

A regular meeting of the Westmoreland County Board of Supervisors was held Monday, January 11, 2010, in the auditorium of the A. T. Johnson Museum, located at 18849 Kings Highway, Montross, Virginia. Those members present were, Darryl E. Fisher, W. W. Hynson, Lynn C. Brownley, Russ Culver, and Larry Roberson. Also present were Norm Risavi, County Administrator, Karen Lewis, Assistant County Administrator, LaToya Ball-Tate, Administrative Assistant, and Tom Bondurant, County Attorney.

### CALL TO ORDER

Chairman Fisher called the meeting to order at 9:36 a.m.

#### 1. REORGANIZATION

Mr. Fisher indicated that he does not desire to serve as chairman for the current year.

##### A. Appointment of County Administrator Temporary Chairman

Mr. Fisher turned this portion of the meeting over to Norm Risavi, County Administrator, who acted as Temporary Chairman of the Board.

##### B. Election of Chairman

Mr. Risavi reminded the Board of the procedure for electing officers to the Board, noting that only an affirmative vote is necessary. The floor was opened to nominations for Chairman.

Mr. Roberson nominated W. W. Hynson as Chairman of the Board of Supervisors.

There being no additional nominations, Mr. Risavi closed the nominations and called for the question on the nomination of Mr. Hynson as Chairman. W. W. Hynson was elected Chairman of the Board of Supervisors by unanimous vote. Mr. Risavi then turned the proceedings over to Mr. Hynson who thanked fellow Board members for the honor to serve as Chairman and complimented Mr. Fisher on a job well done. Mr. Hynson expressed his desire to see Mr. Fisher elected as Vice Chairman.

##### C. Election of Vice Chairman

The floor was opened to nominations for the position of Vice Chairman. Mr. Culver expressed accolades to Mr. Fisher on his exceptional performance as Chairman. Mr. Culver nominated Mr. Fisher as Vice Chairman of the Board of Supervisors. There being no other nominations, Chairman Hynson closed the nominations and called for the question on the nomination of Mr. Fisher as Vice Chairman. Darryl E. Fisher was elected Vice Chairman by unanimous vote.

Mr. Roberson thanked Mr. Fisher for his past service as Chairman. Mr. Roberson explained that his belief that the chairmanship should be rotated has nothing to do with Mr. Fisher's performance.

Mr. Fisher thanked fellow Board members and staff for their support during his tenure as Chairman. Quoting the phrase, "We should always understand that the good of the many should outweigh the desires of the one", Mr. Fisher commented on the Board's efforts to focus on the desires of the entire county and how best to accomplish those things. It sometimes requires one to step out of individual desires and preferences and continue to look at what will keep this body operating in a harmonious and productive manner.

D. Term of Office of Chairman and Vice Chairman

Mr. Brownley moved that the term of office for chairman and vice chairman be set at one year. Mr. Roberson seconded and the motion carried unanimously.

E. Resolution on Days, Times, and Places of Regular/Land Use Meetings

Upon motion by Mr. Fisher, second by Mr. Roberson and carried unanimously with Mr. Roberson, Mr. Culver, Mr. Fisher, Mr. Brownley, and Mr. Hynson voting "aye", the Board waived the reading and adopted the following resolution:

**RESOLUTION**

**WHEREAS**, Section 15.2-1416 of the Code of Virginia, 1950, as amended, provides that the days, times and places of regular meetings to be held during the ensuing twelve months shall be established by the Governing Body at each annual meeting; and

**WHEREAS**, it is the intent of the Board of Supervisors of Westmoreland County to conduct one regularly scheduled meeting each month during calendar year 2010;

**NOW, THEREFORE, BE IT RESOLVED** that the regularly scheduled meetings for calendar year 2010 shall be held in the auditorium of the A. T. Johnson Alumni Museum, located at 18849 Kings Highway, Montross, Virginia on the following days and times:

1. The second Monday of each month commencing at 9:30 a.m. to conduct the regular business of the Board and commencing at 1:30 p.m. to conduct the land use business of the Board, except that during the months of February, April, June, August, October, and December, regular meetings will be held on the second Monday of each month commencing at 6:00 p.m. to conduct the regular business of the Board and commencing at 7:30 p.m. to conduct the land use business of the Board; and

2. As circumstances dictate, the County Administrator may change the time a Board meeting will commence to accommodate additional agenda items that may arise; and
3. If, in the judgment of the County Administrator or members of the Board of Supervisors, a special meeting is necessary, it shall be called in conformity with Section 15.2 -1418 of the Code of Virginia, 1950, as amended and the Board shall be given 72 hours advance notice of such special meeting, unless circumstances dictate otherwise; and
4. In accordance with Section 15.2-1416 of the Code of Virginia, 1950, as amended, if the chairman, or vice chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for board members to attend the regular meeting, such meeting shall be continued to the Wednesday following the second Monday of each month commencing at the same time as the regular meeting is scheduled at the A. T. Johnson Museum located in Montross, Virginia.
5. If the regular meeting date coincides with a county holiday, such meeting shall be held on the Wednesday following the second Monday of each month commencing at 9:30 a.m. at the A. T. Johnson Museum located in Montross, Virginia, except that during the months of February, April, May, August, October, and December, such meetings will be held on the Wednesday following the second Monday of each month commencing at 6:00 p.m. to conduct the regular business of the Board and commencing at 7:30 p.m. to conduct the land use business of the Board, at the A. T. Johnson Museum located in Montross, Virginia.

