

Regular Meeting (Thursday, September 1, 2022)
Northumberland County, Virginia

Members Present:

Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

Other Staff Present:

Mr. Luttrell Tadlock, County Administrator
Mr. Drew Basye, Assistant County Administrator
Ms. Morgan Wilson, Executive Assistant
Mr. Robert Headley, IT Administrator
Mr. Matthew Bailey, IT Assistant
Mr. Eric Gregory, County Attorney

The regular monthly meeting was convened by Chairman Haynie and held at the Northumberland Courthouse located at 220 Judicial Place, Heathsville, VA 22473.

1. Opening of Meeting 5:30 P.M.

Procedural: A. Invocation - Pastor Lee Farmer of Coan Baptist Church

The invocation was led by Pastor Lee Farmer.

Procedural: B. Pledge of Allegiance

Superintendent Holly Wargo led us in the Pledge of Allegiance.

Action: C. Approval of Agenda

Motion to approve the agenda for today's meeting.

Motion by: Thomas H. Tomlin, second by: James M. Long.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

2. Approval of Minutes

Action, Minutes: A. August 11, 2022 Regular Meeting

Motion to approve the minutes from the regular meeting on August 11, 2022.

Motion by: James M. Long, second by: James W. Brann.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

Action, Minutes: B. August 3, 2022 Joint Meeting with School Board

Motion to approve the minutes from the joint meeting with the School Board on August 3, 2022.

Motion by: James M. Long, second by: James W. Brann.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

Action, Information, Minutes: C. July 20, 2022 EVB Roof & Fire Study Presentations

Motion to approve the minutes from the special called meeting on July 20, 2022.

Motion by: James M. Long, second by: James W. Brann.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

Action, Information, Minutes: D. July 14, 2022 Regular Meeting

Motion to approve the minutes from the regular meeting on July 14, 2022.

Motion by: James M. Long, second by: James W. Brann.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

3. Presentations

Action, Information: A. Resolution - Fire Prevention Week

Motion to approve the resolution as presented.

**RESOLUTION
FIRE PREVENTION WEEK**

WHEREAS, each year since 1922, Fire Prevention Week is observed to commemorate the Great Chicago Fire that took place on October 8, 1871; and

WHEREAS, this year we recognize the 100th anniversary, making it the longest-running public health and safety observance in our country; and

WHEREAS, Fire Prevention Week touches the heart of many, even more so this year, because of two devastating fires that occurred in Kilmarnock and Tappahannock; and

WHEREAS, we recognize the efforts of all firefighters, fire service agencies, and other first responders that aid in preventing and combating fire dangers; and

WHEREAS, we thank them for their dedication, sacrifice, hard work, and for putting their lives on the line for the sake of our community; and

WHEREAS, the 2022 Fire Prevention Week theme TM, "Fire Won't Wait, Plan Your Escape!" effectively reinforces the importance of developing a fire escape plan with all members of the household and/or agency and practicing it regularly.

THEREFORE, The Northumberland County Board of Supervisors do hereby proclaim October

9-15, 2022, as Fire Prevention Week and we urge all citizens of Northumberland County to create a safe fire escape plan, preparing for unforeseen fires that can easily occur.

Adopted: September 1, 2022

Richard F. Haynie, Chairman of the
Northumberland County Board of Supervisors

Motion by: Ronald L. Jett, second by: James M. Long.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

Action, Information: B. Resolution - First Responders Day

Motion to approve the resolution as presented.

