

Regular Meeting (Thursday, December 8, 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

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 Spencer of Melrose United Methodist Church

The invocation was led by Pastor Spencer of Melrose United Methodist Church.

Chairman Haynie requested a moment of silence in honor of Debra Vincent who was a bus driver for the School Division since 2015.

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 with the change of the order of the pledge of allegiance and the approval of the agenda.

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

2. Approval of Minutes

Action, Minutes: A. November 2, 2022 Joint Meeting with School Board

Motion to approve the minutes from the joint quarterly meeting with the School Board on November 2, 2022.

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, Minutes: B. November 10, 2022 Regular Meeting

Motion to approve the minutes from the regular meeting on November 10, 2022.

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

3. Presentations

Action: A. Resolution - Reverend Lee Scripture

Motion to approve the resolution for Reverend Lee Scripture as presented:

A RESOLUTION IN MEMORY OF REVEREND LEE SCRIPTURE

WHEREAS; Reverend Lee Scripture was a pastor at Wicomico Baptist Church since 1983, ministering to his congregation until his passing,

WHEREAS; the same Reverend Scripture faithfully served as a member of the School Board for 25 years, including terms as chairman, and

WHEREAS; the same Reverend Scripture dedicated many hours to the athletes of Northumberland County by being an avid sports reporter and statistician for the past 40 years, and

WHEREAS; Reverend Scripture leaves a legacy of service, love and commitment to Northumberland County and its citizens,

NOW, THEREFORE, BE IT RESOLVED, THAT THE Northumberland County Board of Supervisors hereby expresses their deepest sadness at the passing of Reverend Scripture and their sincerest appreciation for the impact that he had on the County.

BE IT FURTHER RESOLVED, that this resolution is hereby adopted on this day, December 8, 2022.

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: B. Update from Northumberland County Schools

Dr. Wargo provided a packet of weekly highlights for the School Division. This presentation can be accessed in board docs.

Dr. Wargo handed the discussion over to Finance Director Tara Booth. She informed the Board that she has put together a draft budget calendar that she will be presenting to the School Board

at their upcoming meeting on Monday night. Their goal is to have a budget ready to present to the Board of Supervisors at their joint meeting on February 22, 2022.

Supervisor Tomlin asked if the Board had ever received the carry over figure from last year.

Dr. Wargo stated that former Finance Director Bellows announced this figure before he stepped away from his position.

County Administrator Tadlock stated the auditors are currently working on the FY22 audit and we should have that information soon.

Supervisor Long and Chairman Haynie thanked Dr. Wargo and the School Board for allowing the school choirs to perform at the Christmas tree lighting ceremony.

Information: C. Update from the Virginia Department of Transportation

Mr. Beale presented his monthly report to the Board. More information on this presentation can be accessed in board docs.

Mr. Beale was asked to follow up on the consideration of a crosswalk at the library. This area was reviewed by the Virginia Department of Transportation and their staff will be installing pedestrian warning signs and upgrading/enhancing the curb signage, but a marked crosswalk will not be installed at this time. Mr. Beale informed the Board that before this can be done, there will need to be concrete work done in front of the library that ensures pedestrians can safely access the crosswalk. This would need to meet ADA requirements as well.

Supervisor Tomlin asked if the pavement work being done along Jessie DuPont Memorial Highway near Morattico Church road is going to be repaired with a jack and bore type method.

Mr. Beale stated that is their plan to repair the shoulder/road there.

Vice Chairman Jett mentioned the sign down near Little River Market that was mentioned at last month's meeting.

Chairman Haynie thanked Mr. Beale and his team for fixing the hole down ClarkTown Road that was addressed last month as well.

4. County Administrators Report

Information: A. Building Permit Report

Information: B. Abstract of Votes

County Administrator Tadlock read the following for the 2022 November General Election in Northumberland County.

Member House of Representatives:

Rob J. Wittman – 4027
Herbert C. “Herb” Jones Jr. – 2093
David Bruce Foster – 55

Mayor – Kilmarnock:

Shawn E. Donahue – 13

Member Town Council – Kilmarnock:

Curtis Henry Smith – 16
Leslie E. Spivey – 11
R. Chris Harris – 11
Rebecca Tebbs Nunn – 6

Member Town County – Special, Kilmarnock:

Thomas S. Watson – 18

Action: C. Supplemental Appropriation - Sheriff's Department

Motion to approve a supplemental appropriation to account 3102-1006 in the amount of \$2,275.00 for ball games.