Adopted this 11<sup>th</sup> day of January, 2010.

\*\*\*end of resolution\*\*\*

F. Resolution on Holidays for Calendar Year 2009

Mr. Roberson moved that the Board adopt the resolution as presented. The motion was seconded by Mr. Brownley.

Anticipating that the Board will not be able to give healthy raises in the upcoming budget cycle, Mr. Fisher suggested that the Board consider granting employees an additional ½ day on December 23<sup>rd</sup>.

Mr. Culver stated that he would be in agreement with this proposal; however, if the courts are still in session, it may require some county employees to work

Mr. Bondurant advised the Board that the courts have traditionally closed at noon on December 23<sup>rd</sup> for a number of years.

Mr. Roberson amended his original motion to adopt the following resolution with the inclusion of an additional holiday beginning at Noon on December 23, 2010. The motion was seconded by

Mr. Culver and carried unanimously with Mr. Roberson, Mr. Culver, Mr. Fisher, Mr. Brownley, and Mr. Hynson voting "aye".

**BE IT RESOLVED** that the Westmoreland County Board of Supervisors designates the following holidays for Westmoreland County offices for calendar year 2010:

New Year's Day	Friday, January 1 <sup>st</sup>
Lee-Jackson Day	Friday, January 15 <sup>th</sup>
Martin Luther King, Jr. Day	Monday, January 18 <sup>th</sup>
President's Day	Monday, February 15 <sup>th</sup>
Memorial Day	Monday, May 31 <sup>st</sup>
Independence Day (observed)	Monday, July 5 <sup>th</sup>
Labor Day	Monday, September 6 <sup>th</sup>
Columbus Day	Monday, October 11 <sup>th</sup>
Veterans Day	Thursday, November 11 <sup>th</sup>
Thanksgiving Day	Thursday, November 25 <sup>th</sup>
Day after Thanksgiving	Friday, November 26 <sup>th</sup>
Christmas Eve (observed)	Thursday, December 23 <sup>rd</sup> (Offices will close at Noon)
Christmas (observed)	Friday, December 24 <sup>th</sup>
New Year's Day (observed)	Friday, December 31 <sup>st</sup>

Adopted this 11<sup>th</sup> day of January, 2010.

\*\*\*end of resolution\*\*\*

G. Rules of Procedure for 2010

Upon motion by Mr. Roberson, second by Mr. Fisher and carried unanimously with Mr. Roberson, Mr. Culver, Mr. Fisher, Mr. Brownley, and Mr. Hynson voting "aye", the Board adopted the following Rules of Procedure for 2010:

[SEE NEXT PAGE]



## BOARD OF SUPERVISORS

of the

County of Westmoreland, Virginia

### **RULES OF PROCEDURE**

The following Rules of Procedure are adopted by the Westmoreland County Board of Supervisors to enable the Board to discharge its duties and responsibilities effectively and efficiently and to facilitate the exercise of its authority and powers in the Code of Virginia.

#### **Article 1. ORGANIZATIONAL MEETING**

- 1.1 **Annual Meeting.** The Board shall elect a chairman and vice-chairman at the annual meeting in the month of January for a one (1) year term at the beginning of the new terms of office. (§ 15.2-1422 Code of Virginia 1950)
- 1.2 **Chairman.** The Chairman shall preside at all meetings and hearings of the Board; he or she shall decide all points of order or procedure, and the full Board shall appoint any committees that may be necessary.
- 1.3 **Vice-Chairman.** The Vice-Chairman shall assume the duties of the Chairman in his or her absence or disability.
- 1.4 **Clerk.** The Clerk to the Board shall conduct all official correspondence subject to these rules at the direction of the Board; shall send out all notices required by these rules of procedure; keep all minutes of the Board's proceedings; and keep files on all matters which come before the Board.
- 1.5 **Parliamentarian.** The County Attorney shall serve as the Parliamentarian for the purpose of interpreting these Rules of Procedure, Robert's Rules of Order and the Code of Virginia (1950), as amended, as may be directed by the Chair, or as required as a result of a point of order raised by any one or more Board members. If the County Attorney is unavailable, the County Administrator shall serve as the Parliamentarian.
- 1.6.1 **Preservation of Order.** At meetings of the Board, the presiding officer shall preserve order and decorum.

