

## **Regular Meeting (Thursday, April 13, 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

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**

Pastor Spencer led the invocation.

### **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: Thomas H. Tomlin, second by: James M. Long.

Final Resolution: Motion Carried

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

## **2. Approval of Minutes**

### **Action: A. Rescind Motion - Approval of December 8, 2022 Minutes**

Motion to rescind the motion made on January 12, 2023 for the approval of the December 8, 2022 minutes.

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, Minutes: B. December 8, 2022 Regular Meeting**

Motion to approve the minutes from the regular meeting on December 8, 2022 with the corrected motion as presented to the Board.

“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: 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, Minutes: C. March 1, 2023 Energy Right & Joint Meeting with School Board**

Motion to approve the minutes from the special meeting on March 1, 2023.

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

Final Resolution: Motion Carried

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

Abstain: Ronald L. Jett (absent on March 1, 2023)

**Action, Minutes: D. March 9, 2023 Regular Meeting**

Motion to approve the minutes from the regular meeting on March 9, 2023.

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, Minutes: E. March 15, 2023 Budget Work**

Motion to approve the minutes from the special meeting on March 15, 2023.

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, Minutes: F. March 22, 2023 Budget Presentations**

Motion to approve the minutes from the special meeting on March 22, 2023.

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

**3. Presentations**

**Action, Information: A. Resolution - Emergency Services Response Boating Incident**

Motion to approve the resolution in recognition of the emergency services response for the boating incident on April 1, 2023 as presented:

**EMERGENCY SERVICES RESPONSE  
BOATING INCIDENT APRIL 1, 2023**

**WHEREAS**, the Northumberland County Sheriff's Office received a 911 call regarding a vessel taking on water in the Chesapeake Bay at approximately 1:45 p.m. on April 1, 2023; and

**WHEREAS**, Smith Point Sea Rescue located eight individuals in the water approximately 1.5 miles NE of Buoy 62; and

**WHEREAS**, three squad units from Northumberland County Emergency Medical Services performed triage and provided care at Ingram Bay Marina where temporary housing was offered to the survivors; and

**WHEREAS**, the Northumberland County Board of Supervisors hereby expresses their greatest appreciation for the many organizations who worked together to successfully complete this mission. Those organizations who contributed are as follows: Smith Point Sea Rescue, Northumberland County Rescue Squad, Mid-County Volunteer Rescue Squad, Northumberland Department of Emergency Services, Virginia Marine Police, Virginia Department of Wildlife Resources, United States Coast Guard, Northumberland County Emergency Dispatch, and the Ingram Bay Marina.

**NOW, THEREFORE IT IS RESOLVED**; that this resolution of gratitude be adopted by the Northumberland County Board of Supervisors on this day, April 13, 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, Information: B. Proclamation - Child Abuse Prevention Month**

Motion to approve the proclamation in honor of Child Abuse Prevention Month as presented:

*Proclamation  
Observance  
Child Abuse Prevention Month*

**WHEREAS**, child abuse and neglect are common problems in the community where preventing such behaviors lie in the active involvement among people; and

**WHEREAS**, child maltreatment often occurs when individuals find themselves in stressful situations and not having the necessary knowledge on how to cope due to lack of community resources; and

**WHEREAS**, the majority of child abuse cases stem from conditions and circumstances that are preventable when part of an engaged and supportive community; and

**WHEREAS**, all citizens should strive to become more involved in supporting families to better raise their children by creating a safe and nurturing environment; and

**WHEREAS**, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies, the business community, and the citizens of Northumberland County; and

**NOW, THEREFORE** be it resolved that the Northumberland County Board of Supervisors hereby recognize April 2023, as Child Abuse Prevention Month in Northumberland County, and we call this observance to the attention of all our citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

**Adopted:** April 13, 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, Information: C. Proclamation - Telecommunicators Week**

Motion to approve the proclamation in honor of Telecommunicators Week as presented:

**Proclamation  
National Public Safety Telecommunicators Week  
April 9-15, 2023**

**WHEREAS**, the Congress of the United States and the President of the United States have established the week of April 9-15, 2023 as National Public Safety Telecommunicators Week; and,

