

Board of Supervisors Meeting
April 10, 2008
5:00 P.M.

NORTHUMBERLAND COUNTY, VA

A regular monthly meeting of the Northumberland County Board of Supervisors was held in the Northumberland Courts Building, on Thursday, April 10, 2008

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

 W. Leslie Kilduff, Jr. – County Attorney
 Kenneth D. Eades – County Administrator
 Luttrell Tadlock – Assistant County Administrator

RE: INVOCATION

Pastor Kornel Kiss, Bethany Baptist Church led the invocation.

RE: PLEDGE OF ALLEGIANCE

Master Nathan Kiss led us in the Pledge of Allegiance.

RE: APPROVAL OF MINUTES FROM MARCH 13, 2008

Upon motion by Thomas H. Tomlin duly seconded by James M. Long the Board voted unanimously to approve the minutes from the previous meeting on March 13, 2008 with 1 correction on page 3, the vote for Supervisor Tomlin was NAY. The vote on the motion was as follows:

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

RE: APPROVAL OF AGENDA

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board voted unanimously to approve the agenda for today's meeting with one change to add a closed session to the end of the public hearings in order to discuss a contractual matter and to add a representative from the Waterman's Association, at 7:00 p.m., to discuss issues going on with the blue crab regulations. The representative will speak before the Public Hearings start. 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: MS. DAWN NEALE AND MS. JACKIE CLAYTON, CHILD ABUSE PREVENTION MONTH

Ms. Neale and Ms. Clayton were at the meeting to discuss Child Abuse Prevention month and asked for a proclamation to be signed in support. Members of the 4-H club presented the Board with a gift and a pin to represent the month.

Upon motion by A Joseph Self, Sr. duly seconded by Thomas H. Tomlin, the board adopts 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, 2008, 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	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

RE: MR. OLIVER KNIGHT, SAFE BOATING PROCLAMATION

Mr. Knight stated that Safe Boating Week is May 17-23.

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

PROCLAMATION

Recreational boating is fun and enjoyable, and we are fortunate that we have sufficient resources to accommodate the wide variety of pleasure boating demands. However, our waterways can become crowded at times and be a place of chaos and confusion. While being a marvelous source of recreation, boating, to the unprepared, can be a risky sport. Not knowing or obeying the Navigation Rules or the nautical "Rules of the Road," drinking alcohol or taking drugs while operating a boat, or choosing not to wear your life jacket when doing so is clearly not the smart thing to do, are all examples of human error or a lack of proper judgment. One particular behavior that can

reduce the number of boaters who lose their lives by drowning each year by approximately 80% is the wearing of a life jacket. It is a simple task that has the potential to reduce terrible loss in lives. Knowledge and skills are important in reducing human error and improving judgment. If people are aware of the risk, they are likely to take the precautionary measures to protect themselves and their friends and family. That is why we must continue to spread the messages of boating safety not only during National Safe Boating Week but also throughout the year.

Whereas, on average 700 people die each year in boating-related accidents in the U.S.; nearly 70% of these are fatalities caused by drowning; and

Whereas, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

Whereas, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

Whereas, modern life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public.

Therefore, Be It Resolved, the Northumberland County Board of Supervisors support the goals of the North American Safe Boating Week Campaign and United States Coast Guard Auxiliary Flotilla 3-10 and proclaim May 17-23, 2008, as National Safe Boating Week and the start of the year-round effort to promote safe boating.

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	

Mr. Knight explained the new life jacket that they are introducing. He demonstrated the device and it is approved for children also.

RE: SEAN TRAPANI, RESIDENCY ADMINISTRATOR, NORTHERN NECK VDOT RESIDENCY

Mr. Trapani stated that the 6-year plan public hearing is set for the May meeting.

The traffic count on Academic Lane counted for 1,072 vehicles per day.

Mr. Trapani also reported on the following issues:

- ❖ Ditches will be cleaned out in Reedville soon.
- ❖ The drainage problem on Pumpkin Hill Road has been taken care of
- ❖ Paving will begin on Remo Road, Apple Grove Road, Fruit Plain Road, Walnut Point Road and Mundy point Road soon.

Superintendent Clint Staples questioned the speed study on Academic Lane as far as if the new school was taken into consideration. Mr. Trapani said that actual cars were counted and proposed volumes were not considered.