## ARTICLE 2. MEETINGS

- 2.1 Regular Meetings. A regular meeting of the Board of Supervisors shall be held on the second (2nd) Monday of each month at 9:30 a.m. in the auditorium of the A. T. Johnson Alumni Museum, located at 18849 Kings Highway in Montross. During the months of February, April, June, August, October, and December regular meetings will be held on the second Monday of each month commencing at 6:00 p.m. to conduct the regular business of the Board and commencing at 7:30 p.m. to conduct the land use business of the Board. When the regular meeting date falls on a holiday, the meeting shall be held on the following Wednesday at the A. T. Johnson Alumni Museum. During the months of February, April, June, August, October, and December such meetings will be held on the Wednesday following the second Monday of each month commencing at 6:00 p.m. to conduct the regular business of the Board and commencing at 7:30 p.m. to conduct the land use business of the Board, at the A. T. Johnson Alumni Museum. All meetings are open to the public and all business shall be conducted publicly, except certain specific exempt topics identified in Section 2.2-3711 of the Code of Virginia 1950 (as amended) may be discussed in closed meeting.
- 2.2 Special and Adjourned Meetings. Special meetings may be called in accordance with Sections 15.2-1417 and 1418 of the Code. The Board shall be given 72 hours advance notice of such special meetings, unless emergency circumstances dictate otherwise. Adjourned meetings or reconvened meetings may be held any specific time, date, and place the Board may set, without additional notice, so long as the time, date and place are publicly specified prior to adjournment at the preceding meeting.
- 2.3 Quorum. A quorum shall consist of three members. If disqualifications of Board members should occur as a result of the provisions of the State and Local Government Conflict of Interests Act, the remaining members shall have authority to act for the Board by majority vote, unless an unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members (§ 2.2-3112 (c)).
- 2.4 Voting. Each supervisor shall be entitled to cast one vote on any questions before the Board. Voting shall be by voice, recorded by "aye", "nay" or "abstain".
- 2.5 Minutes of Meeting. The minutes of the Board meeting shall reflect the official acts of the Board and names of the public commenting during public hearings and citizen comment periods. Each recorded vote shall indicate how each member of the Board voted. Preparation of minutes will be done in accordance with the requirements of Section 2.2-3707 and Section 15.2-1242 of the Code of Virginia, as amended. Minutes shall be included as part of the agenda package for the subsequent regular meeting of the Board. Draft copies of the minutes will be made available to the public in hard copy form at each regular meeting of the Board.
- 2.6 Agenda. The County Administrator shall prepare an agenda for each regular or special meeting of the board on which shall appear the title of each matter to be addressed at the meeting. The agenda for each regular meeting shall be prepared at least five days prior to the meeting and be distributed to appropriate officials and employees of the county government and member of the public and media requesting copies. Matters may be placed on a Board agenda only in the following manner: (1) by resolution of the Board; or (2) upon the direction of any member of the Board of Supervisors; or (3) by the County Administrator or County Attorney; or (4) when directed by Section 15.2-1243 et seq. of the Code of Virginia as a claim to be presented to the Board of Supervisors, or (5) upon referral of a land use matter to the Board of Supervisors as provided for in Chapter 22 of Title 15.2 of the Code of Virginia. Any member of the general public or group who wishes to be placed upon the Board's agenda must submit a request in writing to the County Administrator at least ten (10) days prior to the Board meeting for which the item is scheduled to be considered. When requesting time to appear on the agenda, the

requestor shall give the County Administrator a description of what the topic will be, the speaker's name, complete address and phone numbers for contact purposes. If the speaker is representing a group or organization, the request shall include the organization's name, speaker's official position and the speaker's authority to represent the organization. All items which are requested to be placed on the agenda which have not been submitted within the prescribed deadline shall be placed on the next regular agenda for consideration.

### ARTICLE 3. BOARD MEETINGS AND PUBLIC HEARINGS

- 3.1 Citizens' Comments. A reasonable period of time will be allocated to individuals to give the Board an opportunity to listen to citizens. The Board is very interested in citizen input relating to concerns, problems, issues or policies. In the opening statement, the Board Chair will state the period of time each citizen will be allocated to address the Board. During the citizens' comment period, speakers wishing to address the Board shall clearly state their name and address for the record. Citizens are encouraged to work through problems at the department and/or administrative levels before coming to the Board. This is a period in which citizens are to speak to issues. Questions shall be directed to the Chairman, who will, at his/her discretion, solicit the response from the appropriate person. The Board Chair is responsible for the orderly conduct of the meeting and shall rule on such matters as the appropriateness of the subject being presented.

Public participation at any special called meeting of the Board shall be determined by the Board upon recommendation of the Board Chair. Public hearings and public forums are designed to receive substantial community input and individual comment. In addition to those required by law, the Board of Supervisors may hold public hearings or forums on matters when it decides that such hearings will be in the public interest.