**WHEREAS**, emergencies occur around-the-clock that often require police, fire or emergency medical services; and,

**WHEREAS**, when an emergency occurs, the prompt response of police officers, firefighters and emergency medical service personnel is critical to the protection of life and preservation of property; and,

**WHEREAS**, Public Safety Dispatchers are the initial contact to our residents in need and represent a vital link to our police officers and firefighters portrayed through monitoring their activities, providing them information, and ensuring their safety; and,

**WHEREAS**, Public Safety Dispatchers are more than a calm and reassuring voice on the other end of the phone; they are the “unseen first responders” who are knowledgeable and highly trained individuals working closely with other police, fire and medical personnel; and,

**WHEREAS**, each dispatcher has exhibited compassion, understanding, and professionalism during the performance of their position; and,

**WHEREAS**, Public Safety Dispatchers daily serve the public in countless ways without recognition by the beneficiaries of their service.

**NOW, THEREFORE**, be it resolved that the Board of Supervisors does hereby proclaim the week of April 9-15, 2023 to be known as National Public Safety Telecommunicators Week in Northumberland County in honor of the men and women whose diligence and professionalism keep our County and citizens safe.

**ADOPTED:** April 13, 2023

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

Final Resolution: Motion Carried

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

**Action, Information: D. Proclamation - National Library Workers Day**

Motion to approve the proclamation in honor of National Library Workers Day as presented:

**Proclamation**

**WHEREAS**, Northumberland County Library provides community members with the knowledge and information they need to live, learn and work in the 21st century;

**WHEREAS**, there are thousands of academic, governmental, public, school, and specialized libraries in the United States and provide excellent and invaluable service to library users regardless of age, ethnicity, or socioeconomic background;

**WHEREAS**, libraries represent a microcosm of the larger society and library workers play an important and unique role in the communities that they serve by providing an inclusive environment where all are treated with respect and dignity;

**WHEREAS**, librarians and library support staff bring the nation a world of knowledge in person and online, as well as personal service and expert assistance in finding what is needed when it is needed;

**WHEREAS**, it is important to recognize the unique contributions of all library workers and the value to individuals and society of those contributions;

**WHEREAS**, a steady stream of recruits to library work is necessary to maintain the vitality of library services in today's information society;

**WHEREAS**, libraries, library workers, and library supporters across America are celebrating the National Library Workers Day, sponsored by the American Library Association-Allied Professional Association (ALA-APA).

**THEREFORE**, be it resolved that the Northumberland County Board of Supervisors proclaim Tuesday, April 25, 2023, as “National Library Workers Day.” The Board encourages all in the community to take advantage of the variety of library resources available and to thank library workers for their exceptional contributions to American life.

**Adopted:** April 13, 2023

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, Information: E. Update from the Virginia Department of Transportation**

Mr. David Beale came to present an update from the Virginia Department of Transportation in relation to ditch cleaning, patching potholes, pipe cleaning, and shoulder repair. Mr. Beale then went through some upcoming projects and repairs. The full report from VDOT can be found in board docs.

Mr. Beale informed the Board that the Virginia Department of Transportation is looking forward to attending the upcoming career fair at Northumberland High School.

Mr. Beale concluded his presentation by stating they will be upgrading the curb signage, lighting, and stripping in front of the bookstore in Heathsville. Along with this, Mr. Beale notified the Board that a public hearing will need to be held next month for the secondary six-year plan.

Supervisor Brann reported that the “ice on bridge” sign at Hampton Hall bridge needs repair.

Supervisor Tomlin brought attention to citizens driving into the bookstore in Heathsville. Mr. Tomlin asked if rumble strips could be considered. Mr. Tomlin stated that something needs to be done to notify drivers of the sharp turn by the bookstore.

Supervisor Brann asked if anything else could be done besides installing rumble strips.

Mr. Beale stated that in order to wake someone who is asleep at the wheel or intoxicated, installing rumble strips is the best option. The only negative aspect of this is that rumble strips come with somewhat of a cost to the community.

Motion to install rumble strips near the intersection of Courthouse Road and Northumberland Highway, route 360, due to frequent automobile accidents.

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

Mr. Beale stated that the Virginia Department of Transportation will more than likely get a lot of complaints due to noise of the rumble strips.