**NORTHUMBERLAND COUNTY
FIRST RESPONDERS DAY RESOLUTION**

WHEREAS, first responders often risk their lives and safety in the performance of their duties;
and

WHEREAS, first responders are our first and best defense against all emergencies that threaten
our community; and

WHEREAS, first responders are highly trained, specialized workers who contribute their
excellent skills for the public good; and

WHEREAS, first responders sacrifice much of their personal time with family and friends to
ensure the safety of their community; and

WHEREAS, first responders, whether career or volunteer, selflessly provide a vital public
service for the Northumberland community; and

**NOW THEREFORE BE IT PROCLAIMED ON THE 11TH DAY OF SEPTEMBER
THAT THE**, Northumberland County Board of Supervisors as does the State of Virginia
recognizes **FIRST RESPONDERS DAY** and hereby thanks Callao Volunteer Rescue Squad,
Mid-County Volunteer Rescue Squad, Northumberland Rescue Squad, Callao Volunteer Fire
Department, Fairfields Volunteer Fire Department, Smith Point Sea Rescue, Northumberland
Sheriff's Office, Northumberland Department of Emergency Services, and other organizations in
the public safety sector for their service and sacrifice to our community.

Adopted: September 1, 2022

Richard F. Haynie, Chairman
Northumberland County Board of Supervisors

Motion by: Thomas H. Tomlin, second by: James W. Brann.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

Action, Information: C. Update from the Virginia Department of Transportation

Mr. David Beale presented updated information on behalf of the Virginia Department of Transportation. The full report can be found in Board Docs.

Mr. Beale then brought attention to a request from County Administrator Tadlock related to no parking signs being placed in front of Wicomico Parish Church. Mr. Beale wanted confirmation from the Board to move forward with this request.

Supervisor Tomlin confirmed and stated that it was Mr. Penney, Junior Warden of the church, who requested the no parking signs.

Supervisor Tomlin asked Mr. Beale if there is going to be any permanent striping done on the road traveling west on route 360 before turning onto route 200, Jessie Dupont Memorial Highway. Mr. Tomlin stated that arrows are needed there to inform drivers of the traffic pattern.

Supervisor Tomlin referenced several accidents occurring near 245 Remo Rd, due to individuals missing a left turn. Mr. Tomlin asked if VDOT could look into the situation and consider the possibility of installing a sign in this location.

Motion to send a letter to VDOT in support of Lancaster County's Smart Scale application for intersection safety improvements at the intersection of Rt. 605 and Rt 615 in Lancaster and Northumberland Counties.

Motion by: Thomas H. Tomlin, second by: James M. Long.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

Information: D. Update from Northumberland County Schools

Superintendent Holly Wargo and Finance Director Jason Bellows provided the Board with an update from the schools. Dr. Wargo stated they are finishing their second week of school with an ADM of about 1,205 students.

Finance Director Jason Bellows gave the Board a copy of the school fund operations audit stating the school had a successful audit.

Vice Chairman Jett asked how much the enrollment numbers have increased in comparison to what they budgeted for.

Finance Director Bellows stated that the budget was set for an ADM of 1,126 and the current ADM is back up to 1,205 students. Superintendent Wargo told the Board that they will report on the ADM often because this will be closely monitored.

Supervisor Brann asked if the school system had a reunification plan.

Superintendent Wargo informed the Board that they are establishing a safety committee who will meet monthly to work on a reunification plan. Currently the school system has a rough draft, but they want to partner with the Sheriff's Office to come up with options for reunification.

Supervisor Tomlin thanked Superintendent Wargo for providing the school fund operations audit.

Supervisor Long asked if all open positions were filled.

Superintendent Wargo stated that at the most recent special called School Board meeting, they hired a high school English teacher, but still have vacant positions in Spanish, Keyboarding, and Special Education.

Chairman Haynie announced that the next joint quarterly meeting with the School Board is on November 2, 2022 at 5:30 p.m.

4. County Administrators Report

Action: A. Supplemental Appropriation - Sheriff's Department

Motion to transfer \$2,004.69 from IT Department 10-1401-3005 to Sheriff's Office 10-3102-5203 to cover the upgrade to internet at the Sheriff's Office.

Supervisor Tomlin asked Sheriff Beauchamp who their internet provider is.

Sheriff Beauchamp informed the Board that Breezeline is their provider.

Motion by: Ronald L. Jett, second none.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

Action, Information: B. Emergency Operations Plan

County Administrator Tadlock explained that the Emergency Operations Plan must be reviewed every four years, and it is time to review and adopt the plan again.