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: D. Supplemental Appropriation - Sheriff's Department

Motion to approve a supplemental appropriation to account 3102-5503 in the amount of \$123.90.

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. Community Policy & Management Team (CPMT) Appointment - Joey Self

Motion to appoint Mr. Joey Self to the Community Policy & Management Team (CPMT).

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: F. Resolution Accepting School Board Property (2172 Northumberland Highway, Lottsburg, VA)

Motion to approve the resolution to acquire the old school board property in Lottsburg located at 2172 Northumberland Highway. 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 M. Long.

Final Resolution: Motion Carried

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

Action: G. Emergency Dispatch Software

Motion to approve the purchase of the emergency dispatch software, IamResponding, for a 5-year term in the amount of \$19,312.

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

Action, Information: H. Other County Administration Items

Motion to allow the trash sites to close at 5:00 p.m. on Christmas Eve.

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

County Administrator Tadlock mentioned that staff has received some information from HDH Associates regarding the old EVB building roof and asked if the Board would like staff to go ahead and get that bid advertised or if they would like this information presented to them at the January meeting.

The board requested this information be presented to them at the January meeting so they can choose how to move forward.

County Administrator Tadlock concluded his presentation by making the Board aware of staff finalizing the personnel policy. Mr. Tadlock ensured the Board that staff would get the final copy to them for their review as soon as possible.

5. Board of Supervisor Items

Action: A. Approval of Check Register

Motion to approve the check register for December 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 and Supervisor Brann thanked everyone who was a part of the tree lighting ceremony.

Supervisor Tomlin motioned to ask the Planning Commission to evaluate short term rentals to see where they should be permitted in which zoning districts, whether by right of by conditional use, review if there should be lot sizes, and any other information that the Planning Commission may deem important to review.

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

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: Ronald L. Jett.

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

No action(s) were taken at this time.

7. Public Comments (4 MINUTE TIME LIMIT)

Mrs. Sharla Pence thanked Supervisor Tomlin for requesting staff to look into their concerns of short-term rentals.

8. Public Hearings 7:00 P.M. (4 MINUTE TIME LIMIT)

Action: A. Request by Royal Realty, LLC, owner, and Estera Warrick, applicant, for a Conditional Use Permit to allow construction of a dwelling on property zoned M-1, Light Industrial. The property is shown as Tax Map Parcel # 10-(1)-155-B and is located on Lake Road.

Public Hearing Open.

No comments were given.

Public Hearing Closed.

The applicant was not present at the public hearing.

Motion to table the consideration of a conditional use permit to allow construction of a dwelling on property zoned M-1, Light Industrial, to the Board of Supervisors meeting on January 12, 2023.

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. Request by Neill Office Complex, LLC, owner, and Rivah Celebration Center, LLC, applicant, for a Conditional Use Permit to allow a private school on property zoned

A-1, Agriculture. The property is shown as Tax Map Parcel # 8-(1)-145-A and is located at 226 Village Green Drive in Callao.

Reverend Bart Morrison stated that he has had the privilege of conducting this school for the past two and a half years, but due to student numbers increasing, they have outgrown their space. Reverend Morrison found this property and feels that it is a good fit for their growth needs.

Public Hearing Open.

Mr. Mo Dillingham is in favor of the property changing zoning districts for the Northern Neck Christian school. He volunteers at the school and has seen so much growth in the children. Mr. Dillingham stated that this school is a blessing to the County, and it would be great to see the property being fully utilized and well-maintained.

Ms. Renee Johnson is a part of the Northern Neck Christian school and feels that the Board has the opportunity to impact the community in such a positive way. Ms. Johnson stated that the school is great for the County because it offers diversity and gives parents the option of where they would like to send their children for education.

Mr. Hoyt Wheeland had the opportunity to volunteer at this school and he was able to observe how the classes were handled and how the students performed. Based on his observations, he believes the school is a wonderful school where kids have the opportunity to learn. Mr. Wheeland also believes that students more than likely get more personal attention at this school than they would in a public school.

Ms. Daidra Jones has two twins that attend the school, and she expressed how much the school has impacted her children's lives as well as her own. Ms. Jones stated that her kids are 5 years old and can read over 20 scriptures in the bible. She hopes the Board blesses the community by approving this request.

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

Suggested Conditions is approved:

1. All required permits and/or licenses shall be obtained from all regulatory agencies.
2. The building shall comply with the Uniform Statewide Building Code.