### ARTICLE 4. BOARD PROCEDURES

- 4.1 In responding to questions, from the media or citizens, Board members should:
- 4.1-1. Remind the listener that they are not speaking for the entire Board;
  - 4.1-2. Clarify their position on a particular item;
  - 4.1-3. Make "no public comment" on closed meeting matters in reference to individuals, real estate, and other areas addressed pursuant to Section 2.2-3711 of the Code of Virginia.
- 4.2 Each Board member must remember that personnel matters are to remain confidential and that it is the obligation of the Board and its membership to protect the privacy of the individual.
- 4.3 The Board will focus on issues and avoid making derogatory or demeaning public comments about individuals, staff members, fellow Board members, community residents or media representatives.
- 4.4 The Board will follow the procedure of taking no action on items introduced at the table. If any item is presented for the first time during the course of business by Board members, any action will be deferred until the next meeting of the Board, provided, however, an exception will be made to this procedure by majority consent of the Board.

The Board will direct administrative action in response to items introduced under business by Board members only after a specific Board vote on said item that directs administrative action.

- 4.5 The Board will review its Rules of Procedure for the current year at its January organizational meeting.
- 4.6 Pursuant to §2.2-3707.H of the Code of Virginia, any person may photograph, film, record or otherwise reproduce any portion of a meeting required to be open. The placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting shall be in such a manner as to prevent interference with the proceedings and to discourage disruptive conduct. Video cameras are to be placed in a designated area adjacent to the Clerk's table and shall remain fixed on the Board activities and any recognized speaker presentations at all times.

## ARTICLE 5. AMENDMENT

- 5.1 Amendments. These Rules of Procedure may be amended at any meeting of the Board of Supervisors provided that notice of said proposed amendment is given to each member in writing at least five days prior to said meeting.
- 5.2 Suspension of Rules. These Rules of Procedure may be suspended in whole or in part only upon the majority vote of the members of the Board of Supervisors present and only when consistent with the Virginia Freedom of Information Act.
- 5.3 Procedural Issues. Only Board members shall have standing to raise noncompliance with these Rules of Procedure, and only at the time of the violation. Failure of the Board to comply with these rules of Procedure shall not invalidate any action taken by the Board. Procedural issues not covered by these Rules of Procedure may be guided by Robert's Rules of Order, latest edition. The failure, however, of the Board to comply with Robert's Rules of Order shall not invalidate any action taken by the Board.

\*\*\*end of rules of procedure\*\*\*

Mr. Roberson moved that the Board's monthly agenda format be modified to include reports from the supervisors. The motion was seconded by Mr. Brownley and carried unanimously with Mr. Roberson, Mr. Culver, Mr. Fisher, Mr. Brownley and Mr. Hynson voting "aye".

## 2. APPROVAL OF MINUTES

Mr. Hynson stated that all members had received draft minutes of the regular/land use meeting on December 14, 2009, and asked if there were any additions or corrections to these minutes. Upon motion by Mr. Brownley, second by Mr. Roberson and carried unanimously with Mr. Roberson, Mr. Culver, Mr. Fisher, Mr. Brownley and Mr. Hynson voting "aye", the Board approved the minutes as presented.

## 3. APPROVAL OF ACCOUNTS PAYABLE LIST AND PAYROLL REGISTER

Upon motion by Mr. Fisher, second by Mr. Culver, and carried unanimously with Mr. Roberson, Mr. Culver, Mr. Fisher, Mr. Brownley and Mr. Fisher voting "aye", the Board approved the accounts payable list and payroll register as submitted by the Finance Department for the month of December 2009.

4. APPROVAL OF APPROPRIATION INCREASE/DECREASE REQUESTS

Upon motion by Mr. Fisher, second by Mr. Roberson and carried unanimously with Mr. Brownley, Mr. Fisher, Mr. Culver, Mr. Roberson and Mr. Hynson voting "aye", the Board approved the following appropriation increase request: Fund #513 – Hazardous Mitigation Program Grant - \$5,219.87. This supplemental appropriation is for the Department of Emergency Management. Funds for this supplemental will come from State/Federal sources.

5. TOWN OF COLONIAL BEACH/CORRESPONDENCE

Councilman Steve Kennedy was recognized and congratulated Mr. Hynson and Mr. Fisher for their respective appointments. Mr. Kennedy thanked Mr. Fisher for his leadership for the past several years as Chairman. Mr. Kennedy reported that there were no Town committee meetings held last month due to the holidays.

6. TOWN OF MONTROSS/CORRESPONDENCE

There was no correspondence from the Town of Montross. Mr. Brownley noted that the Christmas lights were taken down early because of the threat of more snow for the area.