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

Superintendent Wargo went through the school's highlights which can be found in board docs. Finance Director Tara Booth informed the Board that the School Board voted to approve their budget as presented.

Supervisor Brann referenced page 11 in the school's highlights and asked if they reached out to Chief Balderson in relation to the Emergency Management portion of school safety.

Superintendent Wargo stated that he would be invited to the school's upcoming safety meeting.

Supervisor Brann then relayed some questions that he has been approached with. These questions are as follows:

Over the past two years, what are the SOL scores in comparison to the surrounding counties?

Have the test scores improved within our school division over the past two years?

How much does it cost to educate a child in Northumberland County?

How does the cost to educate a child in this County compare to other counties?

Can any of the federal grants/ESSER grants be used to fund the school's capital improvement projects?

Superintendent Wargo informed the Board that she would bring the answer to these questions at their joint meeting on April 19, 2023.

## **4. County Administrators Report**

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

### **Action: B. Re-appointment - Melissa Bunns-Carter, Economic Development Commission, District III**

Motion to approve the re-appointment of Melissa Bunns-Carter on the Economic Development Commission, District III.

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: C. Supplemental Appropriation - Sheriff's Department**

Motion to approve a supplemental appropriation from account 10-1800-189917 to account number 3102-5805 for a tow bill in the amount of \$150.00.

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: D. Supplemental Appropriation - Sheriff's Department**

Motion to approve a supplemental appropriation from account 10-273 to account number 3102-1006 for ball games in the amount of \$245.50.

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. Resolution - Hazard Mitigation Plan**

County Administrator Tadlock stated that the hazard mitigation plan is updated every five years and is submitted to FEMA for approval. This process was done regionally through the Northern Neck Planning District Commission. The plan is provided in the Board's packet, along with a resolution that each jurisdiction must adopt.

Motion to adopt the resolution for the 2023 Northern Neck Regional Hazard Mitigation Plan.

**Northumberland County  
2023 Northern Neck Regional Hazard Mitigation Plan  
Adoption Resolution**

**WHEREAS**, the municipalities of the Northern Neck Region are most vulnerable to natural and human-made hazards which may result in loss of life and property, economic hardship, and threats to public health and safety, and

**WHEREAS**, Section 322 of the Disaster Mitigation Act of 2000 (DMA 2000) requires state and local governments to develop and submit for approval to FEMA a mitigation plan that outlines processes for identifying their respective natural hazards, risks, and vulnerabilities, and

**WHEREAS**, Northumberland County acknowledges the requirements of Section 322 of DMA 2000 to have an approved Hazard Mitigation Plan as a prerequisite to receiving post-disaster Hazard Mitigation Grant Program funds, and

**WHEREAS**, the 2023 Northern Neck Regional Hazard Mitigation Plan has been developed by the Northern Neck Planning District Planning Commission in cooperation with other



Commonwealth agencies, local municipal officials, and the citizens of the Northern Neck Region, and

**WHEREAS**, a public involvement process consistent with the requirements of DMA 2000 was conducted to develop the 2023 Northern Neck Regional Hazard Mitigation Plan, and

**WHEREAS**, Representatives from Northumberland County actively engaged and participated in the development of the 2023 Northern Neck Regional Hazard Mitigation Plan, attended meetings of the Hazard Mitigation Planning Committee, completed a Capabilities Assessment for the County, and provided recommendations for mitigation activities, and

**WHEREAS**, the 2023 Northern Neck Regional Hazard Mitigation Plan recommends mitigation activities that will reduce losses to life and property affected by both natural and human-made hazards that face the County and its municipal governments,

**NOW THEREFORE BE IT RESOLVED** by the governing body for Northumberland County that:

1. The 2023 Northern Neck Regional Hazard Mitigation Plan is hereby adopted as the official Hazard Mitigation Plan of the Northern Neck Planning District Commission and Northumberland County, and
2. The respective officials and agencies identified in the implementation strategy of 2023 Northern Neck Regional Hazard Mitigation Plan are hereby directed to implement the recommended activities assigned to them.

**ADOPTED**, this 13th day of April, 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: F. Other County Administration Items**

**Action, Information: G. IFB - Wood Debris**

Motion to advertise the invitation for bid for the disposal of wood debris from the Horsehead trash site.