Motion by: James W. Brann, 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. Request for the consideration of a Siting Agreement pursuant to §15.2-2316.7. Code of Virginia, 1950, as amended; related to the request for a Conditional Use Permit by Community Power Group, LLC for a utility-scale solar energy facility on 26 acres leased.

The property is shown as portions of Tax Map Parcels #37-(1)-195 and 195-A adjacent to 642 Fairport Road.

Rachel Boots went through a short slide show that gives information on the siting agreement terms while also giving a refresher on the conditional use permit regarding the solar facility. This presentation can be accessed in board docs.

Ms. Boots announced that Community Power Group is pleased to offer the County with the siting agreement opportunity which is a voluntary payment through the life cycle of the solar facility on a per MW basis on a yearly payment schedule. The terms of the agreement have been reviewed by County Attorney Gregory and are standard to other solar agreements. The total for the siting agreement comes to \$154,205 and can be used for capital improvement funds as designated by the Board of Supervisors. This is in addition to the Virginia revenue sharing model. Ms. Boots stated that the revenue sharing model is \$1,400 per MW per year with an escalation every 5 years, which comes out to \$416,260 of tax revenue associated with the project. A total contribution to the County in tax payment is more than a half a million dollars as a result of the project.

Ms. Boots continued her presentation by summarizing the relation of the siting agreement to the conditional use permit request that was presented to the Board earlier this summer. The 5 MW community solar project will allow local residents and businesses to subscribe to the solar facility, giving them clean energy and a guaranteed discount on their electric bill. Ms. Boots mentioned the pollinator-friendly ground cover, the game fence, the performed glare and noise study, then went into detail on the decommissioning process and additional benefits of the solar project.

Supervisor Brann asked how many years was estimated for a tax payment of \$570,465.

Ms. Boots stated that the payment was projected for a total of 30 years.

Supervisor Brann believed that if the project ran less than 30 years, then there's not a lot of money coming to the County.

Ms. Boots stated that there's an upfront payment for the siting agreement that comes to about \$50,000 in the first year. Years following that, the revenue sharing will escalate and total \$570,465.

Supervisor Brann asked how much less an electric bill would be for a person in this County.

Ms. Boots stated that they usually see about a 5 – 10% decrease in electric bills.

Supervisors Tomlin asked if the state corporation commission sets up a minimum bill of \$55.00 that everyone must pay.

Ms. Boots stated that this is true but it is not enforced for low-income subscribers.

Supervisor Tomlin asked how much the pollinator plants grow and if they will die over a period of time.

Ms. Boots informed the Board that they would work with the Northern Neck master gardeners on a good seed mix for the area and they would have a maintenance agreement with the local landscaper that addresses Mr. Tomlin's concerns.

Supervisor Tomlin expressed his concerns with fires occurring inside the site.

Ms. Boots ensured that they would look at suggestions from the Virginia Department of Forestry on a good, fire safe ground cover while also making sure there is enough space created between the panels for a firetruck to drive through in the instance of an emergency.

Supervisor Tomlin asked what kind of buffer would be put into place between the site and adjacent properties to prevent a fire from spreading to those properties.

Ms. Boots stated that there will be a 20ft buffer between the edge of the panel and the game fence. Then, there will be a landscape buffer, so the distance to the closest property (farmland) is more than 30ft away from the panels.

Supervisor Tomlin asked about the difference in construction style. Ms. Boots mentioned wooden posts on the fence, but neighboring projects are made of metal.

Ms. Boots stated that the game fence posts would be pressure treated wood.

Supervisor Brann mentioned that Community Power Group is the applicant, so they are going to be responsible for following through with the environmental plan, decommissioning, etc. Mr. Brann asked what happens if the company ceases to exist.

Mr. Borkowski from Community Power Group informed the Board that those requirements are attached to the permit, so whoever operates the facility must adhere to these requirements. If the facility is identified as non-operational, this is when decommissioning begins and the bond is available.

Supervisor Brann asked what happens if the facility is sold.

Mr. Borkowski concluded that it all carries with the permit.

Chairman Haynie asked for a description of the game fence.

Mr. Borkowski stated that the fence is made of pressure treated wood with a wire perimeter, similar to fencing you see around livestock.

Chairman Haynie wanted information on the spraying along the fence to keep vegetation from growing up.

Mr. Borkowski informed the Board that in that seed mix, it is “low-growing,” meaning the first couple of years there are 2-3 times where mowing will be done, but after the third year, there won’t be a need to maintain it. They have never run into the issue of vegetation growing up the fence.

