

**Regular Meeting (Thursday, January 12, 2023)**  
*Northumberland County, VA*

**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 Director  
Mr. Matthew Bailey, IT Assistant  
Mr. Eric Gregory, County Attorney

**1. Opening of Meeting**

County Administrator Tadlock called the organizational meeting to order.

**Procedural: A. Invocation - Pastor Spencer of Melrose United Methodist Church**

Pastor Spencer led the invocation.

**Procedural: B. Pledge of Allegiance**

County Administrator Tadlock led us in the Pledge of Allegiance.

**Action: C. Election of Chairman of the Board of Supervisors**

County Administrator Tadlock opened the nominations for Chairman of the Board of Supervisors.

**Motion by James M. Long to nominate Thomas H. Tomlin as Chairman.**

**Motion by Ronald L. Jett to nominate Richard F. Haynie as Chairman.**

**Action: D. Motion to Close Nominations**

Motion to close the nomination for the Chairman of the Board of Supervisors.

Motion by: James M Long, 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

**Vote on the nomination for Mr. Thomas H. Tomlin.**

Motion by: James M. Long, second: NONE

Final Resolution: Motion Failed

Aye: James M. Long, Thomas H. Tomlin

Nay: Ronald L. Jett, Richard F. Haynie, James W. Brann

**Vote on the nomination for Mr. Richard F. Haynie.**

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

Final Resolution: Motion Carried

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

Nay: James M. Long, Thomas H. Tomlin

*\*Second nominee, Mr. Richard F. Haynie, received majority vote and was elected as Chairman.*

**Action: E. Election of Vice-Chairman of the Board of Supervisors**

Chairman Haynie opened the nominations for Vice Chairman of the Board of Supervisors.

**Motion by James W. Brann to nominate Ronald L. Jett as Vice Chairman.**

**Action: F. Motion to Close Nominations**

Motion to close the nominations for the Vice-Chairman of the Board of Supervisors.

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

**Vote on the nomination for Mr. Ronald L. Jett.**

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: G. Approval of the Adoption of By-Laws**

Motion to approve the adoption of By-Laws.

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: H. Schedule of Board of Supervisor Meeting Dates**

Motion to approve the schedule of meeting dates for the Board of Supervisors. The meeting date schedule is as follows:

**January 12, 2023**

**February 9, 2023**

**March 9, 2023**

**April 13, 2023**

**May 11, 2023**

**June 8, 2023**

**July 13, 2023**

**August 10, 2023**  
**September 14, 2023**  
**October 12, 2023**  
**November 9, 2023**  
**December 14, 2023**  
**January 11, 2024**

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: I. 2023 Holidays for County Offices**

Motion to approve the Holidays for County Offices. The holidays for County Offices are as follows:

**Monday January 16, 2023 – Martin Luther King, Jr. Day**  
**Monday February 20, 2023 – George Washington Day**  
**Monday May 29, 2023 – Memorial Day**  
**Monday June 19, 2023 – Juneteenth**  
**Tuesday July 4, 2023 – Independence Day**  
**Monday September 4, 2023 – Labor Day**  
**Monday October 9, 2023 – Columbus Day**  
**Tuesday November 7, 2023 – Election Day**  
**Friday November 10, 2023 – Veterans Day (observed)**  
**Wednesday November 22, 2023 – Close at Noon for Thanksgiving Holiday**  
**Thursday November 23, 2023 – Thanksgiving Day**  
**Friday November 24, 2023 – Day after Thanksgiving Holiday**  
**Friday December 22, 2023 – Close at Noon for Christmas Holiday**  
**Monday December 25, 2023 - Christmas Day**

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: J. Approval of Agenda**

Motion to approve the agenda for today's meeting.