Supervisor Brann asked if the County has a Continuity of Operations Plan.

County Administrator Tadlock stated that there is a draft plan, but staff is in the process of discussing that with Chief Packett.

Motion to approve the final draft of the Emergency Operations Plan.

Motion by: Thomas H. Tomlin, second by: James M. Long.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

Action, Information: C. National Incident Management System (NIMS) Resolution Re-Adoption

Supervisor Tomlin asked how many rescue squad and fire department members are NIMS trained. Mr. Tomlin stated that this training should be encouraged throughout all departments.

Motion to approve the re-adoption of the NIMS resolution.

Motion by: Thomas H. Tomlin, second by: James M. Long.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

Action: D. Rescue Squad Assistance Grant Request

County Administrator Tadlock informed the Board that Chief Packett would like to apply for a grant through the rescue squad assistance fund. This is a 50/50 grant, so if the County were to receive this grant, the County's portion of funds would come from the EMS billing monies.

Motion to authorize the EMS Chief to seek funding through the Rescue Squad Assistance Grant and begin the application process.

Motion by: James M. Long, second by: Thomas H. Tomlin.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

Discussion: E. New Courthouse AAON Unit Update

County Administrator Tadlock informed the Board that Hobbs & Associates noticed some additional work needed on the delta controllers, with a price of \$9,500.

Chairman Haynie suggested that the County hold off on the additional work because it takes three to four weeks for parts to come in and we are almost past the humid season.

Action: F. Sanitary District Portable Pump

Plant Supervisor David Woolard explained to the Board that last week the generator lost a water pump, meaning that there has been no back up pumping at the lift station. Mr. Woolard stated that the back up pump is unrepairable and not worth putting money into.

Mr. Woolard mentioned that the Board approved a new generator in the previous fiscal year budget. That generator is anticipated to be installed in March of 2023 because there was a 42-week lead time when it was ordered. Mr. Woolard informed the Board that these pump stations are vital, and if a hurricane were to occur and power is lost, the new pump can be used at any one of the lift stations to get sewage from one place to another.

Mr. Woolard stated that if the Board approved the purchase of a new pump, it could take another year to receive it, so he strongly urged the Board to consider approving the purchase of the used pump that has the same capabilities as the new one. The used pump could be delivered in as soon as 10 days.

Motion to purchase the used portable pump with the included warranty for the Sanitary District with a price up to \$19,844.82.

Motion by: Richard F. Haynie, second by: James M. Long.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

County Administrator Tadlock informed the Board that ARPA monies can be used to purchase the pump for the Sanitary District.

5. Board of Supervisor Items

Information: A. Board Comments

Supervisor Long asked how the EVB roof progress is coming along.

County Administrator Tadlock stated that he needs the Board to decide on how to proceed with this based on the presentation and discussion with Mr. Liebal from HDH engineering.

Supervisor Brann updated the Board with a conversation he had with Hughlett's Tavern. Mr. Brann was looking into the County hosting a Christmas parade in Heathsville, but he found that any available date would interfere with other County activities. On the first weekend of December, there will be a full day of various Christmas celebration activities, so currently the plan is to partner with the Tavern and extend these activities into the evening. Flyers are being sent out to citizens and churches requesting help to assist in putting this event together.

Supervisor Tomlin asked County Attorney Gregory if he had time to look into the prospects of bond referendums.

County Attorney Gregory explained the difference between general obligation bonds and revenue bonds. Mr. Gregory went into detail on revenue bonds being for the purpose of doing a specific project that generates revenue which in turn pays for those bonds, whereas general obligation bonds finance local projects for Virginia counties and are governed by article 7 section 10 of the Constitution of Virginia and section 15.2 - 2638b of the Code of Virginia.

County Attorney Gregory continued by stating that Counties can issue general obligation bonds except in the case of school projects with specified conditions that require the sale of such bonds to special school financing agencies in the state and refunding bonds, if approved by the voters of the County in a referendum.