7. VIRGINIA DEPARTMENT OF TRANSPORTATION

Clyde Hathaway, Contract Manager, was recognized and informed the Board that VDOT will conduct a public hearing regarding the Tide Mill Stream Bridge project on March 16, 2010, from 4:00 p.m. to 7:00 p.m. The public hearing will be held at the Colonial Beach Council meeting room. The purpose will be to receive public comment on the final bridge design.

Supervisors reported the following:

District 5 – Mr. Roberson indicated that there is a ditch at the edge of the pavement along Route 205, between Ninth and Tenth Streets. He also noted that Santa Maria Avenue has several potholes that need to be patched.

Mr. Hathaway advised the Board that it is very difficult to blade a dirt road when it is frozen. Maintenance crews will get to it as soon as weather conditions permit.

District 2 – Mr. Culver reiterated a previous request for gravel on King Copsico Lane. He also stated that there is a pothole along Route 621 near Marie's Store.

Steve Rouse was recognized and advised Mr. Culver that King Copsico Lane will be graded as soon as weather conditions improve.

Mr. Culver reminded VDOT of a previous request for signs on Route 626.

District 1 – Mr. Fisher stated that there is pothole along Route 3 in front of the old Ford dealership. Mr. Fisher complimented VDOT and their contract crews on their snow removal efforts.

District 3 – Mr. Brownley thanked VDOT for patching Currioman Hill.

District 4 – Mr. Hynson reported that there are a couple of potholes on Stoney Knoll Road and Monroe Bay Circle which need to be repaired. Mr. Hynson also complimented VDOT's snow removal crews on a job well done.

#### OTHER

Mr. Roberson offered a motion to amend the agenda to add Dr. Elaine Fogliani, Superintendent of Schools, to the agenda at this time. Mr. Culver seconded and the motion carried unanimously with Mr. Roberson, Mr. Culver, Mr. Fisher, Mr. Brownley and Mr. Hynson voting "aye".

Mr. Roberson inquired about a Request For Proposals issued by the School Board for concrete work at Washington & Lee High School.

Dr. Fogliani informed the Board that this project is made possible through stimulus funds. She noted that the awning where the buses unload has been taken down for safety reasons. The existing concrete in that area has fallen into disrepair. This RFP is to have that concrete removed and replaced with stamped concrete. The estimated cost of this project is \$55,000.00. The projected cost to replace the awning is \$20,000.00. No decision has been made as to how to proceed with that project.

Mr. Roberson asked if stimulus funds can be used for the roofing project.

Dr. Fogliani stated that the School Board is still awaiting approve of a funding request submitted to the Department of Education (DOE) for the roof.

Mr. Risavi pointed out that these are stimulus funds that are directly in the School Board budget, not those that would be coming through the loan from DOE.

Mr. Roberson asked again if these funds can be used to pay for the roof.

Dr. Fogliani stated that the stimulus funds have to be used during the current fiscal year. The School Board was required to layout a plan as to how to spend those funds. Most of the stimulus monies will be used to preserve positions.

Mr. Roberson suggested that these funds would have been better spent in the classroom instead of on concrete, considering we are looking at budget cuts in excess of \$1 million dollars for schools next year.

Dr. Fogliani commented that the teachers are excited about the work that is planned at the High School. These improvements will be aesthetically pleasing and will improve safety.

In light of pending budget cuts, Mr. Culver pointed out that the Board will need to work closely with the School Board and administrative staff during the upcoming budget season.

Dr. Fogliani stated that the School Board will be discussing the budget at its February meeting. They will also be discussing the PPEA (Public-Private Education Facilities and Infrastructure Act) as a possible funding source for a new high school. This is the same process that was used by Northumberland County. The Board is invited to attend that meeting which will be held on February 22<sup>nd</sup> at Washington District Elementary School. In addition, the School Board will conduct a work session on January 19<sup>th</sup>. The next regular meeting will be on January 25<sup>th</sup>.

8. PUBLIC HEARING – TO CONSIDER AN AMENDMENT TO SECTION 18-111 OF THE WESTMORELAND COUNTY CODE OF ORDINANCES, PERTAINING TO THE ESTABLISHMENT OF A CENTRAL ABSENTEE VOTER PRECINCT.

Kris Hicks, Voter Registrar, was recognized and advised the Board that, as the ordinance is currently written, the central absentee voter precinct can only be used in those elections where more than two polling places are used to conduct any election. In order to comply with State law, the language must be modified so that the central absentee voter precinct can be used for all county-wide elections, including town elections.

After brief discussion, Chairman Hynson opened the public hearing and asked if anyone was present with questions or comments for or against this proposed ordinance amendment. No one spoke. Chairman Hynson closed the public hearing.