Chairman Haynie stated that he didn’t feel like the siting agreement, or the revenue sharing offered much money to the County when comparing to the County’s budget.

Vice Chairman Jett stated that all this information is based on a 5 MW facility, and asked if it’s 2 MW, would the County’s revenue sharing decrease to 40%.

Mr. Borkowski informed Vice Chairman Jett that theoretically yes it would go to 40% but ensured the Board that it will be no less than 5 MW.

Supervisor Tomlin gave a scenario related to the output decreasing because of the time period and asked if the amount of credit given to customers would correspondingly go down too.

Mr. Borkowski explained that the citizens of the County will only pay for the credits they receive.

Supervisor Tomlin referenced the memorandum of the solar facility siting agreement that will be recorded in the clerk’s office and questioned why there was no language related to the successors or assigns clause.

County Attorney Gregory stated the information is addressed in the siting agreement.

Mr. Tomlin still questioned this language because the memorandum is the document that is recorded in the clerk’s office, not the siting agreement.

County Attorney Gregory stated that the memorandum references the siting agreement so there’s no issue there.

Chairman Haynie asked if the County can renegotiate after 25 years if the company starts to replace panels which will allow the facility to last longer.

Mr. Borkowski stated that he would have to look at some of the details with County Attorney Gregory but believed that the County could renegotiate. County Attorney Gregory informed the Board that the conditional use permit requires the actions they are taking now, so making changes at the end of the term would require a renewal of the conditional use permit.

Chairman Haynie also asked if the 15,000-gallon water storage tank would need to be removed for decommissioning.

Mr. Borkowski stated Community Power Group would need to maintain this asset during the life of the solar facility, but removing it is not a part of the decommissioning plan.

Supervisor Brann asked who will be in charge of maintaining this 15,000-gallon water storage tank.

Mr. Borkowski stated that there is a maintenance plan within the conditional use permit that delegates local electrical contractors to maintain the tank.

Supervisor Brann asked Mr. Borkowski to define local.

Mr. Borkowski stated that the local electrical contractor would be located in the County.

Supervisor Tomlin stated that he didn't see any mentioning of the siting agreement in the conditional use permit's suggested conditions.

County Attorney Gregory worked to draft some language to add this information to the suggested conditions.

County Administrator Tadlock requested clarification on article 2, page 3, under the payment structure. Mr. Tadlock read the article aloud and asked if the payment would be for the full \$11,450 the first year.

Mr. Borkowski confirmed that the payment would be the full \$11,450 the first year.

Public Hearing Open.

Mr. Philip Haynie stated that he sees many other counties moving forward with solar projects and worries about the future of Northumberland County. Mr. Haynie believes that the County needs to start somewhere and that this small project is a great opportunity to start small and learn from it.

Mr. Jackson wants to know why Northumberland County is the last County to make any progress when compared to neighboring counties. Mr. Jackson urged the Board to make a decision.

Mrs. Anne Thomas shared her concerns on the language in the siting agreement and the location of the solar project. Mrs. Thomas then congratulated the Board for their thoughtful pace and consideration of this project.

Mr. Blake Cox is one of the founders of Energy Right, which was founded to help educate people on energy developed the right way on the local level. Mr. Cox stated that at the September meeting he heard a lot of questions related to decommissioning of the project that he believes were derived from the UVA's Weldon Cooper Centers recently issued decommissioning utility-scale solar facilities financial best practices for Virginia localities. He also stated that the Weldon Cooper Center's report states that Northumberland County's decommissioning plan language is one of the strongest in the entire state of Virginia. Mr. Cox reiterates Energy Right's support for the County's decommissioning language and the solar ordinance as a whole.

Ms. Sandra Ward asked if the revenue was dependent on the number of subscribers because she has solar panels on her roof, so she would not be one to subscribe.

Mrs. Debbie Bergeron moved here for the beauty of the County. Ms. Bergeron urged the Board to decide based on what they would like the County to look like in the future and doesn't believe they should bring solar into the County just because neighboring counties are.

Mr. Cliborne asked what procedures are put into place to evaluate and prevent the materials from the panels leaking into the soil. Mr. Cliborne also asked what the wire for the game fence is going to be made from.

Public Hearing Closed.

Supervisor Long motioned to grant the request.

County Attorney Gregory stated that the matter before the board currently is the siting agreement, so he suggested considering a decision on the conditional use permit and addressing some of those issues first, and then going back to consider the siting agreement.