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. December 8, 2022, Regular Meeting**

Motion to approve the minutes from the regular meeting on December 8, 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. December 15, 2022, Special Meeting**

Motion to approve the minutes from the special called meeting on December 15, 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, Information: A. Resolution - Mr. Joseph A. Schlatter**

Motion to approve the resolution for Mr. Joseph A. Schlatter as presented:

**A RESOLUTION HONORING  
JOSEPH A. SCHLATTER**

**WHEREAS;** Mr. Joseph Schlatter has dedicated over 8 years of public service to Northumberland County by serving on the Electoral Board, and

**WHEREAS;** Mr. Joseph Schlatter demonstrated great leadership and commitment to the County and its citizens by always going above and beyond his call of duty, and

**WHEREAS;** the same Mr. Schlatter served as Secretary for the Electoral Board, and

**WHEREAS;** Mr. Schlatter was a faithful, hands-on board member and an active volunteer who will be greatly missed for his dedication and willingness to serve his community, and

**NOW, THEREFORE, BE IT RESOLVED, THAT THE** Board of Supervisors hereby expresses its deepest appreciation and gratitude for his service to the County and its citizens, and wishes for him much happiness and good health in the future.

**BE IT FURTHER RESOLVED,** that this resolution is hereby adopted on this day, January 12, 2023.

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: B. Resolution - Cultural Icon Northern Neck Ginger Ale**

Motion to approve the resolution to save the cultural icon Northern Neck Ginger Ale as it was presented to the Board.

**A RESOLUTION OF SUPPORT FOR THE "SAVE NORTHERN NECK GINGER ALE"  
GROUP DEDICATED TO SAVING A NORTHERN NECK CULTURAL ICON**

**WHEREAS**, Northern Neck Ginger Ale ("NNKGA") was first produced in 1926 by the Carver Family in Montross, Virginia; and,

**WHEREAS**, Northumberland County residents have long enjoyed this beverage and regard it as a cultural icon representing the Northern Neck of Virginia and its heritage; and,

**WHEREAS**, This cultural icon is depicted in works of art and is regarded as a tourism draw and unifying symbol of the Northern Neck Community; and,

**WHEREAS**, Coca-Cola. opted to discontinue this brand in 2020 and has not entertained seasonal production or the release of the brand for localized production; and,

**WHEREAS**, The "Save Northern Neck Ginger Ale" group has 6,000 active members on Facebook, gathered 2,000 signatures on petitions, and has rallied resources and support to present Coca-Cola with evidence of the demand for the product; and

**WHEREAS**, The Board of Supervisors of Northumberland County is committed to preserving history and the effort to restore this cultural icon; and,

**WHEREAS**, the Board of Supervisors of Northumberland County urges citizens and those who enjoy this iconic beverage to show your support for the "Save Northern Neck Ginger Ale" movement by contacting Coca-Cola. to request reinstatement of the beverage or cooperation with the "Save Northern Neck Ginger Ale" Group, writing to your elected officials, and/or signing the petition; and,

**WHEREAS**, The Board of Supervisors of Northumberland County urges other localities in the Northern Neck and surrounding areas to adopt a similar resolution in recognition of and to attest to the cultural icon status of this beverage.

**NOW THEREFORE, BE IT RESOLVED**, That the Board of Supervisors of Northumberland County, Virginia shall advocate whenever possible for the return of this iconic beverage.

**Adopted: 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

**Information: C. Virginia Department of Transportation**

Mr. John Vanlandingham spoke on behalf of the Virginia Department of Transportation and thanked Smith Point Sea Rescue for pulling the ferry off the shore down Sunnybank. The full report from VDOT can be found in board docs.

Supervisor Tomlin reported two VDOT route number signs down, potholes, and suggested installing signage on route 679 when the scour repair is done on route 605.

#### **Information: D. Update from Northumberland County Schools**

Superintendent Wargo was unable to attend the meeting, so Finance Director Tara Booth presented the school's highlights. The full presentation of the school's highlights can be found in board docs.

After her presentation, Finance Director Booth shared some information about the bus garage roof. The school asked the Board of Supervisors to rescind their motion made at the November meeting pertaining to that roof repair due to the roofing company, Twin Rivers Roofing & Construction, informing the school that they would not be installing the roofing described in its proposal.