Upon motion by Mr. Roberson, second by Mr. Fisher and carried unanimously with Mr. Brownley, Mr. Fisher, Mr. Culver, Mr. Roberson and Mr. Hynson voting "aye", the Board adopted the following amended ordinance:

**Ordinance Amendment**

**Westmoreland County Code of Ordinances  
Chapter 18 – Elections  
Division 4. Central Absentee Voter Precinct**

**Sec. 18-111 Established; procedures.**

There is hereby established a central absentee voter precinct which shall receive, count, and record such absentee ballots as are properly cast in all elections. The central absentee voter precinct shall receive, count, and record all such ballots in accordance with state law.

Adopted this 11<sup>th</sup> day of January, 2010.

\*\*\*end of ordinance\*\*\*

9. **OLD BUSINESS**

CASE #0912-ZA-02 – Planner Beth McDowell was present for this portion of the meeting.

After discussion, Mr. Roberson offered a motion to establish a work session regarding CASE #0912-ZA-02 on Tuesday, February 23, 2010, beginning at 7:00 p.m., at the A. T. Johnson Alumni Museum. The motion was seconded by Mr. Fisher and carried with a 4-1 majority vote with Mr. Fisher, Mr. Culver, Mr. Roberson, and Mr. Hynson voting "aye" and Mr. Brownley voting "nay". Mr. Brownley stated that he felt the date for the work session was too far out.

Appointment: Board of Building Appeals (District 2) – This appointment was deferred to the Board's next regular meeting.

Appointments: Industrial Development Authority – Upon motion by Mr. Brownley, second by Mr. Fisher and carried unanimously with Mr. Brownley, Mr. Fisher, Mr. Roberson, Mr. Culver, and Mr. Hynson voting "aye", the Board reappointed G. Bryan Oliff and Richard B. Allison, Jr. to serve an additional four-year term on the Westmoreland County Industrial Development Authority, through December 31, 2013.

Appointment: Wetlands Board (District 4) – Upon motion by Mr. Roberson, second by Mr. Fisher and carried unanimously with Mr. Brownley, Mr. Fisher, Mr. Culver, Mr. Roberson and Mr. Hynson voting “aye”, the Board reappointed Elgin Nininger, Jr. to serve an additional five-year term as the District 4 representative on the Westmoreland County Wetlands Board. This appointment expires December 31, 2014.

Appointments: Hunter/Landowner Advisory Committee – Mr. Brownley offered a motion to appoint Louis F. Chandler as the representative for District 3 on the Westmoreland County Hunter/Landowner Advisory Committee, with William H. Jones, III serving as the alternate representative. The motion was seconded by Mr. Roberson.

It was noted that both individuals could be appointed as regular members since this is a committee.

Mr. Fisher asked that Mr. Brownley amend his motion to include the appointment of Stanley C. Roberts as District 1 representative.

Mr. Brownley amended his motion to appoint the following individuals as members of the Westmoreland County Hunter/Landowner Advisory Committee: Louis F. Chandler (District 3); William H. Jones, III (District 3); and Stanley C. Roberts (District 1). The motion was seconded by Mr. Roberson and carried unanimously with Mr. Brownley, Mr. Fisher, Mr. Culver, Mr. Roberson and Mr. Hynson voting “aye”.

#### 10. NEW BUSINESS

Jim Moss, Kinsale Foundation RE: Proposed Transportation Enhancement Project/Sidewalks – Jim Moss was present on behalf of the Kinsale Foundation to request the Board’s consideration in serving as the co-applicant for Transportation Enhancement grant funds available through the Virginia Department of Transportation for the purpose of improving the sidewalks within the town of Kinsale. Mr. Moss presented the following statement of need, along with maps of the project area, for the Board’s information:

The town of Kinsale has issues with its sidewalks, which were constructed during the depression. Aside from aesthetics, the main concern is that due to their deteriorated condition, they pose a safety problem for pedestrians. Broken and uneven areas present a hazard and encourage people to walk in the highway to get from one part of town to another. This is a particular danger to our elderly residents and children.

The Kinsale Foundation has been considering a sidewalk project for several years, and funding has always been a concern. We have had discussions on the sidewalk project with Jerry Davis of the Northern Neck Planning District Commission (NNPDC), and we have found that grants are available through VDOT's Transportation Enhancement Program, which provides funding for projects that improve non-motorized transportation, enhance the public's traveling experience, revitalize communities, and improve the quality of life. Each grant provides funding for 80 percent of the project cost and requires 20 percent matching funds.

An engineering firm has reviewed the project and has provided cost figures for the engineering and construction based on linear feet. These figures were used to determine a total project estimate, including contingencies, of \$200,000. Of that amount, \$160,000 would be grant funds, and \$40,000 would be matching funds.

Mr. Davis of the NNPDC has been very supportive of this project, and has offered his assistance with the preparation of the grant application as well as the administration of the project funding.

The Kinsale Foundation requests that the County of Westmoreland sponsor this project as a co-applicant, and as a non-profit entity, we would welcome any financial assistance that could be provided toward the matching funds.