The process of conducting a general obligation bond referendum requires the following:

- The Board of Supervisors must consider and approve a resolution requesting the circuit court judge to order a special election to approve the bonds to be used for the specified purpose(s).
- The referendum could be scheduled for the same day as the general election or a special election date could be set, but a referendum election must be ordered at least 81 days prior to the date for which the referendum election is called.
- The court order calling the referendum must set the question to appear on the ballot in plain English, presenting it clearly before the voters.
- The election must be held within a reasonable amount of time after the request is submitted to the Board.
- A copy of the court order must be sent immediately to the State Board of Elections by the Clerk of the court.
- The referendum ballot must state the question in specific language such as “shall the County of (x) issue general obligation bonds to fund project (y) in the amount of \$____, followed with a yes block and a no block for voting purposes.
- If the referendum is approved by a majority of the voters, the county may proceed to issue bonds to fund the project.

County Attorney Gregory stated that projects typically financed by General Obligation bonds include courthouses, schools, county administration facilities, park facilities, community centers and/or other capital projects such as the one in question (the regional radio system).

6. Items Related to Closed Meeting

Action: A. Convene into Closed Meeting

Motion to Action: A. Convene into Closed Meeting: convene into closed meeting as permitted by Virginia Code Section 2.2-3711 (A)(1),(3); 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively. 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Motion by: Ronald L. Jett, second by: Thomas H. Tomlin.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

Action: B. Reconvene into Open Meeting

Motion to reconvene into open session.

Motion by: Ronald L. Jett, second by: James M. Long.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

Action: C. Certification of Closed Meeting

Motion that the Northumberland Board of Supervisors return to Public Meeting and certify by roll call vote that only public business matters lawfully exempted from open meeting requirements by the Virginia Freedom of Information Act, and as were identified in the motion convening the closed meeting were heard, discussed or considered during the closed meeting.

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

Aye: Richard F. Haynie, Ronald L. Jett, Thomas H. Tomlin, James M. Long, James W. Brann

Motion by: Thomas H. Tomlin, second by: James W. Brann.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

Action: D. Action(s) taken from Closed Meeting

Motion to offer Mr. Tim Layte and Ms. Emily Sprague the wastewater operator/maintenance positions for the Sanitary District with starting salaries in the amount of \$34,532.57.

Motion by: Ronald L. Jett, second by: James M. Long.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

7. Public Comments

Mrs. Denise Mazyck referenced multiple sections of minutes where replacement of the EVB roof discussion occurred. She urges the Board to make a decision on this matter because it is time to replace the roof. On another note, Mrs. Mazyck received a call from a citizen interested in the old School Board office property in Lottsburg. The inquiring citizen was told that the School Board was the hold up on the sale/lease of this building so Mrs. Mazyck requested additional information from the Board on what needs to be done to complete this transaction.

Mr. Blake Cox is one of the founders of a new nonprofit organization called Energy Right. Mr. Cox stated the purpose of Energy Right is to encourage and educate around energy developed the right way on the local level, focusing on property rights and conservative ideals including an all the above energy strategy. Mr. Cox concluded his statement by making some remarks related to the economic benefits of bringing a solar project into the County.

Mr. Mike Borkowski believes that there is a lot of misinformation among the County with regards to the introduction of heavy metals, runoff, and the decommissioning of solar panels, but thanked the Board for putting together an ordinance that addresses all these items.

Mrs. Choya Haynie began speaking on the solar project in Fairport, but Chairman Haynie informed her that the public hearing on this matter was already closed, so she could no longer speak on this topic. Mrs. Haynie concluded by stating her belief of solar panels being an eye sore and a toxic waste issue.

Mr. Maurice Johnson stated that every year the local election sends his mother documentation, but she passed away in 2018. Mr. Johnson would like to the Board to get with local elections and answer the following questions:

- How many people that have passed are still on the voter rolls?
- How many people are on the voter rolls that do not live here anymore?
- When was the last time those people voted?

