded on the northwest (Zuger, APO) and southwest (Mundy Point Farm, APO) with a fence that is at least 14' tall;
2. The fence must be at least 4' from any adjoining property and any street right-of-way and at least 50' from any wetland area;
3. Any exterior lighting must be non-reflective and directed downward;
4. Any vehicle or vehicle body that cannot be accommodated by the designated area must be removed from the property; and,
5. The fencing must be completely in place within 60 days of the date of the decision.

Supervisor Self questioned the 60 day time limit on the fence whether that would be ample time to get the fence up and completed. Supervisor Tomlin asked if the fence would be at least four feet from the property line. Mr. O'bier said that it could be done in 60 days if necessary but it would be pushing it and that there are trees along the property line so he will have to stay off the line.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to approve the request with one change to the conditions recommended by staff. The fencing must be completed and in place within 120 days of the date of the decision, August 7, 2009.

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 BY PHILO D. DIBBLE FOR A SPECIAL EXCEPTIONS PERMIT TO CONSTRUCT A 16' X 40' X 23.5' BOATHOUSE ON INDIAN CREEK OFF 322 INDIAN POINTE DRIVE

Mr. Dibble spoke on his behalf stating that he didn't see any problems with his request and he just wants a cover over his boat. There are already five other boathouses on that part of the creek.

Public Hearing Open

Mr. Kevin Stepko stated he lives across the creek and is opposed to this request. He said several others that weren't able to attend this hearing are also opposed. The environment is already stressed from the run off of the farms and failing septic tanks. The shadow pattern is harmful and the impact on property values will not be good.

Mr. Mo Martin stated he is opposed to any boathouse because it affects the bay.

Mr. Carol Sweeney is concerned about the damage the boathouse could do if a storm came up and is also concerned with the aesthetics and the environment.

Mr. Bill Lape stated this boathouse will effect the pristine view and if this is approved others will follow.

Public Hearing Closed

Zoning Administrator Shirley stated the recommended conditions if the request were to be approved:

1. The permit will be valid for two (2) years and will expire on April 9, 2011, at which time the boathouse must be completed;
2. The boathouse must be constructed as shown on the application alongside the existing pier and cannot exceed the dimensions requested;
3. All lighting must be non-reflective and directed downward;
4. A fire extinguisher that is accessible from the pier must be located within the boathouse; and,
5. The approval of this boathouse does not imply nor grant the establishment of a riparian apportionment.

Upon motion by Thomas H. Tomlin duly seconded by James M. Long the Board voted to approve the request as submitted with the suggested conditions.

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	

Supervisor Tomlin stated he hated to go against the citizens on this one but it is not the only boathouse on the creek. The grain elevator is there and if there were no other boathouses on the creek that would be different.

RE: REQUEST BY BETZ LANDING PROPERTY OWNERS TO LOCATE A “SHALLOW CHANNEL” MARKER ON CRABBE MILL STREAM AND BUSH MILL STREAM AT THE HEADWATERS OF THE GREAT WICOMICO RIVER NEAR BETZ LANDING SUBDIVISION

Mr. John Mrzyglod of Betz Landing stated he wanted a “no wake” sign, but the shallow water will be acceptable.

Supervisor Tomlin commented that he went down to that area today and it is very shallow.

Upon motion by Thomas H. Tomlin, duly seconded by Richard F. Haynie the Board voted to approve the following recommendation from Richard Goszka and Kenneth Williams of DGIF which included:

A 4'x4' vertical open-faced diamond shape orange in color with a white center with the wording "Shallow Channel" in black block letters. The signs shall comply with the provisions in 4 VAC 15-370-50, for regulatory markers and aids to navigation. The signs will be set at these coordinates.

Bush Mill Stream:

Latitude 37° 52' 17" N and Longitude 76° 26' 08" W

Crabbe Mill Stream:

Latitude 37° 52' 32" N and Longitude 76° 26' 00" W

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

The Board decided to set a date for the Board of Supervisor to review the school board budget. The meeting is scheduled for April 21, 2009 at 5 p.m. in the board room.

RE: NEWMAN’S NECK TRASH

The Board discussed the trash problem in the Newman’s Neck area. Mr. Eades suggested getting the county to take action to clean the area up and bill the property owner. There have been numerous tries to get the property owner to clean the area but it still has not been completed. The county can have it transported to the recycling center (Rite Way Recyclables) since most of the materials are steel.

Supervisor Tomlin asked if the stuff is hauled away, who will get the proceeds. Chairman Jett stated that any money would go back to the land owner. Mr. Eades commented that the county wouldn’t make any money on the cleanup. Supervisor Self suggested putting the land owner on notice with Zoning Administrator Shirley giving the land owner 30 days to clean up and if it is still not cleaned up, the Board will take action and remove the material. Supervisor Self stated that any proceeds from taking the scrap metal to the center will go towards the cost of hiring someone to clean up the land and after that any money left over will go to the land owner.

RE: ADJOURNMENT

Upon motion by Thomas H. Tomlin, the Board voted unanimously to keep the meeting open until the next meeting on April 21, 2009 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