The Kinsale Foundation is appreciative of this time and your consideration of the sponsorship and any funding if available. Thank you.

Mr. Culver inquired as to whether there are any pending contributions from individuals or associations within the Kinsale area.

It was noted that the Kinsale Foundation has the money available within its coffers to meet the \$40,000 match. The Kinsale Foundation is a 501(C)3 organization. The deadline for applications is in November or December.

Mr. Risavi informed the Board that there are some proposed changes to the Transportation Enhancement Program. It is possible that they may only fund existing projects; however, that does not prevent the Foundation from applying for funding.

Colston Newton was recognized and asked if in-kind contributions can be used to meet the match requirement.

Mr. Risavi noted that the rules have changed regarding in-kind contributions, as well. He further advised the Board that the County would have to serve as the primary applicant. The County would have to work out the details with the Kinsale Foundation regarding the \$40,000.00 match.

After further discussion, upon motion by Mr. Fisher, second by Mr. Culver and carried unanimously with Mr. Roberson, Mr. Culver, Mr. Fisher, Mr. Brownley, and Mr. Hynson voting "aye", the Board endorsed the Sidewalk Project proposed by the Kinsale Foundation, along with the submission of an application for funding to the Virginia Department of Transportation's *Transportation Enhancement Program* in the amount of \$200,000, with the understanding that the Kinsale Foundation will be responsible for providing any matching funds as may be required by the Transportation Enhancement Program.

Acceptance of Bids: Snow Removal Services – The sole bid for Snow Removal Services for the 2009-2010 Season was submitted by Northern Neck Landscaping in the following amounts :

a) Sheriff's Office and Voter's Registration Office – Parking Area	\$ 125.00
b) Old Courthouse & Museum – Parking Area	75.00
c) Montross-Westmoreland Wastewater Treatment Plant – Road & Parking Area	75.00
d) George D. English, Sr. Memorial Building - Parking Area	250.00
e) A. T. Johnson Human Services Building – Parking Area	250.00
f) Animal Shelter – Road & Parking Area	105.00
g) Carmel Church Convenience Site – Disposal Area	95.00
h) Monroe Hall Convenience Site – Road & Disposal Area	100.00
i) Hague Library – Road & Parking Area	120.00
j) Montross Library – Parking Area	85.00

De-Icing \$22.50/50-lb bag                      Preparation Charge \$385.00

Upon motion by Mr. Roberson, second by Mr. Fisher and carried unanimously with Mr. Brownley, Mr. Fisher, Mr. Culver, Mr. Roberson and Mr. Hynson voting "aye", the Board awarded the contract for snow removal services for the 2009-2010 season to Northern Neck Landscaping based on the aforementioned bid amounts, per occurrence.

Anonymous Tip Hotline: TIP411 Software Package – Bob Fink, Director of Planning & Community Development, and Sheriff C. O. Balderson were present to address the Board concerning the availability of a new anonymous tip hotline for their departments.

Sheriff Balderson stated that this new software provides a way for the community to anonymously provide information to the Sheriff's Department regarding any criminal activity that they observe. A terminal will be placed at the Sheriff's Department for the purpose of receiving the anonymous text messages that come in. This will also be a way to get the younger demographic involved. The cost is approximately \$100/month. Funds are available within the current budget. This program has been successful in other areas. Take, for example, a case that was closed approximately three years ago as a suicide. Information received through the tip hotline caused the case to be reopened and led to the ultimate arrest and prosecution of the offender. Sheriff Balderson pointed out that this hotline is not a substitute for E-911. Residents should still dial 9-1-1 in the event of an emergency.

Mr. Fink informed the Board that the software will also be beneficial to the Land Use Administration office in investigating code violations. There is the opportunity to send questions back to the tipper and to let the tipper know the results of the investigation.

Mr. Risavi stated that the availability of this hotline will be publicized on the Land Use Administration and Sheriff's Department vehicles, as well as the County's website, in the local newspapers, and on the public access channel.

Mr. Brownley asked if he understands correctly that this will allow the County to report back to the tipper even though they are anonymous.

Mr. Fink confirmed that the software has this capability.

The hotlines are as follows:

Sheriff's Department	TIPWCSHERIFF
Land Use Administration	WCLANDUSE

Mr. Risavi noted that, if this program is successful, it can be expanded to serve other departments for approximately \$200/month.

Joseph K. Hoffman, Interstate Commission on the Potomac River Basin (ICPRB) – Joseph K. Hoffman, Executive Director of the Interstate Commission on the Potomac River Basin, was present at the request of Supervisor Lynn Brownley to apprise the Board of the services provided by the organization. Founded in 1940, the ICPRB provides leadership for its member jurisdictions to manage water pollution in the basin. Membership includes Pennsylvania, Maryland, West Virginia,

Virginia, the District of Columbia, along with the Federal government. Program areas include Water Resources, Water Quality, Living Resources, and Communications. Key projects they have been involved with include the development of Total Maximum Daily Load plans for watersheds, a demand study for the Metropolitan Washington water supply, restoration of the American shad, as well as the Chesapeake Bay program. Inasmuch as groundwater is a fragile resource, Mr. Hoffman encouraged the Board to consider proper land use ordinances in order to protect the water supply.