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

Final Resolution: Motion Carried

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

**Action, Information: H. Request Planning Commission Review Each Zoning District Use**

County Administrator Tadlock explained that the Board requested the Planning Commission to review the by right use of service stations in zoning district, B-1, and the Planning Commission

voted to leave service stations as a conditional use in B-1, so the information was sent back to the Board unchanged.

Motion to request the Planning Commission review any and all uses in all zones within the Zoning Ordinance to determine if certain uses should be allowed by right, conditional use, or not at all, based on the definitions of the zoning district and the Comprehensive Plan.

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: I. Request Planning Commission Review § 148-3, Solar Energy Facility, Small System Definition and Use**

The Board received a request related to small, private solar facilities to consider exceeding what is permitted in the County by the zoning ordinance. The Board requested additional information on this private facility and in order for this to be considered, it must be sent to the Planning Commission for review.

Supervisor Tomlin asked how will the County guarantee that they're not going to wire the system into the County's grid.

Supervisor Brann believes the whole project lacked communication.

Supervisor Tomlin reiterated his concern about the safety of the linemen and the possibility of limiting future owners, so he does not agree with sending this matter to the Planning Commission.

Mr. Mally stated that there is no possibility of danger to the linemen and that there is equipment that limits how much electricity goes to the grid.

Motion to request the Planning Commission evaluate the definition and use of Solar Energy Facility, Small Systems to determine if private solar energy systems should be allowed to be greater than 25 kilowatts and if so under what circumstances. The Board is asking for any recommendations and/or any ordinance change recommendations.

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

Final Resolution: Motion Carried

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

Nay: Thomas H. Tomlin

**Action: J. Emergency Regional Radio Financing Options**

County Administrator Tadlock stated that staff has been in contact with Davenport about a fund balance policy. Davenport is currently working on a draft policy and staff hopes to provide that to the Board by the next board meeting.

Mr. Tadlock also explained that Sheriff Beauchamp sent updated information on the regional radio system to the Board.

Supervisor Tomlin asked what the next step would be to move forward.

The County Administrator stated that the Board needs to look at funding options and consider getting Davenport to move forward in bidding out the cost with no obligation to the County.

Motion to authorize Davenport to seek bids for the cost of the emergency regional radio system with no obligation to the County.

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

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

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

Motion to approve the check register for April 2023.

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

### **Information: B. Board Comments**

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

County Administrator Tadlock informed Mr. Long that the County has secured that property.

Supervisor Brann attended the vocational center's open house and was very impressed with the number of resources offered through this program. Mr. Brann recommended this program to any student who doesn't have interest in attending a college or university.

Supervisor Tomlin would like to adopt a resolution in honor of Animal Care and Control Appreciation Week.

### **Action: C. Resolution - Animal Care and Control Appreciation Week**

Motion to adopt a resolution in honor of Animal Care and Control Appreciation Week by using the Governor's template and making changes appropriate to the County's animal control officer and shelter.

## **RESOLUTION**

## **ANIMAL CARE AND CONTROL APPRECIATION WEEK**

**WHEREAS**, the National Animal Care & Control Association (NACA) is committed to setting the standard of professionalism in animal welfare and public safety through training, networking, and advocacy; and

**WHEREAS**, animal care and control professionals dedicate their lives to the health and safety of at-risk and helpless animals; and

**WHEREAS**, animal care and control professionals work to rescue and protect animals from injury, disease, abuse, and starvation; and

**WHEREAS**, NACA has designated the second full week of April as Animal Care and Control Officer Appreciation Week; and

**WHEREAS**, federal, state, and local government officials throughout the nation take this time to recognize, thank, and commend all animal care and control professionals for the dedicated services they perform and for fulfilling the commitment to providing the highest and most efficient level of customer service; and

**WHEREAS**, Northumberland County has dedicated workers and volunteers within the County's animal control and shelter,

**NOW, THEREFORE, BE IT RESOLVED** that the Northumberland County Board of Supervisors hereby recognize April 9 – 15, 2023 as Animal Care and Control Appreciation Week in the Commonwealth of Virginia.

**BE IT FURTHER RESOLVED** that this resolution is hereby adopted on this day, April 13, 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

### **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),(8),(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. 8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. 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: 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. Reconvene into Open Meeting**

Motion to reconvene into open session.

