

Board of Supervisors Meeting
March 12, 2015
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, March 12, 2015.

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

Kenneth D. Eades – County Administrator
Luttrell Tadlock – Assistant County Administrator

Absent: W. Leslie Kilduff, Jr. – County Attorney

RE: INVOCATION

Pastor Steven Hency, Tibitha Church of God did the invocation.

RE: PLEDGE OF ALLEGIANCE

Chairman Jett led in the Pledge of Allegiance.

RE: APPROVAL OF MINUTES FOR FEBRUARY 12, 2015

Upon motion by Richard F. Haynie duly seconded by A. Joseph Self, Sr., the Board voted to approve the minutes from the February 12, 2015. 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 Richard F. Haynie duly seconded by James M. Long the Board voted to approve the agenda for today’s meeting. Mr. Eades asked to move the School Superintendent ahead of VDOT because the discussion involves the turn lane at the High School. Supervisor Tomlin asked for a closed session to discuss a personnel issue. 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: DR. REBECCA GATES, SUPERINTENDENT OF SCHOOLS

Dr. Gates updated the Board on the amount of snow days missed. She said students have missed a total of 12 days and had 2 delayed days. She said they still have some banked time but she is concerned with instruction hours for the students. Some teachers did send home snow packets with kids when they anticipated missing days which was helpful. She also added that a delay in testing for 9th and 11th graders for their writing SOL.

David Woolard, Chief of Callao Volunteer Fire Department is on schedule for March 20th to come and in do a walk through, view full drawings of the High School/ Middle School, look at the alarm system and set procedures if an emergency were to occur. He will start this at 8 am on that Friday. Supervisor Long asked to invite the Principal of the Middle School and Elementary School as well.

A meeting of the School Board for adoption of the Budget is set for Monday, March 23, 2015 at 6 p.m. Boxed dinners will be available at 5:30 if the Supervisors are interested.

RE: HEALTH INSURANCE RATES AND RENEWAL

Mr. Eades explained to the Board that the health insurance renewal rates have been received and there is no increase in rates from Local Choice for FY16. The key advantage 1000 rate will remain at \$561.00. The Board needs to consider adoption of the plan resolution prior to April 1st.

Upon motion by Richard F. Haynie, duly seconded by A. Joseph Self, Sr., the Board voted to adopt and continue with Local Choice and continue payment of the 100% employee's individual share of the Key Advantage 1000 including the dental comprehensive.

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: MR. DAVE BROWN, VIRGINIA DEPARTMENT OF TRANSPORTATION

Mr. Brown said the area maintenance headquarters was in the process of fixing many potholes that have resulted from the cold and freezing temperature events recently.

Supervisor Long asked for the standing water to be fixed on Light Street.

Supervisor Haynie thanked VDOT for doing a good job on the snow removal.

Mr. Eades stated that he had met with a Representative from VDOT last week on the Academic Lane project. Mr. Eades along with School Board member, Dick Saxer informed the Board of some changes in the turn land that will impact the daffodils and monument near Northumberland Hwy. They asked if VDOT would or could move the monument. Mr. Brown said that would be at the

County's expense. The sign marquee for the school is not affected by the additional turn land and can stay where it is located. The turn lanes along Rt. 360 were discussed further and the Board went through the plans to extend the turn lanes on Northumberland Hwy.

Supervisor Self noted that he is still not comfortable with the proposed constructed because they are not installing a light. Mr. Brown said that if a traffic light is installed one day, then this new entrance will meet the guidelines so that existing entrance will not need to be updated.

RE: BUILDING PERMIT REPORT

Month of February	2015	2014
Total construction cost for the month	\$ 1,681,832.74	\$ 1,128,436.50
Total Bldg. Permit Cost for Month	\$ 2,931.64	\$ 3,382.80
Total Zoning Permit Cost for the Month	\$ 1,010.00	\$ 1,570.00
Total Levy Fee for the Month	\$ 58.62	\$ 67.65
Total Construction cost year to date	\$ 3,705,351.74	\$ 3,883,653.65

RE: LATE TAX PENALTY FEE DISCUSSED

As discussed last month, Mr. Eades was asked by the Board to find out what other area County's charge as a late fee for real estate and personal property taxes. Mr. Eades informed the Board that all the surrounding Counties charge the same 10% just like Northumberland. Some apply at different times and some tax twice a year but overall the 10% is applied for late payment penalty. Supervisor Haynie commented that since we aren't any different than why would we want to change. The Board all agreed to keep the 10% penalty fee the same.