Mr. James Penney mentioned how California is running into the issue of firms not accepting any additional panels to break down at their end of life. Mr. Penney also informed the Board the California Power Grid declared a power emergency through Labor Day that citizens must set their thermostats to 78°F and all electric vehicles cannot be charged.

Mr. Dave Luckritz stated that Fairport Road is the only road that enters their community, so his concern is how the equipment will be brought in without blocking the road. Mr. Luckritz requested that the company accommodate to the many vehicles that travel on that road.

Mr. Kenny Pinkard shared that he travels often and notices more electric cars on the roads and more solar farms in fields. Mr. Pinkard believes that this is clean energy and a wave of the future.

Mr. Rickey Haynie complimented the County for working to write a good solar ordinance because he believes the County needs to protect itself and anyone who decides to use their land for solar projects. Mr. Haynie stated that the tax revenue from solar is much greater and the County should make decisions based on the facts of solar energy. To conclude his statement, Mr. Haynie believes that it's not right to deny an individual to use his property to their liking just because it's not pleasant to look at.

Mr. P.J. Haynie stated that clean energy is a wave of the future, and the train is coming. Mr. P.J. Haynie wants the Board to be open minded and pay attention to what neighboring counties are doing.

Mr. Dwight Hassler believes that the Board need to carefully consider the impacts that solar energy may have on the future. He urges the Board to make a decision that someday they will be proud of.

Mr. Paul Reinsel urged to Board to weigh where zoning rights should be given for a project like this to be built as well as come up with a long-term plan for solar energy.

Mr. Bradford Bond stated that there a paved parking lots, empty buildings, and shopping center roof tops that solar panels could very well be placed on. Mr. Bond emphasized that this project shouldn't be placed on valuable forest land, farmland, and natural habitats.

8. Public Hearings 7:00 P.M.

Action, Information: A. CARRIED OVER from August 11, 2022: Request by Daniel M. Swarey, owner, for a Conditional Use Permit to construct a private school on property zoned A-1, Agriculture. The property is shown as Tax Map Parcel # 7-(1)-48 and is located adjacent to 1645 Fruit Plain Road.

Zoning Administrator Philip Marston read the suggested conditions if approved:

- 1. All required permits and/or licenses shall be obtained from all appropriate regulatory agencies, including but not limited to the Va. Department of Health.**
- 2. The use of a vault privy is approved by the Board of Supervisors as shown on the site plan.**
- 3. The building shall comply with the Uniform Statewide Building Code based on the Building Official's interpretation.**

Motion to approve the conditional use permit to construct a private school on property zoned A-1, Agriculture with suggested conditions.

Motion by: James M. Long, second by: James W. Brann.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

Action, Information: B. CARRIED OVER from August 11, 2022: Request by Philip Haynie, II, and Judith Haynie and Philip Haynie, III, owners, and Community Power Group, applicant, for a Conditional Use Permit to allow a utility-scale solar energy facility on property zoned R-2, Residential Waterfront. The property is shown as Tax Map Parcel #37-(1)-195 and 195-A adjacent to 642 Fairport Road.

Zoning Administrator Philip Marston read the suggested conditions if approved along with proffers from the applicant:

- 1. All required permits and/or licenses shall be obtained from all appropriate regulatory agencies, including but not limited to plan review approvals from the Department of Environmental Quality.**
- 2. Evergreen vegetative screening shall be established as shown on the revised site plan with a minimum of a (4) four-foot height when planted.**

- 3. A surety bond for decommissioning shall be posted by the solar facility operator and/or the property owner prior to obtaining any necessary permits for construction for the solar project in the amount of \$144,250, which amount shall be updated and filed with the County every five years to include any increasing costs due to current market rates on the estimated cost of decommissioning.**
- 4. The decommissioning plan shall be followed as submitted in the application.**
- 5. This project shall be limited to the fenced 26 acres.**
- 6. There shall be a 200-foot setback off the edge of the right of way of Fairport Road.**
- 7. A Fire Prevention and Vegetation Management Plan Agreement shall be established by the solar facility operator and approved by the Zoning Administrator.**
- 8. A siting agreement shall be established between Community Power Group and Northumberland County.**

