

**Regular Meeting (Thursday, November 10, 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. Matthew Bailey, IT Assistant

Mr. Eric Gregory, County Attorney

**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**

Chairman Haynie led us in the Pledge of Allegiance.

**Action: C. Approval of Agenda**

Motion to approve the agenda for today's meeting.

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

**2. Approval of Minutes**

**Action, Minutes: A. October 13, 2022 Regular Meeting**

Motion to approve the minutes from the regular meeting on October 13, 2022.

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

**3. Presentations**

**Action, Information: A. Update from Northumberland County Schools**

Superintendent Wargo presented the school division's regular weekly highlights and introduced Mr. Mike Wallis, maintenance and facilities specialist for the school division. The Board requested that Mr. Jeff Brann attend tonight's meeting, but he was unable to attend.

Dr. Wargo's highlights consisted of information on the weather, the passing of Reverend Lee Scripture, the marching band, the upcoming Thanksgiving lunch, and the optional covid testing for students and staff. The full update from the school division can be found in Board Docs.

Supervisor Long brought attention to the school division needing two buses and asked Dr. Wargo how soon they are needed.

Dr. Wargo stated that the buses are needed immediately.

Supervisor Tomlin asked how attendance is counted on virtual days.

Dr. Wargo informed the Board that if the material is accessed that day and the individual shows participation/completion, then the individual's attendance is counted.

Dr. Wargo continued her update to the Board by listing roof proposals for the bus garage that needs repair. Superintendent Wargo read the material specifications and the proposals for the project for the three following contractors: Twin Rivers Roofing & Construction (1 quote), Colonial Roofing (1 quote), and Connemara Corporation (two quotes).

Supervisor Tomlin suggested that specifications should have been provided to the contractor, so a better comparison could be made.

Supervisor Brann asked what Jeff Brann's recommendation was.

Dr. Wargo stated that Mr. Jeff Brann's recommendation was to move forward with Twin River's Roofing & Construction.

Supervisor Brann asked County Administrator Tadlock how much money is in the school's capital improvement plan for the bus garage roof repair.

County Administrator Tadlock confirmed that the Board put \$100,000 in the Capital Improvement budget for the bus garage roof.

Motion to move forward with Twin Rivers Roofing & Construction on the repair of the roof on the School Division's Bus Garage in the amount of \$85,575.00.

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

Vice Chairman Jett mentioned the only difference that he noticed was Twin Rivers Roofing & Construction doesn't list any information on the insulation whereas the other contractors did.

## **Information: B. All Points Broadband**

Mr. Tom Innes gave an update to the Board in representation of All Points Broadband. Some topics were affordability, general information about the project, as well as the construction timing of the project. Mr. Innes informed the public that they are not increasing their prices although most companies are. He also brought attention to the fact that all their service levels are eligible for a \$30.00 per month discount through the affordable connectivity program, which can be found at [affordableconnectivity.gov](http://affordableconnectivity.gov). Another useful tool to use is [apbfiber.com](http://apbfiber.com), which can help verify whether your home or business is included in the service project. Mr. Innes shared some information related to the construction crews working on the project as well as the progress made so far.

Mr. Innes addressed a question that County Administrator Tadlock asked at a prior meeting. Mr. Innes stated that there will be construction crews in multiple counties not contingent on finishing in other counties. The current hold up is waiting for the final permitting for pole attachments.

Mr. Innes concluded his presentation by stating that although the last mile construction started a little later than expected, All Points Broadband is still confident that the project will wrap up as scheduled. Mr. Innes plans to give more frequent updates as they enter other phases of the project.

Supervisor Tomlin asked who they get their permits from.

Mr. Innes stated that if it's underground then the permit comes from VDOT, and if it's on an electric utility pole, then it depends on the pole owner (Dominion Energy or Northern Neck Electric Cooperative).

Supervisor Tomlin asked when the first person might be connected in Northumberland County.

Mr. Innes informed the Board that the first person would be connected late in the first quarter or early in the second quarter.

Chairman Haynie asked how often Mr. Innes would be reporting to the Board.

Mr. Innes stated that County Administrator Tadlock requested him to report to the Board quarterly. Mr. Innes also stated that he provides updates to the grant's administrator, DHCD, and the grantee, Northern Neck Planning District Commission, monthly.

Supervisor Tomlin asked if Mr. Innes could send the same monthly reports to Mr. Tadlock.

## **Information: C. Update from the Virginia Department of Transportation**

Mr. David Beale gave an update to the Board on behalf of the Virginia Department of Transportation and announced that they are keeping an eye on hurricane Nicole. Mr. Beale also

announced that that Sunnybank ferry will be closed Thursday through Sunday (November 24 – 27, 2022) due to the Thanksgiving holiday. This full report can be found in Board Docs.

Supervisor Long asked what was going to be done regarding Mrs. Jane Blue's request for a crosswalk at the library.

Mr. Beale confirmed that they are reviewing the crosswalk now and a new one would be placed on the east side of the library. They are also looking to place more signage by the building where many accidents have occurred.