Supervisor Tomlin asked about a sign on Sampson's Wharf Road and a speed study on Locust Grove Road.

Supervisor Long stated a sign is upside down on Brown's Store Road.

RE: MR. D. CLINT STABLES, SUPERINTENDENT OF SCHOOLS

Mr. Stables reported on the budget. He stated the state funding has dropped \$935,936. VRS figures did show some good news with no increase which will help by \$145,000. Mr. Stables noted some cuts that he and his board were making out of his budget.

A joint work session with the Board of Supervisor's and the School Board is scheduled for April 24, 2008 at 5pm in the Board of Supervisors meeting room at the Old Courthouse.

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

Mr. Gemerek along with Northumberland County's representative Manual Haynie passed out a hand-out explaining what the agency does. Community Action Agency is a federal sponsored program that addresses the needs of low income citizens. Bay Aging has acted as the CAA for our area since 1978 but without seeking formal designation. While there is a two percent local match, Bay Aging will request no additional contributions from the local governments. He stated they will rely on in-kind and existing local contributions.

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the board voted to support the designation of Bay Aging to the Community Action Agency. 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
COMMUNITY ACTION AGENCY**

WHEREAS, the Northumberland County Board of Supervisors desires that the citizens of Northumberland County have access to opportunities to reach their goals to enhance their lives; and

WHEREAS, Bay Aging has had experience in delivering services that provide opportunities for housing, transportation, health, nutrition, and general community economic development since 1978 in Northumberland County; and

WHEREAS, Bay Aging desires to develop and offer services to the citizens of Northumberland County, as the County's Community Action Agency.

NOW, THEREFORE BE IT RESOLVED that the Northumberland County Board of Supervisors does hereby designate Bay Aging as Northumberland County's Community Action Agency.

RE: MR. CHESTER BIGELOW, AQUATIC ECOLOGIST, DEPARTMENT OF ENVIRONMENTAL QUALITY

Mr. Bigelow came to talk to the board about no discharge zones for marine toilets. He presented a power point presentation (on file in board papers).

The no discharge zone is a potential tool to help restore shellfish waters. He stated that the organization for zones is “good people coming together to achieve the common purpose of restoring a valuable resource”.

Chairman Jett asked why this wouldn't go for the whole state. Mr. Bigelow stated that this county was narrowed down to 3 big basins, Little Wicomico River, Great Wicomico River and the Coan River. The Yeocomico and Indian are not limited to this. Mr. Bigelow said that they cannot do this on their own. The Federal Agencies involved have requirements before you can have a zone and a lot of Northumberland waters do not qualify.

Chairman Jett stated he noticed Omega Protein was mentioned in the TMDL report as one of the contributors of the discharge that is polluting and asked why they are being targeted. Mr. Bigelow said he has worked with Omega and this is a watershed effort.

Supervisor Self commented on failing septic systems that was also mentioned in the report and asked where are the failing systems in Northumberland. Mr. Bigelow directed them to the shellfish website for more answers.

Mr. Paul Brewsky from Omega Protein stated to the board that they are voluntarily complying with the regulations now by taking monetary steps to make improvements. He stated he doesn't agree with the study.

Supervisor Self stated he didn't think you were supposed to discharge anyway. Mr. Bigelow said you not supposed to discharge raw sewage. Supervisor Self said it sounded like an enforcement problem.

Supervisor Self stated that he could only support this if it was the whole county.

Supervisor Long spoke up and said he would only support if it was the whole state.

Upon motion by Thomas H. Tomlin the board voted to send a resolution to the Soil and Water Conservation Board saying they would only support discharge zones if it was the entire state that would be posted. The vote on the motion is as follows:

Ronald L. Jett – NAY

James M. Long – YEA

Thomas H. Tomlin – YEA

A. Joseph Self, Sr. - YEA

Richard F. Haynie - YEA

**RESOLUTION
NO DISCHARGE ZONES**

WHEREAS, Mr. Chester Bigelow an Aquatic Ecologist for the Department of Environmental Quality made a presentation to the Northumberland County Board of Supervisors on April 10, 2008 concerning No Discharge Zones; and

WHEREAS, the Northumberland County Board of Supervisors wants to have the shellfish waters of the Chesapeake Bay and its tributaries restored to their glory years; and

WHEREAS, the same Board wants a clean Bay where all watermen are able to make a living on the water; and

WHEREAS, the Commonwealth of Virginia has a lot at stake in protecting the water quality of the Chesapeake Bay; and

WHEREAS, the No Discharge Zones that are being considered are only for certain tributaries of the Bay,

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Northumberland County hereby acknowledges that they want to have the No Discharge Zones implemented; however, if this is good for the waters of Northumberland County it should be good for the entire Chesapeake Bay and therefore supports making the entire Chesapeake Bay and its tributaries a No Discharge Zone.