The applicant has proffered:

- 1. To agree to the voluntary revenue sharing with the County, once adopted, for capital improvement projects at the established rate of \$1,400 per MW of alternating current per year.**
- 2. Provide evergreen vegetative screening on the westernmost side of the facility with a minimum of a (4) four-foot height.**
- 3. To help the landowner remove/relocate all tractor trailers and commercial vehicles currently parked along the private driveway adjacent to the solar facility to a screened location prior to facility operation.**
- 4. A 15,000-gallon tank shall be installed and connected to the existing artesian well onsite before facility operation for use by the Fire Department.**
- 5. A siting agreement to be reviewed by the Board of Supervisors.**

Supervisor Brann asked County Attorney Gregory if the application was valid because the advertisement of this project listed three property owners, the application only shows two property owners, and there is only one property owner signature.

County Attorney Gregory explained that the one signature on the application is okay because the property owner could be acting as a representative of the other property owners.

Supervisor Brann referenced suggested condition number two and stated that there needs to be something related to the installation of a game fence in that condition. Mr. Brann stated that this needs to be defined and added to the conditions.

Furthermore, Supervisor Brann stated that the property owner should have just as much responsibility on the solar farm as the company when it comes to the surety bond for decommissioning. Mr. Brann has done some research related to this and found some situations where the solar facility has gone bankrupt and there was no one there to secure it.

Supervisor Brann believes there is a lot of information that needs to be put together such as a decommissioning plan, environmental plan, fire prevention plan, vegetation management plan and a siting agreement. Mr. Brann emphasized that he is not against solar facilities but when we bring it into this County, it needs to be done the correct way.

Supervisor Long stated that the suggested conditions were sufficient to his liking.

Supervisor Tomlin shared his concern that solar farms have not fully hit their useful life yet so there is a lot of unknowns. Mr. Tomlin is curious if the younger generation of the property owner will hold the financial obligation of this project or if it falls back on the County.

Chairman Haynie and Supervisor Tomlin would like a professional engineer who does such analysis to be paid for by the County in efforts to protect the county citizens.

Chairman Haynie believes that there is a lot that needs to be discussed before he can support this due to the lack of information on grass cutting, training for the fire department, and game fencing.

Vice Chairman Jett stated that the Board just received a lot of information, including information from the Weldon Cooper Center on decommissioning, that he hasn't had time to look over.

Chairman Haynie asked how the County will enforce the conditions listed.

County Attorney Gregory informed the Board that it's just like any other project. If the property owner were in violation, the County would issue a notice of violation, the property owner could appeal that to the Board of Zoning Appeals and then to Circuit Court and it would then be an enforcement matter.

Supervisor Long made a motion to grant the solar project request with the suggested conditions, but then withdrew because Vice Chairman Jett informed him that if the motion were to fail, the applicant cannot reapply for another year.

Supervisor Tomlin asked if staff could get an example of a siting agreement to see what one looks like.

Vice Chairman Jett referenced one of the proffers to see if a fire pump would be included additional to the 15,000-gallon tank.

Mr. Borkowski from Community Power Group confirmed that there would be a fire pump.

Motion to carry over a decision to the regular meeting on October 13, 2022.

Motion by: Ronald L. Jett, second by: Thomas H. Tomlin.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

County Administrator Tadlock clarified that the siting agreement document was in the board packet.

Action: C. Request by Washington Auto Club, Inc., owners, and Rhetson Companies, Inc., applicant, for a change in zoning district classification to rezone a 3-acre portion of tax map parcel #42-(1)-174B from Agriculture (A-1) to Business General (B-1), in order to construct and operate a 10,640 sq. ft. retail building and associated parking lot. The aforesaid tax map parcel is located on Rt. 200 (Jessie DuPont Memorial Hwy) approximately 1/3 of a mile north of Wicomico Church, VA. Tax parcel #42-(1)-174B is comprised of 11.553 acres. The tax parcel is located in the Wicomico Magisterial District.