Director of Facilities/Maintenance, Mr. Jeff Brann, informed the Board that the roofing company started the construction process by setting up for demolition of the metal roof on the Avalon building. The Avalon building described was the incorrect building and not the roof that the school intended to be repaired. Mr. Brann verified that everything was done correctly and that the contract did state that this repair was for the bus garage. Out of the three bids received, Twin Rivers Roofing & Construction was the only company who met on site with no representative from the school, so Mr. Brann feels comfortable that the other two bidders could perform this job.

Supervisor Brann asked Mr. Jeff Brann what company he would like to move forward with and how much of a price difference there would be.

Mr. Jeff Brann stated that he feels comfortable moving forward with Colonial Roofing on the repair with about a \$6,000.00 price difference.

Mr. Brann informed Chairman Haynie that Colonial Roofing could have all materials on site in two weeks and begin work two weeks after that.

#### **Action: E. Rescind Motion - Bus Garage Roof (November 10, 2022)**

Motion to rescind the motion made on November 10, 2022 to move forward with Twin Rivers Roofing & Construction on the repair of the School Division's Bus Garage roof due to the contractor being unable to perform the repair.

Motion by: Ronald L. Jett, 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. School Bus Garage Roof Update**

Motion to move forward with Colonial Roofing on the repair of the School Division's Bus Garage roof in the amount of \$91,750.00.

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 reminded the Board that they approved up to \$100,000 in the capital improvement program for that repair.

Supervisor Tomlin asked Finance Director Tara Booth to look into the implications of a current bill being filed in the General Assembly that requires local schools to pay back unspent federal or ESSER funds exceeding \$5,000. Mr. Tomlin stated that this bill may not pass, but he wants the school's to be aware of this incase it does.

**4. County Administrators Report**

**Information: A. Building Permit Report**

**Action: B. Supplemental Appropriation - ARPA Tourism Funds**

Motion to approve a supplemental appropriation for ARPA Tourism funds in the amount of \$35,000.00 to line item 10-8105-8503 for fiscal year 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: C. Sheriff's Department Purchase of Vehicle**

Motion to approve the request to purchase a 2023 Ford Explorer in the amount of \$42,482.10 for a replacement patrol vehicle.

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 - Capital Vehicles**

Motion to approve a supplemental appropriation in the amount of \$48,607.10 to line item 10-9103-7029.

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: E. Supplemental Appropriation - School Board**

Motion to advertise for a budget amendment due to the large amount of the supplemental appropriation funding requests from the School Division.

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: F. Interim Chief of Emergency Services Appointment**

Motion to retroactively approve Ethan Harding as the Interim Chief of Emergency Services effective January 7, 2023 with a stipend of \$1,200 per month. Mr. Harding will still receive his shift lead monthly stipend.

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. Loaded Firearms in Northumberland County**

County Administrator Tadlock informed the Board that there is a code section in the County code that has been repealed and asked how the Board would like to proceed with that matter.

Motion to advertise the repeal or correction of the Virginia Code section related to the carrying of firearms in vehicles within the Northumberland County ordinance.

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: H. EVB Roof Replacement**

County Administrator Tadlock provided some additional information to the Board related to the replacement of the EVB roof.

**Action: I. EMS Mutual Aid Agreements**

Motion to ratify all mutual aid agreements for emergency services.

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

A copy of the Mutual Aid agreements can be found in the documents of this meeting.

**Information: J. 2023 Project / Goals Listing**

County Administrator Tadlock read the 2023 project/goals list as follows:

- **Capital Improvement Plan**
- **Broadband**
  - o **Regional Project**
  - o **Breezeline Franchise Agreement**
- **Old EVB Building Roof**
- **Old Sheriff's Office Building**
- **Sanitary District upgrades**
- **Evaluate other building and facility needs**
- **Emergency Radio System**
- **Next Generation 911 (NG-911)**
- **Comprehensive Plan- 5 year review**
- **Opioid Settlement Monies**
- **ERP Software (financial and operations software upgrades)**
- **Budgeting and Capital Improvement Software upgrades**
- **Website upgrades related to GIS**
- **General Assembly: Various Bills**

Supervisor Long suggested adding the floors of the old Courthouse to that project list.