RE: BUILDING PERMIT REPORT

	2008	2007
Total construction cost for the month	\$ 4,891,548.00	\$ 5,440,208.00
Total Bldg. Permit Cost for Month	\$ 7,695.96	\$ 7,894.76
Total Zoning Permit Cost for the Month	\$ 3,260.00	\$ 3,740.00
Total Levy Fee for the Month	\$ 132.51	\$ 138.62
<i>Total Construction cost year to date</i>	\$14,668,260.00	\$19,401,183.50

RE: TAXATION ON RATIO STUDY

County Administrator Eades explained that a ratio study was done by the Department of Taxation which states that the county's ratio on the assessment is at 67%. Since the ratio is below 70% we could lose our ABC money on liquor sales which totals \$7,158.00 per year.

Supervisor Tomlin questioned the ratio after reassessments. Mr. Eades said it was in the 90's one year after the reassessment was complete.

RE: EROSION SEDIMENT CONTROL

Mr. Eades explained that he had received the Northumberland County's Erosion and Sediment Control Program Corrective Action Agreement. He said the letter stated that the county did not fair very well because the ordinance is out of date and Kenan Weymouth (Assistant Zoning Administrator) only had one of three certifications. Mr. Eades noted that the adjoining County's scored similar and have threatened to pull out of the program. Since Ms. Weymouth has resigned this comes down to, if we sign the agreement agreeing to all the conditions we will have to hire someone to fill the Assistant Zoning Administrator's position. If we do not sign the agreement we will not have to fill the position.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted to authorize the County Administrator to advertise the rescinding of the Erosion and Sediment Control Ordinance from the county code. The vote on the motion is as follows:

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

RE: UPDATE ON ZONING ORDINANCE

Assistant County Administrator, Luttrell Tadlock gave a report on the progress that the Planning Commission is making working on updating the ordinance. The Commission is recommending setting up a working group for looking at any possible changes before they come to the Planning Commission. A joint hearing will be announced to discuss the update at a further.

RE: APPROPRIATIONS, SHERIFF DEPARTMENT

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

- 1. Restitution – Wardell Jackson – damage to 2006 Dodge Charger

3102-7005 \$349.90
3102-8001 160.00
\$509.90

- 2. Claim Reimbursement for 2007 Ford Crown Vic- Deer Damage

3102-3012 \$46.38

- 3. Claim Reimbursement for 2007 Ford F150- Windshield

3102-3012 \$47.72

- 4. Claim Reimbursement for 2008 Crown Vic - Windshield

3102-3012 \$35.30

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. CHARLES OVERSTREET APPOINTED TO THE DISABILITIES SERVICES BOARD

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long the board voted to appoint Mr. Charles Overstreet at 312 Gibeon Road, Callao, Virginia 22435 to the Disabilities Service Board as the Northumberland County representative. Mr. Overstreet’s appointment will expire on April 10, 2011.

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: WASTE MANAGEMENT CONTRACT RENEWAL

Mr. Eades stated the contract with Waste Management is up for renewal. Mr. Eades noted that Richmond County earlier today approved their renewal.

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the board voted to renew the contract with Waste Management with no increase for next fiscal year. 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 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

Supervisor Thomas H. Tomlin discussed the information that both VML and VACO presented during this past General Assembly. VML seemed to be quicker to produce information and had more explanation and detail. We may want to consider joining VML.

Public Hearings

RE: MR. KEN SMITH, VICE PRESIDENT OF VIRGINIA WATERMAN’S ASSOCIATION

Mr. Smith thanked the Board of Supervisor’s for the opportunity to speak. Mr. Smith spoke about the history of the waterman and how it used to be a lucrative industry but today we have lost a viable industry. Mr. Smith asked for the support of Northumberland County to promote legislation in finding out the causes of the decreasing crab population.