RE: COYOTE REGULATIONS DISCUSSED (CONTINUED)

Last month the Board asked County Attorney Les Kilduff to get a verbal opinion from the Attorney General's Office concerning regulations on what type of weapon can be used in shooting a Coyote. Mr. Kilduff said that he had talked to Matthew Hull, Assistant Attorney General, and he said that he cannot opine on the Game and Inland Fisheries Board's authority and state if the county could pass an ordinance on what type of weapon can be used. Supervisor Tomlin stated that he just didn't answer the question. Mr. Eades asked if we should proceed with the matter further. Supervisor Tomlin said he didn't feel like we have the authority on the type of weapon and we need to get a full opinion in writing from the Attorney General's Office.

Upon motion by Thomas H. Tomlin duly seconded by James M. Long, the Board voted to get a full written opinion from the Attorney General on this issue.

The vote on the motion is as follows:

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

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

Thomas H. Tomlin – YEA

RE: AQUA RATE INCREASE (CONTINUED)

The Board continued discussion from last month on the Aqua and American Water rate increase. Mr. Eades stated that he has found out that several citizens within subdivisions served by Aqua have joined and filed separately against Aqua and American Water. Westmoreland County and Caroline County are asking us to join with them and help fund the legal expense. They are requesting \$10,000 from our County to help with the cost.

Upon motion by James M. Long, duly seconded by Richard F. Haynie, the Board voted to join Westmoreland County and Caroline County in the legal filing against Aqua Virginia. The Board agreed to appropriate up to \$10,000. The vote on the motion is as follows:

A. Joseph Self, Sr. – YEA
Richard F. Haynie – YEA
Thomas H. Tomlin – YEA

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

RE: SHERIFF OFFICE BUILDING UPDATE

Mr. Eades reported that he has met with the contractors and after the walk through the building the architect said that it qualified for substantial completion. The 911 equipment is still in boxes and they are starting to work on the radio equipment. He said the training for dispatchers will begin April 6 and Verizon is scheduled to have a cut over on April 21st.

Supervisor Tomlin asked about the dirt ring around the building. Mr. Eades said he has been told they can get that out.

RE: POSSIBLE DOWN TOWN CALLAO RENOVATION PLANNING GRANT

Mr. Eades stated that at the request of the Economic Development Commission the Planning District Commission is interested in submitting a planning grant on possible renovations to downtown Callao. The Grant is a 100% funded grant and takes 6-8 months to complete. If the planning grant is completed, they will use results from the study and tell if it is justified.

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie the Board voted to participate with the Planning District Commission and apply for a DHCD Revitalization Planning Grant for Callao with no obligation from the County at this time. The vote on the motion is as follows:

A. Joseph Self, Sr. – YEA
Richard F. Haynie – YEA
Thomas H. Tomlin – YEA

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

RE: NORTHUMBERLAND COUNTY PLANNING DISTRICT COMMISSION MEMBER KEVIN ELMORE RESIGNATION

The Board received a letter from Kevin Elmore that he is resigning from the Planning Commission.

RE: MS. VIVIEN DIGGS APPOINTMENT TO THE NORTHUMBERLAND COUNTY PLANNING DISTRICT COMMISSION

Upon motion by James M. Long, duly seconded by Thomas H. Tomlin the Board voted to appoint Ms. Vivien Diggs to the Northumberland County Planning Commission as the District III member to conclude Mr. Elmore's appointment. Ms. Diggs term will expire on February 13, 2016.