#### **Discussion, Information: K. County Information and Updates**

### **5. Board of Supervisor Items**

#### **Information: A. Board Comments**

Supervisor Long asked for an update on the old school board office.

County Administrator Tadlock stated that everything has been finalized and now it's just a matter of getting the deed recorded in the Clerk's office.

Supervisor Brann requested trash be picked up and the potholes be repaired at the old school board office.

#### **Action: B. Approval of Check Register**

Motion to approve the January 2023 check register.

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

### **6. Items Related to Closed Meeting**

#### **Action: A. Convene into Closed Meeting**

Motion to convene into Closed Meeting as permitted by Virginia Code Section 2.2-3711 (1),(7),(29); 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. 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter. 29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

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

**7. Public Comment (4 MINUTE TIME LIMIT)**

Mr. Maurice Johnson believes that the rights of pre-trial detainees at the Northern Neck Regional Jail are being violated.

Mr. Ron Nelson also addressed concerns at the Northern Neck Regional Jail such as filthy food conditions and stated when the jail board asks jail management about these conditions, the board accepts the word of the jail management. Mr. Nelson urged the Board of Supervisors not to be satisfied with jail management and to request detailed written reports from an uninterested third-party investigator on matters such as these.

Mrs. Jennifer Packett has been involved in serving the citizens of the County for almost 44 years and she came to show her opposition and bring awareness to the citizens on something that is trying to be done. Recently, the Board asked the County Attorney to investigate whether a county employee would run into any issues if they were to work for another County department. It was brought to her attention that an email was sent to the County Department heads stating that an employee would be entitled to overtime compensation for any hours over 40. She indicated that other localities allow this, however, while she would like to be paid and work part time, she has come to terms that she wants to serve the citizens of the County without getting paid. She later found out that she was a topic of discussion in an email, and she was not included. The email stated that Mrs. Packett should not volunteer for the Northumberland Department of Emergency Services due to them being required to pay her overtime. Mrs. Packett received an email from the interim chief stating that she could not run calls anymore for the Northumberland Department of Emergency Services after County Administrator Tadlock received notice that she had run calls over the weekend. Mrs. Packett stated that after speaking to the County Attorney and the County Administrator tonight, she is asking that the Board of Supervisors ensure her that she will be reinstated to run as a volunteer with the Department of Emergency Services.

Mr. Todd Vanlandingham stated that Mrs. Packett is one of the most passionate, caring, and dedicated individuals in the County that he knows. He asked, on behalf of the entire Callao Volunteer Fire Department, that the County find a way to allow people like Jennifer, county employee or not, to continue to do what they are passionate about.

Mr. Don Johnson also spoke on the issues occurring at the Northern Neck Regional Jail. Mr. Johnson explained that the jail has been housing citizens who were charged on January 6, 2021 for capital demonstrations. Mr. Johnson believes that these pre-trial detainees should not be housed with convicted felons because they are exposed to how poorly prisoners are treated at the jail. Mr. Johnson continued to explain the poor conditions and treatment provided by the jail and stated that something needed to be done.

Mr. Jason Smart is concerned with the abuses and civil rights violations occurring at the Northern Neck Regional Jail. Mr. Smart believes that it is the County's duty to investigate these issues and bring their findings to the attention of the appropriate state regulatory authorities so actions can be taken.

Mr. Philip Haynie hopes the County will move forward and be progressive in its use of renewable energy.

## **8. Public Hearings 7:00 p.m. (4 MINUTE TIME LIMIT)**

**Action, Information: A. CARRIED OVER FROM THE REGULAR MEETING ON DECEMBER 8, 2022; 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.**

Motion to approve the request by Royal Realty, LLC and Estera Warrick for a conditional use permit allowing construction of a dwelling on property zoned M-1, Light Industrial with the suggested conditions.

Motion by: James W. Brann, second by: Richard F. Haynie.