Supervisor Self noted that Richard Stuart had a Senate Bill passed through the General Assembly that requires companies that fertilize for homeowners to have a soil test before application.

Chairman Jett stated that he has the support of the Board.

RE: REQUEST BY JACK AND GEORGIA SPRAGUE FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A PRIVATE STOORAGE BUILDING AS THE MAIN STRUCTURE ON LOT 24 WITHIN SOUTHGATE SUBDIVISION NEAR MILA (CONTINUATION FROM FEBRUARY)

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board voted to approve the request by Jack and Georgia Sprague for a Conditional Use Permit to construct a private storage building as the main structure on Lot 24 within Southgate Subdivision near Mila with the following conditions:

1. The private storage building shall be built in the area currently cleared for construction and as shown on the drawing which is part of the application;
2. The existing trees and shrubs shall remain as a vegetative buffer until such time as a dwelling is built on the property;
3. No commercial or business use of the private storage building shall be permitted;
4. Any use of the private storage building must be in compliance with the Northumberland County Zoning Ordinance.

The vote on the motions is as follows:

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

RE: REQUEST BY T. RANDOLPH COCKRELL, JR. FOR A PERMIT TO ESTABLISH A 43 SLIP MARINA FACILITY AT GLEBE POINT ON THE GREAT WICOMICO RIVER

Mr. Randy Cockrell, President of Tiffany Yachts spoke on the request and described his plans. He explained that their business has been there a long time and it was time to expand. He commented on the proposed pool and said that it is in the plans but is flexible on whether to keep it or not. He said he would like to keep the pool to increase the quality and appeal of the business.

Public Hearing Open

Ms. Carol Ellis – 2325 Jessie Dupont Memorial Hwy. spoke on her concerns of pollution. She said that she had a petition of 54 neighbors that did not support this application. The traffic is going to be a problem along with parking. She said that it will impact the river and the view they have.

Dr. Noblich stated that the marina is a direct neighbor of his and he plans to build a 250 foot pier out to reach deep water and Mr. Cockrell's request will restrict his use of the pier. The overflow of the sewage will be going on his lot and he is an expert on public health and this would not be good.

Mr. Don Grabar stated that he is two houses down from the business and that the property where the expansion will be is not big enough and is too small to support structures. He also said that it is unsafe with all the boats that will be entering the marina; it is not a good situation.

Mr. Max Wallenberg of 2358 Jessie Dupont Memorial Highway is concerned with the residential integrity of the area, the traffic, the sewage problems, fuel spill pollution, and noise.

Mr. Bobby Jones of Bobby's Marine spoke in support and said the area needs growth.

Mr. Meade Hinton stated he lives up the river and supports the project.

Ms. Rio Sprague of Wicomico Church stated that the Board should approve this request and listed the business around the area. This also fits within the community. She said it will provide jobs to the area and the Yacht business has been there over 70 years. The residents around it knew when they built their

homes that it was a marina there and eventually it would have to expand. She said she has been on both sides, she has been a native and a come here. She said the Cockrell's have a good business and she hopes that they can continue to grow. She believes it will increase the land value.

Mr. Freddie Deitz is in support of this project.

Mr. Richard Johnson said he is a come here from the late 1950's and said growth has to come. He referenced a book on the history of the menhaden which listed last names such as Deihl, Fisher, and Cockrell etc. All have been contributors to the growth of the County. He said that the locals make a living here.

Mr. Tiffany Cockrell said he is 86 years old and has watched the County grow and it is a good thing. The problem is now people don't want things to change. He said it would be 5 years before you'll see 5 boats and years before the expansion is filled. He said we need to keep the young people around here.

Mr. Rex Jones said the river is made for boating and we need good marinas so that people will spend their money here.

Mr. Taylor Cockrell said most boat building business need to expand and grow to keep alive.

Mr. Matt Jones commented on two types of growth. The commercial Wal-Mart growth and the growth of local business. He noted that he leaves in August for medical school and would like to come back to the area.

Ms. Paula Hinson supports this request and stated that the river can support the traffic.

Mr. Larry Moore and Ann Moore both support the request and noted the County needs the tax base.

Ms. Laura Shackelford said that she is in the family business and she would like to continue the tradition.

Ms. Sandy Harris, 2074 Pumpkin Hill Road is concerned with the size of the expansion saying it is too big for the residential area and the noise will be too much. She said it will not enhance the area.