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. Certification of Closed Meeting**

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

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

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

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

Final Resolution: Motion Carried

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

**7. Public Comments**

Ms. Lynn Stuart stated that she looked into the school's June vendor report from last year which indicated 325,000 total checks for the month of June. Ms. Stuart continued by stating that she looked into the vendor report in August as well, which indicated additional checks for the month of June. Ms. Stuart then brought attention to the schools paymerang system that was supposedly supposed to alleviate the need for additional personnel and generate essential reports. Ms. Stuart believes that the paymerang system is not being used because at the bottom of a check register report she pulled, the report specifically stated that the payments were made through paymerang, but there were EVB bank checks written. Ms. Stuart asked why there is a contract for something that is not being used and why there are June checks reported in the month of August. Ms. Stuart

is not alleging any wrongdoing, but she believes that there needs to be an audit in the books. Lastly, Ms. Stuart explained that the school's expense report at the end of June last year had several line items that were overspent and several that were underspent, but no allocation of monies took place. Ms. Stuart wants to understand how these expenses can be made but no monies be allocated.

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

**Information: A. APPLICATION WITHDRAWN: Request by Most Reverend Michael F. Burbidge, owner, and The New Y-Capp, Inc., applicant, to allow a health care facility (Luxury Residential Treatment Center) on property zoned R-2, Residential Waterfront. The property is shown as Tax Map Parcel # 51-(1)-135 and is located at 355 Ditchley Road.**

Chairman Haynie explained that the applicant withdrew their application so there will be no public hearing on this matter.

**Action, Information: B. Request by Maxim Shustovskiy and Galina Shustovskaya, owners for a Conditional Use Permit to allow a restaurant (coffee and sandwich shop) on property zoned A-1. The property is shown as Tax Map Parcel # 26-(1)-111-A and is located at 13039 Northumberland Hwy.**

Mrs. Maxim Shustovskiy, owner, explained that they are planning to renovate the building into a coffee and sandwich shop.

Public Hearing Open.

Ms. Jennifer Lucritz came to the Board and spoke in favor of the proposed project.

Ms. Linda Herring stated that there is nothing similar to the proposed project in the area, so she thinks it would be a great idea.

Public Hearing Closed.

Zoning Administrator Philip Marston read the suggested conditions if approved as follows:

### **Suggested Conditions if Approved:**

- 1. All required permits and/or licenses shall be obtained from all appropriate regulatory agencies including but not limited to the Va. Dept. of Health and Va. Dept of Transportation.**
- 2. The building shall comply with the Uniform statewide Building Code.**
- 3. Any proposed lighting shall be non-reflective and directed downward.**
- 4. Any proposed signage shall comply with the Zoning Ordinance.**

Supervisor Tomlin asked Mr. Marston if he had any idea as to what type of entrance would be required by VDOT.

Mr. Marston stated that this sort of discussion has not occurred yet, but he assumed it would be a low volume commercial entrance.

Supervisor Tomlin also asked if the building would have to comply with the American Disabilities Act (ADA).

Mr. Marston confirmed that the building would have to be ADA compliant.

Motion to approve the conditional use permit to allow a restaurant (coffee and sandwich shop) on property zoned A-1 with the suggested conditions. This motion is made in due consideration of the public health and safety, the general welfare of the community, public necessity, convenience, and in the exercise of good zoning practices and in pursuant to the body's statutory authority.

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. Repeal of Northumberland County Code Chapter 72 Firearms, Article II, Sections 72-4 Transport or possession of loaded shotgun or rifle, 72-5 Exceptions, and 72-6 Violations and penalties; which would remove local prohibitions against carrying a loaded shotgun or rifle in any vehicle on any public street, road, or highway within Northumberland County. This would also remove any exceptions and violations associated with the removal of Section 72-4.**

Vice Chairman Jett explained that he suggested the repeal of this code section due to the Department of Wildlife Resources changing their definition of a loaded firearm. Mr. Jett stated that he also had many requests over the years to have this code section changed so the County can be consistent with neighboring counties who allow citizens to carry a loaded firearm in a vehicle.

Public Hearing Open.