Final Resolution: Motion Carried

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

**Action: B. CARRIED OVER FROM THE REGULAR 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.**

County Attorney Gregory read the suggested conditions as follows:

Community Power Group (the “Applicant”) has applied to Northumberland County, Virginia (the “County”) for a Conditional Use Permit (the “CUP”) to construct a solar photovoltaic electric generating facility (“Project”). The CUP allows for the construction and operation of the Project on tax parcels 37-(1)-195 and 195-A (the “Property”). The CUP, including any approved plans and the conditions, shall run with the land and shall not be affected by a change in ownership of the Applicant or the Project.

1. The conditional use permit shall expire on January 12, 2027, if no construction has taken place in accordance with the plans for which use was granted.
2. All required permits and/or licenses shall be obtained from all appropriate regulatory agencies, including but not limited to stormwater plan review approvals from the Department of Environmental Quality.
3. A siting agreement shall be agreed upon and executed between the solar facility operator and the County. At the end of the siting agreement’s term, the County and solar facility owner may mutually agree to an extension of the existing agreement or to another agreement. Compliance with the siting agreement is required and failure to make the required payments under the siting agreement and will be considered a

- violation of the approved conditional use permit and failure to comply may result in the County requiring the removal of the solar facility.
4. Vegetative screening shall be established around the perimeter of the fence with a minimum of a (4) four foot height when planted. At least 75% of the plantings shall be evergreen with a continuous landscaping strip and a minimum of a 25 foot width forming a continuous screen.
  5. A landscape plan shall be submitted by a professional landscape architect and a surety bond shall be posted for the plantings for the life of the project to secure compliance with screening. The vegetative screening shall be planted within 6 months after the issuance of a Building Permit and shall be maintained for the life of the facility.
  6. The grass and vegetation inside the solar facility shall not exceed 18 inches in height as approved in the Emergency Operations Plan.
  7. A surety bond for decommissioning shall be posted by all facility owners of record prior to obtaining any necessary permits for construction of the solar project in the amount of \$144,250. The surety bond shall be applicable to all successors, heirs, and assigns and each property owner, heirs, and assigns shall be severally and jointly liable for the full amount of the surety bond. The surety bond shall be updated and filed with the County every (5) five years based upon an estimate of a mutually agreed upon professional engineer, licensed in the Commonwealth of Virginia, with the cost to revise the plan being born by the facility owner, and with experience in preparing decommissioning estimates for localities in the Commonwealth. The new estimate shall include any increasing or decreasing costs due to current market rates on the estimated cost of decommissioning.
  8. Proof of adequate liability insurance shall be required and a copy of the lease agreement shall be submitted to the Zoning Administrator prior to the issuance of any building or zoning permits. A revised copy of the lease agreement shall be provided to the Zoning Administrator if any substantial changes to the lease agreement are made during the life of the project.
  9. The perimeter fence shall be constructed as shown on sheet C101 "Fence Details" and also shown on Exhibit 1.
  10. This project shall be limited to the fenced 26 acres.
  11. There shall be a 200-foot setback off of the edge of the right of way of Fairport Road.
  12. The landowner shall 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.

13. 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.
14. Any on-site lighting provided for the operational phase of the solar facility shall be dark-sky compliant, shielded away from adjacent properties, and positioned downward to minimize light spillage onto adjacent properties.
15. During construction of the solar facility, any temporary construction lighting shall be positioned downward, inward, and shielded to eliminate glare from all adjacent properties. Emergency and/or safety lighting shall be exempt from this construction lighting condition.
16. The CUP will be binding on Applicant or any successors or assigns of the Project. Applicant or any successor or assign shall notify the County upon any transfer or assignment of the Project within fifteen (15) days of such transfer or assignment providing the County with contact information for any transferee.
17. If the Applicant, its successor, or the property owners fail to timely decommission the Solar Facilities, the County shall have the right, but not the obligation, to commence decommissioning activities and shall have access to the property, access to the full amount of the decommissioning security, and the rights to the solar facilities equipment and materials on the property.

Vice Chairman Jett referenced condition 13 and asked about the agreed to 1,000 gallon water pump that should be mentioned in this condition.