A. Joseph Self, Sr. – YEA
Richard F. Haynie – YEA
Thomas H. Tomlin – YEA

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

RE: MID-COUNTY SIGN FUNDRAISER

Mr. Eades informed the Board that Mid-County Rescue Squad was having a fundraiser and selling 911 house plate signs for \$15.00. Mr. Eades said he wanted the Board to be aware and he has been discussing the possibility of have signs done for new construction.

RE: BOARD COMMENT PERIOD

Supervisor Self brought up his concern with the Lodge Landing boat ramp and said he thinks the Board should go down and look at the landing to see what needs to be done.

RE: APPROVAL OF CHECK REGISTER

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

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

PUBLIC HEARING

RE: REQUEST BY TIMOTHY MOORE FOR A CONDITIONAL USE PERMIT TO OPERATE A COMMERCIAL AQUACULTURE FACILITY (REARING AND HARVESTING OF OYSTERS) OFF OF COAN RIVER AT 225 RIVERWOOD LANE NEAR WALNUT POINT

Zoning Administrator Marston described the request for the conditional use permit and gave a brief history of which included the following:

April 2008 – Aquatic Organism, Commercial Aquaculture, and Commercial Aquaculture Facility defined. (See Attachment A)

July 2012- Request by Tim Moore for a commercial aquaculture operation. This application included the rearing and harvesting of oysters in a man-made basin off the Coan River. Commercial Aquaculture Facilities were listed as a Conditional Use at the time of the is ordinance

July 2012 – Tim Moore applied for a Seafood Processing zoning permit for the tumbling of oysters, Mr. Shirley issued permit. Before 6/1/2013, Seafood Processing was permitted use in the Residential Waterfront zoning district. Seafood Processing definition was not defined in the ordinance prior to 6/1/2013.

June 2013 – Zoning Ordinance was modified. Definitions for Aquatic Organism, Commercial Aquaculture, and Commercial Aquaculture Facility did not change. Commercial Aquaculture Facility stayed as a Conditional Use in the Residential Waterfront (R-2) District. Seafood Processing newly defined and in the Residential Waterfront district was included to be Conditional Use.

December 2014- Zoning Ordinance was modified to allow “Aquaculture facility, Commercial” as permitted use in the Agriculture District (A-1). This change was made due to state legislation changes.

Mr. Moore was present for the meeting and is available to answer any questions.

Public Hearing Open

Attorney Jim Breeden represented Mr. and Mrs. Pugliese who live at 227 Riverwood Lane (beside the Applicants residence). Mr. Breeden explained that this is the second request for a conditional use permit and noted it is still zoned R-2. The concern with this request is due to its Commercial Aquaculture title. He said that since Mr. Moore’s request was denied the first time, he built a barge and added a third boat. He has also named his business Walnut Point Oyster Company. The Pugliese’s are opposed to overburdening the country road that leads to their property. Mr. Breeden went on to detail the Northumberland County Planning Commission’s discussion of an Aquaculture Facility and the change to allow it as a permitted in the A-1 zoning district. He noted it was not allowed in an R-2 Zoning district. The concern of this being in a residential neighborhood includes lowering property values, noise and this will basically change the character of the area. Also from the Planning Commission meeting, Mr. Breeden stated that former Zoning Administrator W.H. Shirley suggested to keep the Commercial Aquaculture business the same and out of the R-2 zoning areas. Mr. Breeden said this application that Mr. Moore has applied for is the same as it was before all but he has expanded the use, which used to be a 10’x 100’ area now it is 5.28 acres, so the request is just bigger when it has already been denied once.

Mr. Walter Cummins said he has concerns. He added that the shoreline has houses that are close together and if there are businesses between them it will make property difficult to sell.

Mr. Howard Skelton stated he is representing Milton Skelton (neighbor). He said this is all ridiculous and wants to enjoy the area. He has safety concerns and this is centered between two residences. This is a big problem.

Mr. Glenn Warmer stated he is a “come here” and is amused that they call this a residential community with just 3 houses. He continued to say he has been to this operation and there is nothing offensive to it and it is beneficial and a great idea. We need new business and it is good for the water.