Mr. Wayne Harding explained that it is much safer to have a loaded gun being unhandled in a vehicle in comparison to loading and unloading a firearm 10-15 times a day due to crossing County lines. Mr. Harding allowed Sheriff Beauchamp to show the Board the wear and tear on shot gun shells due to the constant loading and unloading of his firearm.

Mr. James Hudnall stated that he is a licensed NRA shotgun instructor and there is a period of danger when loading and unloading a shotgun. Mr. Hudnall believes the loading and unloading of a firearm creates a danger that is unsafe.

Mr. Reed agreed with Mr. Harding and explained that it is safer to keep the gun loaded with the safety mechanism on. Mr. Reed stated that hunters take courses on this subject in order to practice safe hunting.

Mr. Moore emphasized the importance of the counties being consistent with their ordinances.

Mr. Carter stated that keeping the firearm loaded is safer because hunter adrenaline causes a danger as well.

Public Hearing Closed.

Motion to approve the repeal of Northumberland County Code Chapter 72 Firearms, Article II, Sections 72-4 Transport or possession of loaded shotgun or rifle, 72-5 Exceptions, and 72-6 Violations and penalties; which would remove local prohibitions against carrying a loaded shotgun or rifle in any vehicle on any public street, road, or highway within Northumberland County. This would also remove any exceptions and violations associated with the removal of Section 72-4.

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

Final Resolution: Motion Carried

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

Nay: Thomas H. Tomlin

Supervisor Tomlin explained that the Department of Wildlife Resources created this problem by changing the definition of a loaded firearm. Mr. Tomlin went on by stating that he used to be a hunting safety course instructor and they used to receive hunting accident reports that consisted of accidents due to loaded firearms in vehicles.

**Action, Information: D. Amendment of Northumberland County Code Chapter 72 Firearms, Article III, Section 72-7 Unlawful possession; to update the statutory reference from a repealed state statute to Virginia Code Section 15.2-1209.1.**

Supervisor Tomlin asked if this code section has an exception for anyone who has a valid concealed weapons permit.

County Attorney Gregory confirmed there is no exception related to valid concealed weapons permit.

Public Hearing Open.

Ms. Jennifer Lucritz asked for clarification on whether or not she could carry a gun on her hip on her morning walks.

County Attorney Gregory explained that nothing has changed to the ordinance. The matter before the Board is simply updating the code section to reference the correct section from state code.



Mr. Hudnall asked if this ordinance keeps individuals (who have a concealed weapons permit) from being able to keep a loaded pistol anywhere.

County Attorney Gregory explained that this ordinance does not reference concealed carry permits.

Mr. Maurice Johnson believes the entire ordinance needs to be repealed.

Mr. Olverson stated that the discussion is regarding three totally different topics and they need to be separated.

Mrs. Linda Herring stated that she carries a loaded pistol near her home because she sees coyotes and she informed the Board that she will continue to do so.

Sheriff Beauchamp clarified that state code section 15.2-1209.1 references hunting and nothing else.

Vice Chairman Jett asked why this code section is needed at all when the Board approved to allow loaded firearms in vehicles.

County Attorney Gregory explained that the previous code section deals with traveling with a loaded firearm in a vehicle and this code section refers to unlawful possession on the highway.

Supervisor Brann believes that if the code section refers to hunting it needs to state that.

County Administrator Tadlock explained that the matter before the Board is considering an amendment to the County's code section by updating the referenced state code section with the correct section. Mr. Tadlock continued by stating that the ordinance interpretation would not be changed in any way.

Mr. Carter asked if he would be breaking the law if he crossed a highway with an unloaded gun while hunting.

Supervisor Brann clarified that he would not be breaking the law because this is not considered hunting.

Mr. Carlson stated that the concern is youth hunting and having to unload and re-load their guns. Mr. Carlson believes this is unsafe to them and unsafe to anyone who could be driving by on the highway.

Public Hearing Closed.

Motion to approve the amendment of Northumberland County Code Chapter 72 Firearms, Article III, Section 72-7 Unlawful possession; to update the statutory reference from a repealed state statute to Virginia Code Section 15.2-1209.1.