Supervisor Tomlin asked what curb warning signs look like.

Mr. Beale stated that they are black and yellow signs that draw attention and point a driver in the right direction.

Vice Chairman Jett reported a sign down on Route 360 across from Greenville Road.

Chairman Haynie reported a hole in the road on Clarktown Road.

#### **Information: D. Corinne Becker – Golden Village Christmas**

Mrs. Becker presented some information on Golden Village Christmas followed by the Christmas Tree Lighting on December 3, 2022. A flyer with more information on this event can be found in Board Docs.

### **4. County Administrators Report**

#### **Information: A. Building Permit Report**

#### **Action: B. Supplemental Appropriation - Sheriff's Department**

Motion to approve a supplemental appropriation in the amount of \$1,338.75 to line item 3102-1006 for ball games at the school.

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: C. Emergency Service Radio**

County Administrator Tadlock presented a spreadsheet that he and Sheriff Beauchamp prepared for the Board. The spreadsheet compares the cost of joining the regional radio system with and without Lancaster.

Motion to authorize staff to draft a letter of intent to join the upper middle peninsula regional radio system.

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

Final Resolution: Motion Carried

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

Nay: Ronald L. Jett

Vice Chairman Jett explained that he was not against the radio system itself, but he was against the process in which it was done.

**Action: D. Emergency Service Radio - Motion Reconsidered**

Motion to reconsider the language stated in the previous motion for drafting a letter of intent to join the upper middle peninsula regional radio system.

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: E. Emergency Service Radio - Motion Corrected**

Motion that the County join the upper middle peninsula regional radio system by writing a letter of intent.

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

Final Resolution: Motion Carried

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

Nay: Ronald L. Jett

**Information: F. Other County Administration Items**

County Administrator Tadlock provided some information on the Sheriff's vehicles to the Board but hopes to have additional information at the December meeting, so no action is needed at this time.

**5. Board of Supervisor Items**

**Action: A. Approval of Check Register**

Motion to approve the check register for November 2022.

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

**Action, Information: B. Board Comments**

Supervisor Long asked County Administrator Tadlock for an update on the old school board office building in Lottsburg.

County Administrator Tadlock stated that we have all the information we need to move forward, and he is now in contact with the County Attorney regarding next steps.

Supervisor Long made a motion to purchase the two buses for the school division. There was no second, and the Board discussed this matter further.

Supervisor Brann asked if there were any ESSER funds that could pay for the buses.

County Administrator Tadlock stated that staff could check into the ESSER funds. Mr. Tadlock also mentioned that the school has remaining monies left over from the bus garage roof repair that was just approved earlier tonight. The Board appropriated \$100,000 in the school CIP but approved an amount less than that for the repair.

Supervisor Long's motion was withdrawn and requested County Administrator Tadlock to get with Dr. Wargo and bring back more information on funding at next month's meeting.

Motion that the Board prepare a resolution for Reverend Lee Scripture to honor his public service and dedication to Northumberland County.

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 asked County Attorney Gregory if a county employee can work part-time for another department in the County without running into any issues with overtime, etc.

## **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); 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.

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: B. Reconvene into Open Meeting**

Motion to reconvene into open session.

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: 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: Ronald L. Jett.

Final Resolution: Motion Carried

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

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

No action was taken.

**7. Public Comments**

Mr. Duncan Pence lives in Chesapeake Beach Estates and asked the Board to better regulate short-term rentals in the County, specifically in R-3 districts, and to initiate a conditional use permit so that it notifies neighbors and allows the public to have a voice.

Mrs. Sharla Pence discussed her concerns regarding the growing number of short-term rentals in the County but specifically in R-3 districts with high density and small lot sizes. Mrs. Pence stated that surrounding counties are already regulating short-term rentals, so she asked the Board to do so as well. Mrs. Pence feels like County isn't aware of the many problems that are occurring because short-term rentals are not regulated.

Ms. Heidi Allen supports her fellow neighbors that came to request special zoning ordinances be put into place regarding short-term rentals and shared some uncomfortable experiences that she has experienced individually with these homes. She asked that the Board hear out their request in wanting to remain a private neighborhood that they worked so hard to build.

Ms. Lorraine Trice gave some background information on Chesapeake Beach Estates and stated that she no longer feels safe due to all the transients coming into the County to live in their community. Ms. Trice asked the Board for different regulations to control this growing issue in their community.

Mr. Lloyd Folland lives next to an Airbnb and likes the people who own it but shared some negative experiences that have occurred when the owner is not present. Mr. Folland does not want that type of behavior in their neighborhood and would like the County to come up with something before it gets worse.

Ms. Debbie Lewis stated that the short-term rentals have changed the way people feel among the residents and asked the Board to figure out a way to help deter and/or significantly limit the progression of short-term rentals in the community.