Ms. Monica Fahey spoke in support of the request and explained the cost savings of the operation he is doing with the upweller. She questioned what people were calling big residential homes being affected and stated it is only 3 homes right there. She said Mr. Moore only has one pick-up truck that will be traveling on the road and his neighbor has a big furniture truck that travels the road.

Mr. Charles Campbell explained that this is not a big commercial company as described. He said he has been down there and he is at the beginning stages and the upweller is no noisier than a water fountain. He concluded that he is a supporter of cleaning up the Coan River and this is a benefit.

Mr. Brian Wood stated he is the past President of T.O.G.A and he knows the impact that this could have and he supports the business. He said this is Mr. Moore’s’ property and there won’t be any noise. This is going to be healthy for the Bay and could create jobs.

Mr. Mike Sanders said he lives on the Coan River across from Cowarts Seafood which is a big Commercial business and he has never objected to the noise of the operation. He is now the current President of T.O.G.A and is very familiar with the upweller operation. This will not affect the property values.

Mr. Matt McShane expressed his opinion about the way people were describing the noise of the upweller. He said they made it sound like a concrete mixer and it isn’t loud at all.

Mr. Lynton Land stated he has been growing oysters as well and his neighbors didn’t object. He explained that the oysters don’t grow that fast so a truck going up and down the road is not a lot. This is overblown. He encourages this type of business.

Ms. Sandy Dopplaws stated that recently the Governor of Virginia spoke strong on the subject of Aquaculture and we should not go against this. It is not going to have an impact on the 3 houses.

Public Hearing Closed

Mr. Tim Moore commented on some of the issues brought up and explained that the last 3 miles of road towards the end there is only 17 houses so it is mostly agriculture and full of commercial farming.

Zoning Administrator Marston then read the staff suggestions if the request is approved.

Supervisor Tomlin questioned the implication of the change to “seafood processing” and if it grandfathers it.

County Administrator Eades stated that “Aquaculture” is newly defined in the zoning. The seafood processing permit previously issued has bearing on the upland processing of seafood and the aquaculture is the actual growing and sorting.

Upon motion by Ronald L. Jett, duly seconded by Richard F. Haynie, the Board voted to approve the conditional use permit to allow a commercial aquaculture operation with the following conditions:

1. All necessary permits and/or licenses shall be obtained from all regulatory agencies.
2. Upland storage of equipment specifically associated with the growth and harvesting of oysters (bags and cages) must be screened from adjoining properties.
3. Commercial traffic associated with aquaculture on Riverwood Land shall be limited to a pick-up truck with a refrigeration unit.
4. The commercial operation shall be limited to no larger than a 10 X 16 foot upweller located in the basin. The location of the upweller shall in no way impede the boat basin's channel.
5. Any exterior lighting must be non-reflective and directed downward.

The vote on the motion is as follows:

A. Joseph Self, Sr. – YEA
Richard F. Haynie – YEA
Thomas H. Tomlin – NAY

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

Supervisor Tomlin noted his reasoning for voting against this request is because he was unclear on what needs to be issued.

RE: PUBLIC COMMENT PERIOD

No comments were given

RE: CLOSED MEETING

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Upon motion by Thomas T. Tomlin duly seconded by, A. Joseph Self, Sr., the Board voted unanimously to convene into closed meeting to discuss a personnel matter as permitted by Virginia Code Section 2.2-3711 (A) (1). The vote on the motion was as follows:

A. Joseph Self, Sr. – YEA
Richard F. Haynie – YEA
Thomas H. Tomlin – YEA

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

RE: OPEN MEETING

The Board convened back into open session upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin, 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
Richard F. Haynie – YEA

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

Thomas H. Tomlin – YEA

RE: MOTION AND CERTIFICATION OF CLOSED MEETING

A motion was made by Thomas H. Tomlin, duly seconded by A. Joseph Self, Sr., 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 the personnel matter.

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	

There was no action taken after the public hearing.

RE: ADJOURNMENT

Upon motion by A. Joseph Self, Sr., seconded by James M. Long, the Board voted Adjourn.

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