Mr. John Parker, development project manager, gave a short overview of Rhetson Companies and provided the Board with a packet describing the request. Mr. Parker informed the Board that the owner is requesting to rezone a 3-acre portion of land from Agriculture (A-1) to Business General (B-1), intending to donate the remainder of that land to a local church. Mr. Parker provided visuals of the site's location from an aerial and street view, along with an outline of the parcel. The retail building is not set to be a destination type store, but to serve the existing community. The owner expects about 14-16 cars per hour and doesn't anticipate creating an additional traffic burden in that area. To conclude his presentation, Mr. Parker informed the Board that the owner will be managing their stormwater and wastewater on site.

Supervisor Long asked how many days/nights the retail store will be open.

Mr. Parker stated that his assumption is that the store will be open every day except for major holidays. The store will have a typical schedule from Monday through Sunday between the hours of 9 a.m. and 10 p.m.

Supervisor Tomlin asked if the taper shown is going to be within the existing right of way and Mr. Parker confirmed that it's within the existing.

Public Hearing Open

Mr. James Penney believes that since the building is large, it's going to attract additional traffic regardless of the type of store. Mr. Penney also stated that convenient stores often have more than 14-16 cars there per hour. Another concern of Mr. Penney is the speed limit through that area.

Ms. Pamela Hagy asked if the signage can be blended into the community as well.

Ms. Alice Imbur believes that the Wicomico Church area is already very congested and that it would be a bad idea to attract any additional traffic.

Mr. Bradford Bond mentioned that the Wicomico Church area already has retail stores that service fresh groceries, meats, dairy, seafood, etc., and a major chain store being added to the community could easily put the family-owned stores out of business. Mr. Bond also suggested that the County reutilize abandoned properties that we already have opposed to changing the zoning district.

Public Hearing Closed

Supervisor Brann would like to hear what the Virginia Department of Transportation's opinion on this matter through a survey or just through feedback.

Supervisor Long believes that there's a lot of traffic there already and doesn't want to add any additional by placing a retail store in the area.

Motion to approve the change in zoning district classification to rezone a 3-acre portion of tax map parcel #42-(1)-174B from Agriculture (A-1) to Business General (B-1), in order to construct and operate a 10,640 sq. ft. retail building and associated parking lot.

Motion by: Thomas H. Tomlin, second by: Ronald L. Jett.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

Nay: James M. Long

Supervisor Tomlin added that this area is in the support area, so it's consistent with the County's zoning plan and current zoning practices.

Action: D. In order to consider an amendment to the fiscal year 2023 budget. This budget amendment is for the purpose of transferring from FY22 to FY23 and appropriating monies from the American Rescue Plan Act federal funds (ARPA) and to also appropriate new monies received from the ARPA federal funds.

County Administrator Tadlock informed the Board that the ARPA carry over for fiscal year 22 to 23 is in the amount of \$650,384.73 and the ARPA new funding that was just received is in the amount of \$1,174,656.00, totaling \$1,825,040.73.

Public Hearing Open

No comments were given.

Public Hearing Closed

Motion to approve the budget amendment for the purposes of transferring and appropriating FY 22 American Rescue Plan Act federal funds (ARPA) monies to FY 23 in the amount of \$650,384.73 to line item 45-3507-8012 and to also appropriate new monies received from the ARPA federal funds in the amount of \$1,174,656.00.

Motion by: Thomas H. Tomlin, second by: James M. Long.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

Supervisor Tomlin added that this does not involve real estate tax dollars, but it is still taxpayer dollars to be paid for by generations to come.

9. Closing of Meeting

Action: A. Board Action Taken, EVB Roof

Motion to move forward to the second phase with Dave Liebal, HDH Engineering, to advertise bids for replacement of the EVB roof using the low slope design.

Motion by: Thomas H. Tomlin, second by: James M. Long.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

Action: B. Adjournment

Motion to adjourn.

Motion by: Thomas H. Tomlin, second by: James M. Long.

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann