

**Board of Supervisors Meeting
June 14, 2018
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, June 14, 2018.

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

 Luttrell Tadlock – County Administrator

Absent: Matson C. Terry II – County Attorney

RE: INVOCATION

Supervisor Long led in the invocation.

RE: PLEDGE OF ALLEGIANCE

The Northumberland County School Athletes led us in the Pledge of Allegiance.

RE: APPROVAL OF MINUTES FOR MAY 10, 2018, MAY 21, 2018 AND MAY 29, 2018

Upon motion by James M. Long duly seconded by Richard F. Haynie, the Board voted to approve the minutes from the May 10, 2018, May 21, 2018 and May 29, 2018. The vote on the motion is as follows.

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

RE: APPROVAL OF AGENDA

Upon motion by A. Joseph Self, Sr. duly seconded by James M. Long, the Board voted to approve the agenda for today’s meeting with the following changes:

- 1) VDOT Representatives will not be attending the meeting.
- 2) Supervisor Tomlin request to have an additional closed meeting permitted by Virginia Code Section 2.2-3711 (A) (1) personnel matter.

The vote on the motion is as follows.

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

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

RE: DR. HOLLY WARGO, SUPERINTENDENT OF SCHOOLS

Dr. Wargo came today to give an update on the school activities. She also brought many of our school athletes as well as the new Athletic Director, Theresa Rock. Ms. Rock spoke to the Board and updated them on what she has been working on as the new A.D. She then introduced the successful teams that went to state including the Fall Cross Country team, the Golf Team, Basketball team, Indoor Track participants, Seven wrestlers, Spring Track team and boys Baseball.

Dr. Wargo thanked everyone for their support.

Dr. Wargo then announced the accomplishments of the 2018 graduating class.

Ms. Donna Booth, Finance Director also came today to give an update. She explained the bids they received for fuel as well as the HVAC proposals. They also gave information on replacing the track at the School. She said the estimated costs is \$71,000 for the resurfacing.

The Current ADM is 1235.

Dr. Wargo gave a rundown of the positions that are open throughout the school for the upcoming year including a Math teacher at the High School, a Social Worker for all 3 schools and a math specialist at the Elementary School.

Mr. Johnny Mothershead who has been employed by the school system for the last 11 years, thanked the Board for their support. Supervisor Self said they wish him the best in the future.

RE: BUILDING PERMIT REPORT

Month of May 2018	2018	2017
Total construction cost for the month	\$ 955,631.48	\$ 2,052,651.57
Total Bldg. Permit Cost for Month	\$ 2,882.36	\$ 4,824.12
Total Zoning Permit Cost for the Month	\$ 1,030.00	\$ 1,870.00
Total Levy Fee for the Month	\$ 57.64	\$ 93.48
Total Construction cost year to date	\$ 10,928,684.01	\$ 8,982,957.57

RE: RURAL RUSTIC ROAD RESOLUTION – RT 710 MADGE MARSH LANE

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board voted to approve the following resolution:

RESOLUTION

RURAL RUSTIC ROAD PROJECT

ROUTE 710 - MADGE MARSH LANE

WHEREAS, Section §33.2-332 of the Code of Virginia, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

WHEREAS, the Board of Supervisors of Northumberland County, Virginia (“Board”) requests that Route 710, Madge Marsh Lane, from Route 665 to the End of State Maintenance, be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways; and

WHEREAS, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic road project; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation

The vote on the motion is as follows.

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

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

RE: RURAL RUSTIC ROAD RESOLUTION – RT 747 ROGUE POINT LANE

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long, the Board voted to approve the following resolution:

RESOLUTION

RURAL RUSTIC ROAD PROJECT

ROUTE 747 – ROGUE POINT LANE

WHEREAS, Section §33.2-332 of the Code of Virginia, permits the improvement and hard surfacing of certain unpaved roads deemed to qualify for designation as a Rural Rustic Road; and

WHEREAS, any such road must be located in a low-density development area and have no more than 1500 vpd; and

WHEREAS, the Board of Supervisors of Northumberland County, Virginia (“Board”) requests that Route 747, Rogue Point Lane, from Route 665 to the End of State Maintenance, be designated a Rural Rustic Road; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on this road; and

WHEREAS, this road is in the Board’s six-year plan for improvements to the secondary system of state highways; and

WHEREAS, the general public and particularly those citizens who own land abutting this road have been made aware that this road may be paved with minimal improvements as is consistent with the development of a rural rustic road project; and

WHEREAS, the Board believes that this road should be so designated due to its qualifying characteristics; and

NOW, THEREFORE, BE IT RESOLVED, the Board hereby designates this road a Rural Rustic Road, and requests that the Residency Administrator for the Virginia Department of Transportation concur in this designation.

BE IT FURTHER RESOLVED, the Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Residency Administrator for the Virginia Department of Transportation.

The vote on the motion is as follows.

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

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

RE: APPROPRIATION OF FUNDS FOR SECURITY ATHLETIC EVENTS

Upon motion by Thomas H. Tomlin, duly seconded by Richard F. Haynie, the board voted to re-appropriate from line item 10-273 (Sheriff Office Game Payroll Reimbursement Account) to line item 3102-1006 (Security Athletics Events) the following:

\$52.50 – final monies for the ball games for the fiscal year of 2018.

The vote on the motion is as follows:

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

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

RE: ANIMAL SHELTER APPROPRIATION

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the board voted to appropriate the following to line item 10-3501-1004 for funds received from animal shelter yard sale to cover additional funds to the animal shelter employees.

- \$3,921.25 (letter dated March 26, 2018)
- \$3,678.75 (letter dated April 24, 2018)
- \$2,180.00 (letter dated May 30, 2018)

The vote on the motion is as follows:

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

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

RE: SHERIFF OFFICE RE-APPROPRIATION, VSA MEETING

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the board voted to re-appropriate \$273.32 from account 10-762, General Fund to line item 3102-5503. This expense was for Sheriff Lyons to go to the Virginia Sheriff's Association meeting, which they reimbursed.

The vote on the motion is as follows:

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

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

Thomas H. Tomlin – AYE

RE: SHERIFF OFFICE RE-APPROPRIATION, VACORP REPAIR REIMBURSEMENT VIN#5505

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the board voted to re-appropriate \$1,730.40 for reimbursement from VACo Risk Management for VIN#5505 vehicle repairs.

The vote on the motion is as follows:

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

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

RE: FUEL BIDS ACCEPTED FOR FY 19

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted to accept the fuel bids provided by NWP Energy Co. for gasoline, diesel, and heating oil and propane all at the variable rate.

The vote on the motion is as follows:

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

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

RE: APPOINTMENTS NEEDED

Mr. Tadlock informed the board that CPMT Board member is needed as well as a member on the Board of Zoning Appeals Board.

RE: WETLANDS BOARD MEMBER, RE-APPOINTMENT – MR. HARRY TOWNE

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the board voted to re-appoint Mr. Harry Towne to the Northumberland County Wetlands Board as the District V member. Mr. Towne’s appointment will expire on July 13, 2023.

The vote on the motion is as follows.

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

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

RE: JUVENILE DETENTION RE-APPOINTMENT, MR. LUTTRELL TADLOCK

Upon motion by Ronald L. Jett, duly seconded by Richard F. Haynie, the board voted to re-appoint Mr. Luttrell Tadlock to the Juvenile Detention Board. Mr. Tadlock's appointment will expire on June 30, 2018.

The vote on the motion is as follows.

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

RE: MONIES MOVED TO REEDVILLE SANITARY DISTRICT ACCOUNT FROM GENERAL FUND

Mr. Tadlock explained to the Board that the increase in rates for the Sanitary District is helping to be able to pay the loan payment but with only 5 months into the new rate schedule, money will need to be transferred to cover some of the cost of the loan payment that is due July 1, 2018.

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the board voted to transfer \$55,000 to the Sanitary District Account from the General Fund to cover the cost of the BB&T loan payment due.

The vote on the motion is as follows.

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

RE: BOARD COMMENT PERIOD

Supervisor Long asked where we were with the EVB building. Mr. Tadlock said he has the drawings and is ready to show the board when they are ready.

Supervisor Tomlin asked for Mr. Tadlock to find out why the price of a concealed weapons permit has increased.

Supervisor Tomlin handed out information for the Board to view about starting a capital improvements fund.

RE: 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 is as follows:

Ronald L. Jett – AYE	Thomas H. Tomlin – AYE
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A. Joseph Self, Sr. – AYE
James M. Long – AYE

Richard F. Haynie – AYE

RE: CLOSED MEETING

Upon motion by A. Joseph Self, Sr., duly seconded by, Richard F. Haynie, the Board voted unanimously to convene into closed meeting to as permitted by Virginia Code Section 2.2-3711 (A) (7); in consultation with legal counsel, or briefing by staff for probable future litigation and for a contractual matter and (A) (1); personnel matter. The vote on the motion was as follows:

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

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

RE: OPEN MEETING

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

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

RE: MOTION AND CERTIFICATION OF CLOSED MEETING

A motion was made by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted unanimously to certify the closed meeting:

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

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

NOW THEREFORE, BE IT RESOLVED that the Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board specifically to discuss a personnel matter, use of public property and a contract matter.

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

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

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

RE: ACTION TAKEN

No action was taken.

**PUBLIC HEARING, 7:00 p.m. – 220 Judicial Place, Heathsville, VA
22473**

RE: REQUEST BY VIRGINIA COMMONWEALTH BANK, OWNER, AND W. CRAIG ALLSHOUSE AND MARTI A. MOYER APPLICANTS, FOR A CONDITIONAL USE PERMIT TO OPERATE A WINERY/DISTILLERY ON PROPERTY ZONED R-2 RESIDENTIAL WATERFRONT. THE PROPERTY IS LOCATED ON 3138 JESSIE DUPONT MEMORIAL HWY.

Zoning Administrator Philip Marston described the request for a conditional use permit to operate a winery/distillery on property zoned R-2, residential waterfront. Mr. Marston then read the suggested conditions if the request is approved.

Public Hearing Open

No comments were given.

Public Hearing Closed

Upon motion by Thomas H. Tomlin., duly seconded by A. Joseph Self, Sr., the Board approve the request with the following condition:

1. All necessary permits and/or licenses shall be obtained from all regulatory agencies.

The vote on the motion was:

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

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

Supervisor Tomlin comments on the approved request stating that this will make the property look better and it is similar to the request the Board granted a few months ago in Ditchley.

RE: AN AMENDMENT TO THE COUNTY ZONING ORDINANCE, CHAPTER 148, DEFINING, SPECIFYING DISTRICT USE, AN THE APPLICATION PROCESS FOR A SOLAR ENERGY FACILITY.

Mr. Stuart McKenzie, Planner described the amendment to the County Zoning Ordinance. He stated The Planning Commission created zoning definitions for small, medium and large solar facilities. The small solar facilities are residential in nature and a by right use, if you affix the solar panels to a roof of an existing building. If you ground mount the solar panels, the area has to be less than 1500 square

feet and meet building setback requirements. The medium and large solar facilities are conditional use, so the Board will have a say regarding these facilities.

Public Hearing Open

No comments were given.

Public Hearing Closed

Upon motion by Thomas H. Tomlin, duly seconded by Richard F. Haynie, the board voted to approve the amendment as described below:

Definitions will be added to §148-3A

Solar energy facility, small system: A private solar energy conversion system, whose primary purpose is to produce power for residential applications, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware which has the rated capacity to produce not more than 25 kilowatts (kW) of electrical power and which has a total site area of 1,500 square feet or less.

Solar energy facility, medium-scale: A private solar energy conversion system, whose primary purpose is to produce power for commercial and industrial applications, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware which has the rated capacity to produce more than 25 kilowatts (kW) of electrical power and which has a total site area of five (5) acres or less. This definition does not pertain to small agricultural generators as defined by section 56-594.2 of Virginia State Code.

Solar energy facility, utility-scale: An energy conversion system, whose primary purpose is to produce power for consumption by a utility provider, consisting of photovoltaic panels, support structures, and associated control, conversion, and transmission hardware which has a total site area of more than five (5) acres. This definition does not pertain to small agricultural generators as defined by section 56-594.2 of Virginia State Code.

*In the Table of Usages (148A), **Solar energy facility, small system** will be shown as a by-right use.*

*In the Table of Usages (148A), **Solar energy facility, medium-scale** and **Solar energy facility, utility-scale** will be shown as a conditional use.*

ARTICLE XIV. Solar Energy Facility Regulations

§148-141 Purpose:

The purpose of this ordinance is to provide for the siting, development, and decommissioning of solar energy projects in Northumberland County, subject to reasonable conditions that promote and protect the public health, safety and welfare of the community while promoting development of renewable energy resources.

§148-142 Definitions:

For definitions and word usage see §148-3A.

§148-143 Solar energy facility, small system

- a. shall require administrative plan approval by the county zoning administrator. Plan approval does not indicate compliance with the Building Code or the Electric Code.
- b. For ground mounted projects, applicant shall supply a site plan showing existing structures, property lines and setback lines.
- c. For ground mounted projects, applicant is required to obtain a zoning permit, comply with local and state building codes, with setbacks being the same as the principal structure in the underlying zoning district.
- d. Noise requirements shall be no more stringent than noise requirements for other types of development.
- e. Does not require a decommissioning plan.

§148-144 Solar energy facility, medium-scale and Solar energy facility, utility-scale

- a. shall require conditional use approval by the Board of Supervisors in all zoning districts
- b. shall require a minimum setback of 25 feet
- c. shall comply with all applicable federal and state laws including but not limited to building and electrical codes, erosion and sediment control as well as stormwater regulations
- d. solar panels should, to the extent practical, be non-reflective
- e. shall require a project description that is a narrative identifying the applicant, owner and operator, and describing the proposed solar energy project, including an overview of the project and its location; approximate rated capacity of the solar energy project; the approximate number, representative types and expected footprint of solar equipment to be constructed; and a description of ancillary facilities, if applicable.
- f. shall require a site plan which shall include the following information:
 - i. Property lines and setback lines.
 - ii. Existing and proposed buildings and structures, including preliminary location(s) of the proposed solar equipment.
 - iii. Existing and proposed access roads, drives, turnout locations, and parking; however, this requirement shall not exceed VDOT requirements for other types of projects in the underlying zoning district.
 - iv. Location of substations, electrical cabling from the solar systems to the substations, ancillary equipment, buildings, and structures (including those within any applicable setbacks).
 - v. Fencing or other methods of ensuring public safety.
 - vi. Additional information may be required, as determined by the zoning administrator, such as a scaled elevation view and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed solar energy project from potentially sensitive

locations as deemed necessary by the zoning administrator to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.

- g. Noise requirements for solar facilities shall be no more stringent than noise requirements for other types of development in the county
- h. DOCUMENTATION OF RIGHT TO USE PROPERTY FOR THE PROPOSED PROJECT
 - a. Documentation shall include proof of control over the land or possession of the right to use the land in the manner requested.
- i. DECOMMISSIONING PLAN
 - a. The application shall include a decommissioning plan.
 - b. A decommissioning plan shall include the following: (1) the anticipated life of the project; (2) the estimated decommissioning cost in current dollars; (3) how said estimate was determined; and (4) the manner in which the project will be decommissioned. The Decommissioning Plan shall be updated and filed with the county, every five years to account for changed circumstances, including inflation.
 - c. The owner, or owners of a solar facility shall notify the county whenever the facility is inactive for one year, at which time the owner shall have six months to decommission the facility.
 - d. The owner, or owners of a solar facility shall return the site to the land cover that was present before the solar facility was built.

§148-145 Bonding Requirements

Solar energy facility, utility-scale shall require a surety in the amount required for full decommissioning of the solar facility as stated in the decommissioning plan. The surety shall be approved by the BOS or its designee.

The vote on the motion was:

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

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

Supervisor Tomlin stated he supports solar zoning but will be careful if a request comes their way because of what happened in Essex County. We need a strong Erosion and Sediment plan and will be careful the time of year of construction because of the environmental disturbance it could have.

RE: PUBLIC COMMENT PERIOD

Ms. Chonna Dunn came before the Board as Captain of the Callao Volunteer Rescue Squad. She thanked the Board for allowing her to speak. She gave an update on the organization and named a new volunteer named Patrick that will be able to do training. She said he would be contacting Rick McClure. Ms. Dunn also gave information to the Board on her new certifications, the Board congratulated her on her accomplishments. Callao will be having a CPR class this coming Saturday.

RE: CARRY OVER

Upon motion by A. Joseph Self, Sr., seconded by Richard F. Haynie, the Board voted to carry over the meeting to June 18, 2018 at 6 p.m. The vote on the motion was:

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

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

E. Luttrell Tadlock, Clerk