Mr. Brownley asked Mr. Hoffman to comment on the volume of water flow in the Potomac.

Mr. Hoffman stated that on an average day, there are approximately 7 billion gallons of fresh water flowing through the Potomac. During a normal summer, volumes flowing through the Potomac can drop to 2 – 3 billion gallons per day. At times, the volume drops to ½ billion gallons per day, depending on how much is drawn out for use by public water suppliers. ICPRB works with those water suppliers to make alternative arrangements as necessary.

Mr. Culver asked if there is a way to restrict the amount of waste effluent that comes into the river from treatment facilities such as Blue Plains.

Mr. Hoffman indicated that a minimum flow has to be maintained at the Little Falls Dam. Blue Plains is the largest treatment plant in the world, directing between 300 and 330 million gallons of treated wastewater into the estuary each day. Mr. Hoffman commented that any amount of fresh water that comes into the estuary is essential.

Mr. Brownley inquired as to how the ICPRB works with other agencies to achieve uniform TMDL's for specific items.

Mr. Hoffman explained that his organization acts as the coordinating body for Virginia, Maryland, DC, and the Federal government. He suggested that if a single TMDL was established, it would eliminate a lot of confusion. TMDL's on the Chesapeake Bay would focus primarily on sediment, nitrogen, and phosphorus.

The Board thanked Mr. Hoffman for his presentation.

#### 11. PUBLIC COMMENT PERIOD

Chairman Hynson reviewed the procedures for addressing the Board during the public comment period.

The following persons spoke:

Bill Alverson (District 2) – With respect to the Zoning Ordinance, Mr. Alverson commented that the by-right issue should be carefully considered by the Board. He also thanked Mr. Hoffman for his informative presentation.

Kennon Morris (Mt. Holly) – Mr. Morris stated that at a recent Planning Commission meeting, it was noted that there is no new funding in the State budget for roads in the Northern Neck.

Mr. Morris commented that the Planning Commission has been working on the by-right issue for a number of months. The Board of Supervisors keeps putting it off. As the Zoning Ordinance is currently written, there are a lot of uses permitted by-right that can be detrimental to the County, including research and development facilities. The County has had numerous instances which pitted citizen against citizen and citizen against board because public hearings were not held. Examples include mud bogs, the O’Gara project, and the Parker Farms project.

Jerrie Nicolaus (Montross) – Ms. Nicolaus stated that she has been a member of the Westmoreland County Citizens Association for the past three years. Ms. Nicolaus suggested that the Board and the WCCA need to work together more closely and they need to agree a lot more. Board members should attend the WCCA meetings just as their members attend the Board’s meetings. Ms. Nicolaus thanked the Board for what they have done and suggested that bickering back and forth is wrong. Ms. Nicolaus suggested that the two bodies come together in an effort to make things smoother.

There being no further comments, Chairman Hynson thanked the public for their participation and closed the public comment period.

Mr. Culver thanked the public for their participation over the past year and stated that he looks forward to continued cooperation with not only the public, but with other boards in the county, particularly in light of the budget situation.

Mr. Brownley announced that the Land Use Administration office has heard, unofficially, that the matter under investigation by the State in Leedstown has been resolved. The Department of Conservation and Recreation has determined that it is a perennial stream and is, therefore, subject

to regulation. Mr. Brownley stated his expectation that the Land Use Administration will receive official notice of that determination in the near future.

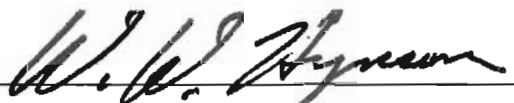
Mr. Brownley commented that the existing contract between the Westmoreland County Industrial Development Authority and the O'Gara Group lapsed on December 31, 2009. Mr. Brownley stated his understanding that the company is still interested in purchasing the property. There should be a new contract following the March 29, 2010 court proceedings.

Mr. Hynson stated that he has received several inquiries from area residents who are concerned about the water rate increase that has been proposed by United Water Virginia.

Mr. Risavi advised the Board that County Administration is in the process of scheduling a meeting with a consultant to discuss the process for opposing this rate increase. Notice of that meeting, which will be held on January 20<sup>th</sup>, will go out to area subdivisions currently served by United Water Virginia.

ADJOURN

There being no further business to come before the Board at this time, upon motion by Mr. Roberson, second by Mr. Fisher and carried unanimously, the meeting was adjourned. The Board's next regular meeting will be held on Monday, February 8, 2010, beginning at 6:00 p.m.

Chairman,  \_\_\_\_\_