Supervisor Long withdrew his motion and Supervisor Tomlin asked for some proper language where the conditional use permit's suggested conditions references the siting agreement.

Supervisor Long asked for any suggestions from County Attorney Gregory.

County Attorney Gregory went through some suggested additions to the conditions and referenced condition number one which is an expiration date of December 8, 2026. Mr. Gregory suggested the Board request the proponent to address the reasoning for the expiration date.

Mr. Borkowski stated when working with solar facilities it tends to be very slow because they are working with Dominion Energy. Community Power Group has asked for a four-year horizon for them to start construction due to the long process with Dominion and the timeline for purchasing equipment.

County Attorney Gregory questioned the language on the condition because it reads that the conditional use permit will expire in 2026.

Zoning Administrator Philip Marston confirmed that the intent of that condition was to give Community Power Group four years to begin installation.

Supervisor Brann believes that there is a lot of what ifs being asked and suggested the language being reworded and brought back to the Board at the January meeting.

Supervisor Tomlin suggested the condition language be worded as operational within five years.

Motion to carry over a decision until the Board of Supervisors meeting on January 12, 2023.

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: D. CARRIED OVER FROM THE REGULAR MEETING ON NOVEMBER 10, 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.

Motion to carry over a decision until the Board of Supervisors meeting on January 12, 2023.

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: E. A revision to the Northumberland County Zoning Ordinance § 148-153, Travel Trailers, to limit camping without compensation on properties to seven days or less, require a health department approved sanitation facility, and make camping with compensation a conditional use in A-1, Agriculture and R-2 Residential Waterfront zoning districts. The Planning Commission made a recommendation to the Board of Supervisors to add C-1 Conservation zoned land where camping with compensation can be allowed with a conditional use permit, as campgrounds are currently allowed in the C-1 Conservation zoning district.

County Planner McKenzie read the revision to the County Code aloud and shared the Planning Commission's recommendation with the Board.

Public Hearing Open.

Mr. Goodpasture lives on Judith Sound Road and there has never been commercial use on Judith Sound Road until this year. A commercial tent camping operation came to their neighborhood called Tentr. The people who live on Judith Sound would like it to remain the same as it's been for the last 75 years, as an owner-occupied residential dwelling with permanent structures. Mr. Goodpasture is in favor of the Planning Commission's recommendation because it moves things in the right direction.

Mr. Jim Johnson also lives on Judith Sound Road and also supports the intent of the Planning Commission's recommendation. Mr. Johnson stated that the Board needs to consider the revenue, security, and health-related issues of this tent. Mr. Johnson encouraged the Board to consider banning commercial campgrounds to the extent where they are not allowed within said distance of an established residential neighborhood.

Mr. Jimmy Moore passed out pictures of the tent located on Judith Sound Road and expressed the neighborhood's loss of privacy and safety.

Mr. Cliborne stated that he's observing that revenue-based camping is being merged with personal use camping and believes that they should be viewed as two separate types of camping.

Public Hearing Closed.

Supervisor Tomlin asked Zoning Administrator Marston if family were to come visit a landowner in an RV, with no compensation involved, would they be affected by this ordinance change.

Zoning Administrator Marston stated no, not if they are parked by an existing residence, but if on raw land, yes, this change would affect them.

Supervisor Brann stated that he believes that the County needs to define the areas where campsite/campgrounds are allowed and specify that they are not allowed in the areas of a neighborhood.

Motion to approve the revision to the Northumberland County Zoning Ordinance as recommended by the Planning Commission to limit camping without compensation on properties to seven days or less, require a health department approved sanitation facility, make camping with compensation a conditional use in A-1, Agriculture and R-2 Residential Waterfront zoning districts, and to add C-1 Conservation zoned land where camping with compensation can be allowed with a conditional use permit.

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

Final Resolution: Motion Carried

Aye: Ronald L. Jett, James M. Long, Thomas H. Tomlin

Nay: Richard F. Haynie, James W. Brann

Supervisor Brann explained that he is not against the changes in the code, but he would like to see more added to it.

Action: F. Request Planning Commission to Review Camping

Motion to request the Planning Commission review the difference between commercial and private use camping. The Board is concerned with property owners being restricted to use their property while still trying to make sure that commercial camping is located in proper areas. The Board asked that the sections be broken out from travel trailers with and without compensation and tent camping with and without compensation.

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

Final Resolution: Motion Carried

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

Nay: Ronald L. Jett

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