Ms. Mary Lavender retired to Chesapeake Beach Estates and stated that it caught their attention because it was a small, private community. Ms. Lavender shared some experiences with existing Airbnb owners who continue to allow their guests to use the community amenities although their approved by laws say otherwise.

Ms. Marilyn Pugh shared her frustration with her lack of internet connectivity. Ms. Pugh stated that someone informed her that her property was unserviceable, but then she got in touch with Assistant County Administrator Drew Basye who spoke to an All-Points Broadband representative, saying she would be covered in their first phase. Ms. Pugh would like the Board to ensure and support them in making sure their community gets their coverage.

Mr. Dave Miller is a homeowner in Fleeton Beach and loves the peacefulness of the community. Mr. Miller shared some recent negative experiences related to transients speeding and littering, so he asked the Board to look into this matter and think of it as their own community.

Mr. Bill Glascock shared some concerns down Fleeton beach such as rocks being stolen from private jetties, littering, speeding, endangering homes, and insurance liability when it comes to short-term rentals. Mr. Glascock asked the Board to approve zoning ordinances in Northumberland County that are designed to provide relief of these issues.

Ms. Marie Johnson owns property in Fleeton Beach and shared some concerns such as speeding, trespassing, and liability insurance.

Mr. Maurice Johnson doesn't feel like all the options have been explored because there was no mention of calling the police or working with the property owners of the short-term rentals. Mr. Johnson stated that the community should come together as a whole and work together before coming to the Board of Supervisors expecting them to take care of their concerns. Mr. Johnson asked the Board not to make any dramatic changes that will affect everyone where it's not necessarily appropriate to everyone.

Ms. Sabrina Conley thanked the Board for putting together a Christmas gathering this year and believes it will bring our community together.

Mr. Penney brought attention to a topic that was brought up during the budgetary process and asked if the vehicle tax percentage was reduced because he received his bill and didn't see much of a difference.



County Administrator Tadlock stated that the Board reduced the percentage from 40% to 35% which was coordinated through the Commissioner of Revenue's office.

Ms. Kim Bivin's family owns property in Chesapeake Beach Estates and asked the Board to consider way to help manage the challenges they have faced with short-term rentals in their neighborhood.

Ms. Elizabeth Allen has been coming to Chesapeake Beach Estates for the last 47 years and stated when short-term rentals came into the neighborhood, it caused unnecessary disruption. As a private neighborhood, they are not an HOA. They are a voluntary civic association that pays dues and fundraise to keep their roads properly maintained. Ms. Allen witnessed others run stop signs and speed with no consideration for the safety of others. She asked the Board to make a conditional use permit mandatory for short-term rentals operating in the R-3 district to keep short-term rentals to a minimum.

## **8. Public Hearings 7:00 P.M.**

**Information: A. APPLICANT HAS REQUESTED TO CARRY OVER TO THE BOARD OF SUPERVISORS MEETING ON DECEMBER 8, 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.**

The applicant requested to carry this matter over to next month's meeting on December 8, 2022.

**Action: B. Request by Crystal Cove Housing, LLC, owner, and Merthia Haynie, applicant, for an extension to a previously approved Conditional Use Permit to construct a health care facility for physical therapy on property zoned A-1, Agriculture. The property is shown as Tax Map Parcel # 8-B(1)-45-E and is located on Hampton Hall Road.**

Mr. Philip Haynie spoke on behalf of Mrs. Merthia Haynie and explained that they need a little more time to figure out the price and funding for this project, so Mrs. Haynie is requesting an extension until 2025.

Public Hearing Open.

Mr. Maurice Johnson stated that he looked at the property and thinks this is going to help everyone, so the Board should approve their request.

Public Hearing Closed.

County Administrator Tadlock read the suggested conditions if approved as follows:

1. All required permits and/or licenses shall be obtained from all appropriate regulatory agencies, including but not limited to the Va. Dept of Transportation, Dept of Environmental Quality, and Va. Dept of Health.

2. A structural buffer or a vegetated buffer shall be established and maintained on the southern property line to screen Tax Map Parcel 8-B- (1)-45-B.
3. All exterior lighting shall be non-reflective and directed downward.
4. This permit shall expire on November 10, 2025.

Motion to approve the applicant's extension request of the previously approved Conditional Use Permit of constructing a health care facility with the suggested conditions.

Motion by: James W. Brann, second by: Ronald L. Jett.

Final Resolution: Motion Carried

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

**Action: C. In order to consider an amendment to the County Code, Chapter 79-2, which will clarify the use of golf carts and utility vehicles along Main Street in Reedville to those areas only designated as 25 mph or less.**

County Administrator Tadlock explained that an amendment is needed to the County Code to clarify the use of golf carts and utility vehicles along Main Street in Reedville. The language conflicts due to the different speed limits at the beginning and the end of Main Street.

Public Hearing Open.

No comments were given.

Public Hearing Closed.

Motion to approve the amendment to the County code which will clarify the use of golf carts and utility vehicles along Main Street in Reedville.

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

## **9. Closing of Meeting**

**Action: A. 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