

**Northumberland County Planning Commission
September 19, 2019
Minutes**

The regular monthly meeting of the Northumberland County Planning Commission was held on September 19, 2019 at 7:00 p.m. in the New Courthouse at Heathsville, VA with the following attendance:

| | | | |
|-----------------|---------|-------------------------|---------|
| Chris Cralle | Present | Garfield Parker | Absent |
| Vivian Diggs | Absent | Albert Penley, Jr. | Absent |
| Alfred Fisher | Present | Wellington Shirley, Jr. | Present |
| Ed King | Present | Heidi Wilkins-Corey | Absent |
| Patrick O'Brien | Present | Charles Williams | Present |
| Richard Haynie | Present | | |

Others in attendance:
Stuart McKenzie (County Planner)

RE: CALL TO ORDER

The meeting was called to order by Mr. Fisher.

Ed King gave the invocation.

Alfred Fisher led the Commission in the Pledge of Allegiance to the Flag.

RE: AGENDA

Chairman Fisher asked if there is a motion to approve the agenda, Mr. Shirley made the motion and Mr. O'Brien seconded. All members voted for the motion, and none against. Details on the vote are below:

| | | | |
|-----------------|--------|-------------------------|--------|
| Chris Cralle | Aye | Garfield Parker | Absent |
| Vivian Diggs | Absent | Albert Penley, Jr. | Absent |
| Alfred Fisher | Aye | Wellington Shirley, Jr. | Aye |
| Ed King | Aye | Heidi Wilkins-Corey | Absent |
| Patrick O'Brien | Aye | Charles Williams | Aye |
| Richard Haynie | Aye | | |

RE: MINUTES- August 15, 2019

With a motion from Mr. Cralle, seconded by Mr. O'Brien, and approved by all, the August 15, 2019 minutes were approved. The vote was as follows:

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|-----------------|--------|-------------------------|--------|
| Chris Cralle | Aye | Garfield Parker | Absent |
| Vivian Diggs | Absent | Albert Penley, Jr. | Absent |
| Alfred Fisher | Aye | Wellington Shirley, Jr. | Aye |
| Ed King | Aye | Heidi Wilkins-Corey | Absent |
| Patrick O'Brien | Aye | Charles Williams | Aye |
| Richard Haynie | Aye | | |

RE: COMMISSIONERS' COMMENTS

Mr. O'Brien stated he wanted to update the commission members on discussions he has had with industry participants regarding broadband issues. Mr. O'Brien noted that he would like to see expanded broadband service for those underserved and not served in the county. Mr. O'Brien asked the Chairman and the BOS Liaison, Mr. Haynie if it would be OK to contact industry representatives in the area about their future plans for broadband expansion in the county, and both stated yes. Mr. O'Brien talked with representatives from Atlantic Broadband and Northern Neck Electric Co-Op (NNEC). As you may know, Mr. O'Brien noted, the NNEC is currently in the process of surveying area residents regarding providing some type of low frequency internet access to subscribers through their existing substations in the county, and each antenna could broadcast a signal six kilometers from the site in all directions. Recently, Mr. O'Brien continued, the state legislature revised the original legislation enabling electric co-operatives to serve electricity to citizens to authorize serving internet access as well. Mr. O'Brien pointed to a map of the electric service areas provided by county staff, and noted that the map shows electric service areas, and the internet service area could be quite different, as NNEC stated they will subscribe anyone close enough to get the broadband signal, regardless of which electric service area their house is located. NNEC is planning on using 25 Mhz, which is fast enough to run video stated Mr. O'Brien. The NNEC survey is to create a feasibility study by unnamed entities that the NNEC may partner with, if the study is favorable. The survey response rate is 10%, which the NNEC thinks is disappointingly low, but not in Mr. O'Brien's opinion. Mr. O'Brien said that response rates for most surveys are in the 2-3% range, so 10% is very good. Mr. O'Brien stated that the low frequency means that the internet service is not the fastest, but the NNEC would be covering areas in the county that have no service now, so the County would be wise to support their initiative.

Mr. O'Brien stated he also talked with Atlantic Broadband, they have a long history as a cable company, and their problem has always been the last mile. Mr. O'Brien talked with them and related that some of his friends could get their service, but did not, due to the thousands of dollars required for the connection fee. Mr. O'Brien stated that Atlantic Broadband stated that is the way it is. Mr. O'Brien continued, as a cable company, they want to bring video to customers, but not data. That means a low-income household could get cartoons, but wouldn't be able to browse the web, or have an email address. Mr. O'Brien stated that Atlantic Broadband is participating in a regional grant, which includes Northumberland County, to access government funds to increase their service area, which can be somewhat deceptive. The Atlantic Broadband cable bypasses many citizens who cannot afford to connect to the service, and they claim to cover 50% of the

county, Mr. O'Brien relayed. But a lot of that area is "pass by" because the households are not connected and the cable just passes by, so you need to remember that into the future, Mr. O'Brien stated.

Mr. O'Brien continued, if you look at the NNEC proposal, the monthly fee will be \$55 and the connection fee is \$200, which is relatively affordable. Mr. O'Brien stated that most likely means stationary antennas serving data with a wireless connection. Mr. O'Brien reminded everyone that this internet service is slower than Atlantic Broadband, but it will be available to more citizens because of its lower costs, and cover areas that do not have internet access now, which is important.

Mr. O'Brien stated that if Atlantic Broadband gets the state grant, which they should know before the end of the year, they will expand their coverage footprint, but not necessarily increase the number of connections. Mr. O'Brien stated that Atlantic Broadband is not interested in serving the last mile customer. They may, in the future partner with a wireless company to serve that last mile, but they, as a company, do not want to pursue that, Mr. O'Brien related. Mr. O'Brien stated that Atlantic Broadband is in talks with NNEC, and there are other providers out there as well that both parties are in negotiations. Mr. Williams asked isn't it good to have two companies competing, it might help lower prices. Mr. O'Brien stated that the NNEC is offering low speed, affordable access, while Atlantic Broadband caters to high speed connection users, so they are not in direct competition, at least right now, eventually they will be. Mr. O'Brien stated at the last Northumberland County Board of Supervisors meeting, they voted to form an Internet Authority, which he does not feel is necessary. Mr. O'Brien stated the he has heard that Internet Authority is a drag and slows everything down, and they eventually get a recommendation to the Board of Supervisors, but it is taking several steps when it should only take one or two.

Mr. O'Brien stated that he did find out that NNEC staff said that participation in the internet survey was low in Northumberland County. Mr. Cralle stated he didn't know that the NNEC internet survey was available to Dominion Energy customers. Mr. McKenzie state he only knew about it because it was enclosed in his electric bill. Mr. O'Brien stated the survey was for everyone, and that they advertised on Facebook and the radio to announce the survey and encourage people to complete it. Chairman Fisher noted that there is no longer an Atlantic Broadband office in the county anymore. Mr. O'Brien asked if they had closed the office in Burgess and Mr. Fisher answered yes, you have to go to Kilmarnock. Mr. McKenzie asked Mr. O'Brien if the NNEC had indicated when the survey closes, and he thinks it will be around six months or so. Mr. O'Brien thought that if the first entity does not want to go forward with the NNEC, then likely there is another company that would take its place. Mr. McKenzie stated that the last mile wireless connection seems like a wonderful business opportunity, if someone was to have the background to be knowledgeable enough to accomplish this. Mr. O'Brien stated that Atlantic Broadband is out to make money, and that drives their policy.

