

**Board of Supervisors Meeting
October 12, 2017
5:00 P.M.**

NORTHUMBERLAND COUNTY, VA

The meeting was convened for the regular monthly meeting of the Northumberland County Board of Supervisors that was held at Northumberland Courts Building, on Thursday, October 12, 2017.

Present: Ronald L. Jett - Chairman
 Richard F. Haynie – Vice-Chairman
 Joseph Self, Sr. – Supervisor
 Thomas H. Tomlin - Supervisor
 James M. Long - Supervisor

Matson C. Terry, II – County Attorney
Luttrell Tadlock – County Administrator

RE: INVOCATION

Pastor Brassard, Northern Neck Baptist Church led us in the invocation.

RE: PLEDGE OF ALLEGIANCE

Chairman Jett led us in the Pledge of Allegiance.

RE: MINUTES APPROVAL – SEPTEMBER 6, 2017, AND SEPTEMBER 14, 2017 MEETINGS

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the board voted to approve the minutes for September 6, 2017 and September 14, 2017.

The vote on the motion is as follows.

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

RE: APPROVAL OF AGENDA

Upon motion by A. Joseph Self, Sr. duly seconded by Richard F. Haynie, the Board voted to approve the agenda for today’s meeting

The vote on the motion is as follows.

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|----------------------|---------------------------|
| Ronald L. Jett – AYE | A. Joseph Self, Sr. - AYE |
|----------------------|---------------------------|

James M. Long – AYE
Thomas H. Tomlin – AYE

Richard F. Haynie – AYE

RE: DR. HOLLY WARGO, SUPERINTENDENT OF SCHOOLS

Dr. Wargo gave an update on the current enrollment. Currently they have 1,234 children enrolled. This is not including the Pre-K children. Currently there are 88 children in Pre-Kindergarten program. The budget is based on 1280 enrolled.

She then reported on current events. The Middle School Future Problem Solvers are working on a beautification project in the courtyard. They have received a grant in the amount of \$4,900 and have proposed murals to be placed within that area and also plan to purchase new seating. The TAG and Junior Beta students plan to keep the courtyard project up throughout the future.

The Callao Volunteer Fire Department came to the school to visit the Pre-K and Kindergarten students this past Monday and taught them how to respond to a fire if they are home when a fire occurs.

Dr. Wargo stated that the summer reading program was a success and had 55% of student population participate. She then provided the board with a sports calendar and said the Dig Pink night for Volleyball is next Thursday. Supervisor Self asked about the courtyard project and how the plants will be contained. Dr. Wargo stated that all of the plants will be in individual containers.

Supervisor Tomlin asked the Superintendent how the road construction has affected the flow of school traffic. She stated that the local VDOT officials have been very responsive of the situation and stated this has been a challenge for all. Supervisor Tomlin said it has been more challenging than it should have been.

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Todd VanLandingham and Mr. Steve McKeever were present.

Superintendent of the Lottsburg AHQ stated that the primary roads are being cut and right now they are in Heathsville. They are starting to prepare for snow this upcoming winter.

The Salt building is up and he hopes the rest of the construction will go smoothly. He said stalls will each hold 2,000 pounds and the building will be two stalls.

Supervisor Self asked about the condition of the salt over time in the building. Mr. McKeever said as long as the salt is out of the weather then it should be okay.

Mr. McKeever reported on the VDOT construction project on Academic Lane. He stated that this past Tuesday, they did a walk through and have started formulating a punch list. Mr. McKeever explained about the pipe installation which was originally a four-foot shoulder, now it is six to six and a half feet at the turn on Rt. 360. He continued to say that the issue before Tuesday was the rip rap was high and was above grade. This has been re-done and they have gone back with shoulder stone and with this being fixed it should be fine and no guardrail is needed.

The Bus entrance on the East end of Rt. 360 was re-done and widened and was completed by design but the entrance to the actual parking lot should have been wider and this is on the punch list and will get the contractor back out to fix this issue. The striping was done to plan and he said he understands that the Board of Supervisors thought this was to be done different. He said he is committed to doing what he needs to do to make it right but the contractor on the job did live up to what was on the plan. The issues with the paving are being addressed and will continue to get this part of the project straight. He did note that they plan to repave the road from Food Lion to Macedonia Church next year.

Mr. McKeever stated that they are just as equally frustrated with this project. He thanked the local VDOT Superintendent, Mr. VanLandingham for stepping up several times to make this right even when the situation was beyond their control.

Supervisor Tomlin noted seeing the inspector at the project site but the work was not ready to be inspected. He also said the “Bump” sign kept getting removed.

Supervisor Self thanked the local staff for all they have done and asked if it would be helpful for our board to send something to the higher levels to insure something like this does not happen again. Mr. McKeever stated he is pretty sure this issue is not over yet and he, himself has been making several calls. Supervisor Tomlin questioned the procurement procedures and how the contractor got the low bid.

Supervisor Self stated that the gentlemen named Robert on the project was good and he wanted to say thank you to him.

Chairman Jett thanked the local VDOT personnel for meeting them to discuss this.

RE: MR. FRANCIS BRADLEY, ATLANTIC BROADBAND

Representatives from Atlantic Broadband as well as Metrocast came today to talk about the franchise agreement transfer from Metrocast to Atlantic Broadband. Mr. Bradley said the purchase will increase the company Atlantic Broadband size by 40 percent. He added that the closing date for this is planned for January 4, 2018. He is asking for the County’s consent to transfer the agreement within.

Supervisor Tomlin noted the problems with getting the service to everyone. Mr. Bradley explained the economic model and suggested the County getting a list together for areas that want the service and let them give a cost estimate. He also explained infrastructure money but explained there is not a lot they can do at this point and reiterated getting a list together.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the board voted to approve the following resolution:

**A RESOLUTION APPROVING THE TRANSFER OF THE CABLE TELEVISION
FRANCHISE GRANTED BY NORTHUMBERLAND COUNTY**

FINDINGS

- A. Northumberland County ("Franchising Authority") has received a request from Gans Communications, L.P., d/b/a MetroCast Communications ("MetroCast"), to assign to Atlantic Broadband (Delmar), LLC, a wholly-owned, indirect subsidiary of Cogeco Communications, Inc., ("Atlantic Broadband") the cable television franchise held by MetroCast ("Franchise").
- B. The Franchise requires that MetroCast obtain the Franchising Authority's prior consent for the assignment of the Franchise by MetroCast to Atlantic Broadband.
- C. MetroCast and Atlantic Broadband have properly requested the Franchising Authority's consent to the assignment and transfer of the Franchise and related assets to Atlantic Broadband.
- D. Atlantic Broadband has the financial, technical, and legal ability to fulfill the obligations of the Franchise, and the assignment of the Franchise to Atlantic Broadband will serve the public interest.

ORDINANCE

Based on the above findings, Northumberland County resolves as follows:

- 1. The Franchising Authority consents to the transfer to Atlantic Broadband of the Franchise and all of MetroCast's rights in and under the Franchise.
- 2. Upon the closing of the sale of MetroCast's cable system to Atlantic Broadband ("Closing"), Atlantic Broadband shall become bound by the Franchise and shall perform and discharge all obligations and duties under the Franchise that arise on and after the Closing.
- 3. Upon Closing, the Franchising Authority releases MetroCast from all obligations and liabilities under the Franchise that relate to periods from and after the Closing.
- 4. Upon Closing, Caisse de dépôt et placement du Québec ("CDPQ") will have an indirect equity interest in Atlantic Broadband.
- 5. Atlantic Broadband may: (a) assign or transfer its assets to an entity directly or indirectly controlling, controlled by, or under common control with Atlantic Broadband; (b) restructure debt or change the ownership interests among its existing equity holders and/or CDPQ; (c) pledge or grant to any lender a security interest in Atlantic Broadband's assets to secure indebtedness; and (d) sell equity interests in Atlantic Broadband or any of Atlantic Broadband's affiliates.
- 6. All Franchising Authority action necessary to approve this Resolution and the Franchise transfer has been duly and validly taken.
- 7. This Resolution is effective upon adoption.