Mr. Don Wells said because of the size of the project that he does not support it. He believes the value of the land will go down if it is built.

Ms. Trisha Browning said stated her concerns with the project.

Mr. Wade Zimbardo commented that business needs to grow in the Wicomico Church area because his children left the area because there was nothing to do here.

Ms. Susan Zimbardo agreed with her husband, need more jobs in the area.

Ms. Beth Childs is in support of the project.

Ms. Margaret Hudnall and Mr. Chip Hudnall are both in support and stated they run a business in the area and the tax income for the County will be helpful.

Ms. Peggy Jones said she has no problem with the boat traffic and the noise will not be an issue.

Mr. Paul Jones said he lives across from Tiffany Yachts and they run a good business and don't see where it will be a problem.

Mr. Drew Jones stated he targets marinas that have a pool and would like to see that kept in the request. He stated he supports the project.

Ms. Elizabeth Miller stated she supports the project.

Mr. Robert Badenoch supports the project and said the existing business is a nice facility and it brings in a good crowd.

Mr. Billy Buck Cockrell said he is not in support of this and stated he owns land adjacent to the property and said his father gave Mr. Tiffany Cockrell the right of way for the business. He said you should be able to do what you want with your property as long as it doesn't encroach onto someone else's property.

Public Hearing Closed

Supervisor Tomlin inquired about the pool to the Zoning Administrator. Mr. W.H. Shirley said as far as the setback the County cannot allow the pool because it is within the 100 foot buffer.

Supervisor Tomlin also asked about if VDOT had been consulted. Mr. Cockrell said no they had not.

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr. the Board voted to approve the request with the following conditions:

1. The pool, pool deck and roofed picnic area must be eliminated from the proposed plans;
2. You must receive all necessary permits from, but not limited to, the Health Department, Virginia Marine Resource Commission (V.M.R.C.), Virginia Department of Transportation (V.D.O.T.) and U.S. Army Corps of Engineers before any construction permits will be issued;
3. All required off-street parking must be on site;
4. You must submit a revised site plan showing removal of the pool, pool decking and roofed picnic area and the addition of any required on-site parking spaces along with any V.D.O.T. requirements to access the property from Rt. 200;
5. All exterior lighting must be non-reflective and directed downward; and,
6. Construction must be completed within two (2) years of the date of the last permit received for the facility.

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	

Supervisor Tomlin explained that he had put a lot of thought into this request and in 1998 a similar request at the end of Reedville came before the Board and it was approved.

RE: AMENDMENT TO CHAPTER 34, ARTICLE III SECTION 34-20 OF THE COUNTY CODE TO ADD WICOMICO VIEW ESTATES, SECTION 1 TO THE LIST WHERE IT IS PROHIBITED FOR DOGS TO RUN AT LARGE

Public Hearing Open

Mr. William Coleman was present for the hearing along with his neighbor that also lives in Wicomico View Estates. They both confirmed that there was a dog digging holes in Mr. Coleman's yard therefore they support the leash law.

There were no further public comments on the Leash Law.

Public Hearing Closed

Supervisor Tomlin stated that he can not support this due to small number of lots within the subdivision. If this is approved there will be many requests for areas even smaller than this one. He said this is a rural area.

Supervisor Self agreed with Tomlin saying that the Leash Law is for larger subdivisions. He said he realizes there is one dog that is the problem.

Mr. Coleman said he felt like the Board was discriminating because the subdivision isn't large enough to have a leash law.

Chairman Jett spoke up and said this leash law is not going to do any good because the dog is not in the development. The ordinance states that if the dog is outside the development and is picked up within a reasonable time after the owner is contacted then there is no penalty.

Chairman Jett agreed to talk with the owner of the dog and the owner's employer to try to get something straight.

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr. the board decided to carry this matter over until April 24, 2008 at 4:30 p.m. 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: AMENDMENT TO THE ZONING ORDINANCE TO DEFINE "AQUACULTURE, AQUACULTURE FACILITY AND AQUATIC ORGANISM", AND PERMIT IT BY CONDITIONAL USE PERMIT IN ZONING DISTRICTS C-1, A-1, R-2, B-1 AND M-1

Assistant County Administrator Luttrell Tadlock described the amendment and stated that the Planning Commission recommends approval with a change to add Commercial to the definition and make it Commercial Aquaculture.