Chairman Fisher stated that if NNEC was really interested in providing internet, they should put an ad in the local paper. Mr. Williams added, and tell people it was not just for NNEC customers. Mr. O'Brien stated that is against their best interest to stick their finger in the eye of Dominion by announcing that, after all they do buy power from Dominion. Mr. McKenzie stated that since the NNEC will do more to increase internet connectivity among county citizens that next year's VATI grant should be a partnership between the

county and the NNEC. Mr. O'Brien stated that the two are not mutually exclusive, because they are targeting two different clienteles. Mr. O'Brien stated that children need the internet to do their homework, and if you go to the library after 3 pm, you will see the majority of people there are kids doing their homework, because they have a strong internet signal. Mr. Williams stated it would be best if the county did not grant exclusive rights to any company, as having competition is good for consumers. Mr. O'Brien agreed. Mr. King asked if anyone knows the number of households that need or would like internet connection? Mr. O'Brien stated if people would fill out the NNEC survey, we might know. Mr. McKenzie noted that a lot of the homes in the county are second homes, so there is no one occupying them the majority of the year. Mr. Haynie countered that a lot of those second homes would like to have internet, so they can monitor the house and control the HVAC from their primary residence via the world wide web. Mr. McKenzie noted that the County Administrator, Mr. Tadlock stated the county would partner with any internet provider to expand broadband in the county. Mr. O'Brien stated that all of the internet providers he talked to had an excellent opinion of Mr. Tadlock, and that you can pass that information along to him. Mr. McKenzie stated he would.

RE: STAFF MEMBERS' COMMENTS

There were no staff member comments.

RE: CITIZENS' COMMENTS

There were no citizen's comments

RE: PUBLIC HEARINGS

There were no public hearings.

RE: WORK SESSION ITEMS

There were no Work Session Items scheduled

RE: DISCUSSION ITEMS

Chairman Fisher indicated the commission would now begin further review of the county ordinances, Chapter 38 Beaches and Piers. Mr. O'Brien asked if we could begin with Vir-Mar Beach regulations, Mr. Fisher agreed. Mr. O'Brien stated the regulations are fine, if enforced. Mr. O'Brien stated as he understands it the regulations are not being enforced. Mr. O'Brien read the regulations, a sunup to sundown curfew, no alcoholic beverages or drugs allowed, people should properly dispose of trash, and there are no bathroom facilities, so one must go elsewhere to use the bathroom. Mr. O'Brien stated he has heard that all of the regulations are routinely violated. As he mentioned before, Mr. O'Brien stated the ordinance is a good ordinance, if enforced. Mr. O'Brien proposed that Chairman Fisher set up a meeting with the Sheriff to encourage increased enforcement at Vir-Mar Beach. Mr. Fisher stated that the enforcement needs to be stepped up, and concentrated in the hours between 6 pm and midnight, on the weekends and in the Summertime, when the site is used more. Mr. Fisher explained that the deputy gets a

check sheet (places they are required to visit at least once during their shift) and Vir-Mar Beach is on that list, but he thinks it should be on the list more. For background information, Chairman Fisher noted that about two weeks ago, there was a large outcry from citizens, complete with photographs of drug paraphernalia, used condoms and empty broken beer bottles at Vir-Mar Beach. Chairman Fisher stated the citizens also posted the names of every Board of Supervisor member and contact info, as they were not happy, and he stated he did not blame them. Mr. Fisher stated that he would like to remedy this situation, perhaps encouraging other types of enforcement, such as the Department of Game and Inland Fisheries, Marine Police staff and State Police to routinely visit the site. Mr. King asked if it would be possible to install a surveillance camera and route the video to the Sheriff's department, so they can monitor the site without having to travel. Mr. Fisher stated that would be possible if funding was available. Mr. Fisher continued, perhaps cultivating a neighborhood watch group that could let the sheriff know when illegal behavior was taking place, after all they are there all the time, as they live there. Mr. Fisher stated as he understands it, the main problem is loitering in the parking lot. Mr. Williams asked what time of day is that happening. Mr. Fisher stated afternoon and evenings. Mr. Fisher stated that at the Great Wicomico Fishing Pier, if you are not fishing, you should not be there. Mr. Fisher stated the problem is not down on the beach, it is in the parking lot. Mr. O'Brien said that before the Planning Commission makes any suggestions for amendments to the Beaches and Piers ordinance, Mr. Fisher should consult with law enforcement personnel to assess if they feel the existing ordinance is adequate, or if they feel revisions are warranted to meet the existing conditions. Mr. Fisher stated he had no problems with that, that a meeting could be arranged with the County Administrator, himself and the Sheriff.