Chairman Haynie referenced condition 6 and stated that the grass and vegetation was agreed to not exceed 8 inches, not 18 inches as the condition is written.

Chairman Haynie also stated that most facilities have a chain link or vinyl fence.

Supervisor Tomlin expressed his only concern of the potential financial liability of the project on the County upon decommission.

Motion to approve the request by Philip Haynie, II, Judith Haynie and Philip Haynie, III, and Community Power Group for a conditional use permit to allow a utility-scale solar energy facility on property zoned R-2, Residential Waterfront with the suggested conditions.

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

Final Resolution: Motion Failed

Aye: Ronald L. Jett, James M. Long

Nay: Richard F. Haynie, Thomas H. Tomlin, James W. Brann

**Action, Information: C. CARRIED OVER FROM THE REGULAR MEETING ON DECEMBER 8, 2022; 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.**

Motion to approve 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.

Motion by: James M. Long, second: NONE.

Final Resolution: Motion Failed

Aye: Ronald L. Jett, James M. Long

Nay: Richard F. Haynie, Thomas H. Tomlin, James W. Brann

**Action: D. Request by Rogers & Sons Enterprises, LLC, owner and Ryan Rogers, applicant, for a Conditional Use Permit to allow construction of a service station on property zoned B-1, Business. The property is shown as Tax Map Parcels #27-(1)-269 & 270 and is located at 15619 and 15631 Northumberland Highway.**

Mr. Rogers shared his objective for this project, which is to construct a modern-looking service station that is card reader only. Mr. Rogers explained that there will be no convenience store at this station, so this will limit the potential for loitering in this area. Additionally, the station will be well lit, but all lighting will be directed downward to avoid disrupting any neighboring properties.

Supervisor Tomlin stated that Mr. Rogers addressed his concern with the lighting, but suggested this information be added to the suggested conditions.

Public Hearing Open.

Mr. Stephen Jett owns the property around the project. Mr. Jett's concerns are lighting and loitering, so he would like some type of barrier/buffer to be installed between the station and his properties.

Mrs. Jennifer Lucritz stated that her only concern was the impact the charging station will have on their electrical grid in that area and leading to the potential for power outages.

Mr. Rogers wanted to address the concerns of Mr. Jett and Mrs. Lucritz. Mr. Rogers stated that he wanted to get the approval from the Board for the conditional use permit before he began researching information on the electrical impacts, but he knows that they're near the substation and Northern Neck Electric does a great job in preventing any outages from occurring. Mr. Rogers hopes outages do not occur, but that will be part of his research as things progress.

Mr. Rogers stated that Mr. Jett's concern for a buffer was also a concern of his, so he plans to research this as well. Mr. Rogers intends to plant trees or construct a fence to dampen some of that sound because he is aware that this is a 24-7 operation. Mr. Rogers also invites any law

enforcement to sit at the station and run radar or complete paperwork. He believes that this will eliminate the potential for loitering as well.

Public Hearing Closed.

Supervisor Tomlin asked if there will be signs posted that state no loitering.

Mr. Rogers confirmed that there will be signs posted for this matter.

Motion to approve the request by Rogers & Sons, Enterprises, LLC, and Ryan Rogers for a conditional use permit allowing construction of a service station on property zoned B-1, Business with the suggested conditions.

1. All required permits and/or licenses shall be obtained from all appropriate regulatory agencies, including but not limited to the Virginia Department of Transportation and Virginia Department of Environmental Quality.
2. This approval shall not include the repair service of vehicles but may possibly include a future car wash facility.
3. All exterior lighting shall be non-reflective and directed downward.
4. This project shall be screened with evergreen vegetation and/or a structural fence on the west and north side to block Mr. Jett's property.

Motion by: James M. Long, 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

## **9. Closing of Meeting**

**Action: A. Request Planning Commission Review Service Stations in B-1, Business Zoning District.**

Motion to request the planning commission review service stations in B-1, Business zoning district.

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. Carry Over**

Motion to carry over to the called meeting on January 17, 2023 at 2:00p.m.

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