The vote on the motion was as follows:

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

RE: NORTHERN NECK LAND CONSERVANCY, DEED OF CONSERVATION EASEMENT (GROSKLAGS/CALHOUN)

County Administrator Tadlock stated he had distributed information on the proposed co-hold to the Board at their last meeting. He noted the County adopted a Cooperative Agreement with the Northern Neck Land Conservancy on December 15, 2009 to co-hold conservation easements. Currently the County co-holds one other conservation easement with the Northern Neck Land Conservancy which was approved by the Board in October of 2013.

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the board voted to approve co-holding the conservation easement with the Northern Neck Land Conservancy on Tax Map No.(s) 51-(1)-153 through 51-(1)-157 and 52-(10)-2-A.

Elizabeth Friel, Northern Neck Land Conservancy Executive Director, and Cathy Calhoun, property owner, were present, however, the Board did not have any questions for them.

The vote on the motion was as follows:

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

*See Board Paper Packets for more information on the deed.

RE: BUILDING PERMIT REPORT

| Month of September 2017 | 2017 | 2016 |
|---|-------------------------|-------------------------|
| Total construction cost for the month | \$ 2,744,044.80 | \$ 3,493,233.95 |
| Total Bldg. Permit Cost for Month | \$ 4,383.32 | \$ 4,156.40 |
| Total Zoning Permit Cost for the Month | \$ 1,900.00 | \$ 2,340.00 |
| Total Levy Fee for the Month | \$ 84.67 | \$ 83.13 |
| Total Construction cost year to date | \$ 19,436,337.86 | \$ 16,577,294.67 |

RE: ANIMAL SHELTER APPROPRIATION

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the board voted to appropriate \$4,268.75 to line item 10-3501-1004 for funds received from animal shelter yard sale to cover additional funds to animal shelter employees. The vote on the motion is as follows:

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

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

RE: APPOINTMENTS NEEDED

Mr. Tadlock reminded the Board that an appointment is needed for a representative on the Community Services Board and CPMT Board. Mr. Tadlock stated that Mr. Chuck Walsh from the CSB had sent an email with a recommendation.

RE: APPOINTMENT TRI-COUNTY ASAP BOARD, MR. JOHNNY BEAUCHAMP

Upon motion by James M. Long duly seconded by A. Joseph Self, Sr. the board voted to appoint Mr. Johnny Beauchamp as the Northumberland County’s representative on the Tri-River ASAP Policy Board. Mr. Beauchamp’s appointment will be for three years (October 12, 2017, through October 12, 2020).

The vote on the motion is as follows:

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

A. Joseph Self, Sr. - AYE
Richard F. Haynie – AYE

RE: 2017 VACO CONFERENCE VOTING DESIGNEE, A. JOSEPH SELF SR.

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to approve for Mr. A. Joseph Self, Sr. to be the County’s representing voting designee at the Virginia Association of Counties meeting in November.

The vote on the motion is as follows:

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

A. Joseph Self, Sr. - AYE
Richard F. Haynie – AYE

RE: CALLAO BUSINESS DISTRICT GRANT FUNDING DENIAL

Mr. Tadlock explained the process and noted that we scored 737 out of 1000. He stated that some localities were funded with a score of 746 points, so Callao was very close. He said they plan to hold a meeting on this at the end of the month to get more information from the Northern Neck Planning District Commission.

RE: LODGE LANDING – READVERTISE DUE NOVEMBER 2

Mr. Tadlock informed the Board that he will be advertising again for the dredging at Lodge. The closed bids are due November 2, 2017.

RE: GO-VIRGINIA

Mr. Tadlock gave a brief description of the Go-Virginia economic development incentive grant. He noted that he distributed a brief overview of the program and that applications are due Nov. 17, 2017. As this grant program requires two localities to apply, he stated that there may be a potential project with Westmoreland County.