Mr. McKenzie stated the next item on the agenda is potential public water access siting. Mr. McKenzie stated that the commission heard from the Northern Neck Chesapeake Bay Public Access Authority (NNCBPAA) about the Northern Neck Shallow Draft Dredging Study, and had asked for copies of the study to review. Mr. McKenzie distributed hard copies of the study, apologizing for the small size of the print on the pages. Mr. McKenzie reminded the commissioners that he sent the same document via email to all members, so if they had a hard time reading the printed copy, they could always bring up the PDF on their computer to review the digital copy of the study. Mr. McKenzie stated that the most relevant part of the study is contained in the last four pages of the study, starting at page 72. Mr. McKenzie stated that study is for the NNCPAA, so the study has Westmoreland County creeks, Lancaster County creeks and Northumberland County creeks described in it. Staff continued, there are four Northumberland County creeks, Coan River, Little Wicomico River, Cranes Creek and Jarvis Creek that a federally maintained channels. Being an economic study, Mr. McKenzie relayed, there is a low cost estimate, a medium cost estimate and a high end cost estimate. Staff indicated that page 72 is the high cost estimate, page 73 is the medium (most probable) cost estimate, and page 74 is the low-cost estimate. Staff stated that the Coan River dredging medium cost estimate is \$600,000, and they calculated the interval of the dredging cycle, in the Coan's case it is 15 years, divided by the cost of \$600,000 and you get \$35,000 a year that the county needs to save each year to be able to fund the dredging of the creek within its interval. Mr. O'Brien asked why Jarvis Creek has no estimate beside it. Mr. McKenzie stated that possibly Jarvis Creek is a federal maintained channel that has never needed dredging, although he was not sure where the

creek is located in the county. Mr. Fisher stated that Jarvis Creek is off Dividing Creek and was access for Kelly's Seafood business, but that business is no longer operating. Mr. O'Brien asked what is now happening to Jarvis Creek? Mr. Fisher stated that it is filling up with residential waterfront houses, and he reminded the commission regarding dredging priority, those creeks with businesses get dredged, those without do not. Mr. McKenzie stated next was the Little Wicomico River, and the medium estimate to dredge that creek was \$575,000, with an 8 year dredge cycle, so the county would need to save \$60,000 a year to pay for the Little Wicomico River dredging cycle. Staff continued Cranes Creek would require \$275,000 with a 10 year dredge cycle, so the county would need to save \$35,000 a year to pay for the dredge cycle. Mr. McKenzie also explained that the dredging study also has a beach nourishment aspect to the study. Staff explained that the old notion that dredge spoil was something to dispose of is over, and currently in all dredging projects they try to find a beneficial use for the dredge material. In this study, staff explained, Lewisetta and Walnut Point in the Coan River was selected to be a place where dredge material might be deposited, if it meets the requirements for beach nourishment. Mr. McKenzie stated that the take home message from this Shallow Draft Dredging Study is that dredging any creek in Northumberland County is a county budget breaker. Northumberland County does not have the necessary funding to dredge these creeks regularly. Mr. Williams asked so what happens? Mr. McKenzie stated it remains to be seen, historically the Federal Government has funded the dredging, and has recently stated that they will not fund routine dredging in the future. Mr. McKenzie stated he doesn't foresee a county government putting up money for dredging when the channel is a federally maintained channel. Doing that would be akin to the county paying to patch potholes on US 360, why would the county spend local tax dollars on State-owned infrastructure. Is that a good use of Northumberland County citizen taxes? Mr. McKenzie queried. Mr. O'Brien stated does the new federal infrastructure renewal policy apply here? Staff indicated that is mainly roads, and bridges, not navigation channels. Mr. McKenzie stated he would not consider a channel as infrastructure, because it is natural. Mr. Williams asked if there are citizens that are complaining about the depth of their channel, and they can't get out of their creek. Mr. Fisher stated not yet. Mr. O'Brien stated that only creek he hears about is Greenvale Creek in Lancaster County. Mr. McKenzie stated that the federal government solved its problem there by removing the channel from federal maintenance, and they removed the channel markers, effectively abandoning the channel. Hopefully, that type of navigation channel abandonment will not occur in Northumberland County, Mr. McKenzie stated.