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, Information: E. A revision to the Northumberland County Zoning Ordinance § 148-153, Travel Trailers, to delete the definition of Travel Trailers, define recreational vehicles, and rename the Travel Trailer ordinance to the “Recreational Vehicles” ordinance. This modification also includes separating tent camping into a new zoning ordinance section.**

Supervisor Tomlin asked if an individual could store a recreational vehicle on their property.

Zoning Administrator Marston confirmed that this could be done in relation to their residence, not in a vacant lot.

Public Hearing Open.

No comments were given.

Public Hearing Closed.

Motion to approve the revision to the Northumberland County Zoning Ordinance § 148-153, Travel Trailers, to delete the definition of Travel Trailers, define recreational vehicles, and rename the Travel Trailer ordinance to the “Recreational Vehicles” ordinance. This modification also includes separating tent camping into a new zoning ordinance section.

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

Final Resolution: Motion Carried

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

**Action, Information: F. Create a tent camping zoning ordinance section, make commercial camping (with compensation) a conditional use in A-1, Agriculture, R-2, Residential Waterfront and C-1 Conservation zoning districts. Commercial camping (with compensation) will be prohibited in all other zoning districts. Camping without compensation on undeveloped properties less than one acre would require the use of a health department approved sanitation facility. Further discussion led the Planning Commission to recommend to the Board of Supervisors to replace the term “undeveloped land” with “property without a dwelling unit or recreational vehicle connected to a permitted septic system.”**

Public Hearing Open.

Mr. Johnson explained that he is very supportive of the revision because it recognizes the rights of organizations as well as the needs of the community. Mr. Johnson asked the Board to consider density requirements and subclassifications for zoning districts.

Mr. Lunsford is concerned with the changes going on in the neighborhood (Judith Sound Road) but fully supports the proposed revisions to the tent camping ordinance that was suggested by the Planning Commission.

Mr. Moore stated that Mr. Johnson and Mr. Lunsford covered his concerns, so he did not speak during the public hearing.

Ms. Deaver agrees with the ordinance revision but suggested the Board consider subclassifications in zoning districts.

Public Hearing Closed.

Supervisor Brann asked Mr. Marston if he received any information from the Health Department.

Mr. Marston stated that he has not heard from the Health Department.

Supervisor Brann asked Mr. Marston to define a health department approved sanitation facility.

Mr. Marston stated that the Health Department is still discussing this topic and he has not received an answer on this.

Motion to carry over the consideration of this matter to the next scheduled Board of Supervisors 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

**Action: G. An amendment to the fiscal year 2023 budget. This budget amendment is for the purpose of appropriating monies which are part of the Elementary and Secondary School Emergency Relief (ESSER) funding, various school grants, and construction funds to be accounted for within the FY23 budget.**

Public Hearing Open.

No comments were given.

Public Hearing Closed.

Supervisor Brann asked if this was the last of the ESSER II and ESSER III funds.

County Administrator Tadlock explained that to his knowledge this was the remaining portion of those funds, but there may be other grant funds.

Motion to approve an amendment to the fiscal year 2023 budget for the purpose of appropriating monies which are part of the Elementary and Secondary School Emergency Relief (ESSER) funding, various school grants, and construction funds to be accounted for within the FY23 budget.

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

Final Resolution: Motion Failed

Aye: James M. Long

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

## **9. Closing of Meeting**

### **Action: A. School ESSER Grant Funding Information Request**

Motion to ask the school board if any of the ESSER grant monies will be used for the school's capital improvement plan.

Motion by: Richard F. Haynie, second by: Thomas H. Tomlin.

Final Resolution: Motion Carried

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

Nay: James M. Long

### **Action: B. Action taken from Closed Meeting, Wastewater Operator/Maintenance Position**

Motion to hire Kurt Keane for the Wastewater Operator/Maintenance position for the Sanitary District with a starting salary of \$34,532.57.

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

Chairman Haynie announced that he sent the Board an email related to the Rural Solar Development Coalition wanting to come and present information on solar.

Chairman Haynie asked County Administrator Tadlock to reach out to Ms. Susan Seward to see if she was available to meet with the Board on April 20, 2023 at 5:00 p.m.

### **Action: C. Carry Over**

Motion to carry over to the joint meeting with the School Board on April 19, 2023 at 5:30 p.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