Supervisor Tomlin questioned any whether there is waterfront in Residential General; R-1.

Chairman Jett questioned the difference in commercial and non-commercial.

Mr. Lee Allain stated that Virginia Marine Resources Commission determines the issuance of the license as to whether it is commercial.

Mr. Ron Herring asked what sparked this amendment. Mr. Eades stated there is a potential oyster hatchery coming to the area and there is nothing in the ordinance that addresses a hatchery. The Northern Neck Planning District Commission is coordinating the project and I am sure would like to have a provision in the ordinance to allow for a hatchery.

Mr. Larry Moore asked how much input did Dr. Haugan have into this? Mr. Eades said none.

Supervisor Tomlin said he brought it up to have the opportunity for a hatchery to be located in this county and to help kick start the industry.

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

1. An amendment to the Northumberland County Zoning Ordinance Article I, Section 148-3, Definitions and word usage; to define “Commercial Aquaculture”, “Commercial Aquaculture Facility” and “Aquatic Organism” as follows:
 - a. Commercial Aquaculture- the propagation, rearing, enhancement, and harvest of aquatic organisms in controlled or selected environments, conducted in marine, estuarine, or fresh water.
 - b. Commercial Aquaculture Facility- any land, structure, or other appurtenance that is used for aquaculture, including, but not limited to, any laboratory, hatchery, pond, raceway, pen, cage, or incubator.
 - c. Aquatic Organism- any species or hybrid of aquatic animal or plant, including, but not limited to, “fish,” “fishes,” “shellfish,” “marine fish,” and “organisms” as those terms are defined by the Code of Virginia §28.2-100.
2. An amendment to the Northumberland County Zoning Ordinance Chapter 148 Article II, Section 148-6 B; Article III, Section 148-18 B ; Article IV, Section 148-31 B; Article V, Section 148-43 B; Article VII, Section 148-65 B; and Article VIII, Section 148-74 B; Conditional Uses in Conservation District (C-1), Agriculture District (A-1), Residential General District (R-1), Residential Waterfront (R-2), Business General District (B-1) and Industrial Light District (M-1) respectively: to add “Commercial Aquaculture Facility”.

The vote on the motion is as follows:

Ronald L. Jett – YEA
A. Joseph Self, Sr. – YEA
James M. Long – YEA

Thomas H. Tomlin – YEA
Richard F. Haynie – YEA

RE: PUBLIC COMMENT PERIOD

Mr. Spud Parker commented on the dog problem and asked if there can be a nuisance rule in the county. County Attorney, Les Kilduff responded saying that we can not micro manage the situation. Mr. William Coleman questioned the Board on what would the Board have done if he didn't say it was one dog specifically, would you have granted the request?

RE: CLOSED MEETING

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

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

RE: OPEN MEETING

The Board convened back into open session upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted unanimously that in the closed meeting just concluded, nothing was discussed except the matters lawfully permitted to be so discussed under the provisions of the Virginia Freedom of Information Act cited in the motion. The vote on the motion was as follows:

A. Joseph Self, Sr. – YEA	Ronald L. Jett – YEA
Richard F. Haynie – Not Present	James M. Long – YEA
Thomas H. Tomlin – YEA	

RE: MOTION AND CERTIFICATION OF CLOSED MEETING

A motion was made by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted unanimously to certify the closed meeting:

WHEREAS, The Northumberland County Board of Supervisors, herein Board, has convened a closed meeting on this date pursuant to the affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act: and

WHEREAS, 2.1-344.1 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW THEREFORE, BE IT RESOLVED that the board hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board specifically a contractual 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 - Abstain
Thomas H. Tomlin – YEA	

RE: ACTION TAKEN

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted unanimously to increase the total amount paid to Sign Designs from \$11,404.50 to \$13,781.52 due to the costs overruns created from the delay in receiving the necessary VDOT permits. The contractor also must have the subcontractors agree to the pricing. The vote on the motion was:

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

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

RE: ADJOURNMENT

Upon motion by A. Joseph Self, Sr., the Board voted unanimously to carry the meeting over to April 24, 2008 at 4:30 p.m. for the leash law in Wicomico View, Section 1 and a budget worksession. 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

Kenneth D. Eades, Clerk