After prompting by the Chairman, Mr. McKenzie began discussing of the proposed canoe/kayak launch next to the Great Wicomico Fishing Pier next to the Rt. 200 Bridge. Staff indicated that the proposed site has a hardpacked road, and a turnaround under the bridge, is gently sloping to the water, and the shoreline is composed of gravel and sand, which is great for launching canoes and kayaks. Mr. McKenzie stated that Chairman Fisher directed him to talk to VDOT about leasing or obtaining permission to use the land as a canoe/kayak launch site. Mr. McKenzie stated he contacted the VDOT residency head, who instructed him to contact Scot Gagnon with VDOT. After contacting Mr. Gagnon, staff stated that he did not say no, which was encouraging, but he did not say yes either. Mr. Gagnon also stated that the time it would take to process this request would not be quick, and that we need to understand that the request has to go through several departments within VDOT, so the process may take some time. Mr. O'Brien asked if

there were boat slips at the fishing pier, and staff stated no. Chairman Fisher stated we don't need much land from VDOT, we have a road, parking and a seasonal bathroom up the hill from the site, so we only need room to drive a vehicle down, turn around and a small amount of shoreline to slip a car top boat into the water. Mr. McKenzie stated that Mr. Gagnon asked for the county to research who owns the oyster lease under the bridge and staff stated he would research that information. Mr. McKenzie stated he had researched the oyster lease and it was owned by the Virginia Department of Transportation, Division of Right of Way, which is good, he indicated. We would not be impacting any oyster leaseholder, since VDOT owns the lease and is not in the business of harvesting oysters. Staff stated that the proposal has no improvements needed on the shoreline, just leave it in its natural gravelly state. Mr. McKenzie stated the work needed to make the canoe/kayak launch would be to mow the weeds, maybe put down a load or two of gravel on the access road, clear a path to the water and install some type of vehicular barrier to prohibit citizens from trying to launch a trailered boat at the site. Mr. Gagnon with VDOT also asked Mr. McKenzie to research the land records for the site. Mr. McKenzie was confused by this request, as the land in question is within the VDOT right of way, and the county does not have land records for VDOT owned right of way land. Mr. McKenzie stated he would research that information, and once obtained would send it to the VDOT resident engineer and Mr. Gagnon. Hopefully this step will go smoothly, staff opined, but noted that the information has to go through the VDOT Right of Way division, and then the Bridges Division, and finally through VDOT's legal department so it may take a while for all of the divisions to approve the request. Chairman Fisher encouraged the commission members to visit the site the next time they go down Rt. 200 and check out the fishing pier and the land next to it that we hope, one day, will be a canoe/kayak launch. Mr. McKenzie stated that cost to make the canoe/kayak launch would be between \$5,000 and \$8,000 if that much. Mr. McKenzie stated he could inquire if the Virginia Coastal Zone Management Program has any grant funding available, but in the past they do not like grant applications with amounts less than \$20,000, because the cost of administering smaller grants can exceed the grant amount, but he stated he would ask. Mr. Cralle asked what about using the NNCBPAA funding that Jerry talked about last time. Staff stated that is certainly possible, if the Board of Supervisors agrees that is a good use of the money.

RE: PUBLIC COMMENTS

There were no comments from the public.

RE: PUBLIC HEARING

There were no public hearings at this meeting.

RE: ADJOURNMENT

With a motion from Mr. King, seconded by Mr. O'Brien, and approved by all, the meeting was adjourned at 8:19 pm. The vote was as follows:

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|-----------------|--------|-------------------------|--------|
| Chris Cralle | Aye | Garfield Parker | Absent |
| Vivian Diggs | Absent | Albert Penley, Jr. | Absent |
| Alfred Fisher | Aye | Wellington Shirley, Jr. | Aye |
| Ed King | Aye | Heidi Wilkins-Corey | Absent |
| Patrick O'Brien | Aye | Charles Williams | Aye |
| Richard Haynie | Aye | | |