RE: EMS- NEW RESCUE SQUAD UPDATE

Mr. Tadlock informed the board that the new rescue squad for our Emergency Services should be here next week.

RE: CHECK REGISTER APPROVAL

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the board voted to approve the check register as submitted.

The vote on the motion is as follows:

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

- Note: Supervisor Tomlin questioned the amount for the new EMS rescue squad as far as the additional equipment.

RE: BOARD COMMENT PERIOD

No comments were given

RE: PUBLIC COMMENT PERIOD

RE: CLOSED MEETING

Upon motion by James M. Long duly seconded by, Richard F. Haynie, the Board voted unanimously to convene into closed meeting to discuss a personnel matter and discussion of a contractual matter and personnel matter as permitted by Virginia Code Section 2.2-3711 (A) (7). The vote on the motion was as follows:

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

RE: OPEN MEETING

The Board convened back into open session upon motion by Thomas H. Tomlin, 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:

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

RE: MOTION AND CERTIFICATION OF CLOSED MEETING

A motion was made by James M. Long, duly seconded by Richard F. Haynie, 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 to discuss a personnel matter, use of public property and a contract matter.

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

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

RE: ACTION TAKEN

RE: CIRCUIT COURT CLERK'S OFFICE CERTIFICATION, SALARY ADJUSTMENTS

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted unanimously to approve the following salaries effective October 1, 2017 for the Circuit Court Clerk's Office for those employees that completed the Career Development Program. Deborah Bingham - \$110,571.00, Shawanna Harcum- \$45,243.00, Jenny Headley- \$35,478.00. This motion also included appropriating additional funds in the amount of \$7,310.57 to the following line items under the Circuit Court Clerk's budget: 2106-1001 increase of \$6,219.12, 2106-2001 increase of \$475.76 , 2106-2002 increase of \$534.22, and 2106-2003 increase of \$81.47.

The vote on the motion was as follows:

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

RE: HIRING OF DANNY HALL, PART TIME SANITARY DISTRICT

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted unanimously to approve hiring Danny Hall as a part time employee of the Sanitary District at an hourly rate of \$10.72 with no benefits.

The vote on the motion was as follows:

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

RE: BAY RESTORATION- OLD EVB CLEANING

Mr. Tadlock commented he had received an estimate of \$9,876.11 for the cleaning of several spots in the old EVB Bank due to mold. He stated to the Board that he would like to discuss this pricing further with Bay Restoration.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted unanimously to approve moving forward in having Bay Restoration clean the old EVB Bank of mold upon the County Administrator negotiating the final price in order to get it done as soon as possible.

The vote on the motion was as follows:

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

PUBLIC HEARING, 7PM

RE: REQUEST BY CHARLES D. O'BIER, OWNER, FOR A CONDITIONL USE PERMIT TO CONSTRUCT A 21' X 30' X 23' BOATHOUSE ALONGSIDE AN EXISTING PIER. THE PROPERTY IS LOCATED AT 108 ISLAND RD, IN LEWISSETTA

Mr. O'Bier was present for the meeting.

Zoning Administrator Marston described the request and gave the suggested conditions if approved.

Public Hearing Open

No comments were given.

Public Hearing Closed

Upon motion by A. Joseph Self, Sr. duly seconded by James M. Long, the board voted to approve the request for a conditional use permit to construct a boathouse long side an existing pier in Lewisetta with the following conditions:

1. All necessary permits shall be obtained from all regulatory agencies.
2. The boathouse shall be constructed as shown on the joint permit application.

A building permit is required prior to construction.

The vote on the motion was as follows:

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

RE: PUBLIC COMMENT PERIOD

No comments were given.

RE: ADJOURNMENT

Upon motion by A. Joseph Self, Sr. seconded by James M. Long, the Board voted to adjourn. The vote on the motion was:

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

E. Luttrell Tadlock, Clerk