Regular Meeting (Thursday, June 8, 2023)

Northumberland County, Virginia

Members present:

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

Absent:

Ronald L. Jett

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 Lee Farmer of Coan Baptist Church

Pastor Lee Farmer led the invocation.

Procedural: B. Pledge of Allegiance

Pastor Lee Farmer led us in the Pledge of Allegiance.

Action: C. Approval of Agenda

County Administrator Tadlock requested the equipment lease/purchase financing for the emergency radio system be moved to the first presentation of the meeting since there are representatives from Davenport and Bond Counsel present. Additionally, Mr. Tadlock added an agenda item to his report regarding a transfer of funds for the Electoral Board.

Motion to approve the agenda for today's meeting with the revisions stated by Mr. Tadlock.

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

2. Approval of Minutes

Action, Minutes: A. May 4, 2023 Special Meeting

Motion to approve the minutes from the special meeting on May 4, 2023.

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

Final Resolution: Motion Carried

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

Action, Minutes: B. May 8, 2023 Regular Meeting

Motion to approve the minutes from the regular meeting on May 8, 2023.

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

Final Resolution: Motion Carried

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

Action, Minutes: C. May 11, 2023 Special Meeting

Motion to approve the minutes from the special meeting on May 11, 2023.

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

Final Resolution: Motion Carried

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

Action, Minutes: D. May 17, 2023 Special Meeting

Motion to approve the minutes from the special meeting on May 17, 2023.

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

Final Resolution: Motion Carried

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

3. Presentations

Action, Information: A. Equipment Lease/Purchase Financing for Emergency Radio System

Representatives from Davenport, LLC, Mr. Austin Sacks and bond counsel from Hunton Andrews Kurth, Mr. Chris Kulp, were present to address any questions the Board may have.

Supervisor Tomlin asked if the equipment financing would be subject to annual appropriation.

Mr. Kulp confirmed the equipment financing would be subject to annual appropriation and that the agreement would have this language included in it.

Motion to approve the resolution to enter into a lease/purchase agreement to finance the costs of acquiring and installing equipment for a new emergency communications system.

COVERING CERTIFICATE FOR RESOLUTION

The undersigned Clerk of the Board of Supervisors (the "Board") of the County of Northumberland, Virginia (the "County"), certifies as follows:

- 1. Attached hereto is a true, correct and complete copy of a resolution entitled "RESOLUTION AUTHORIZING THE COUNTY TO ENTER INTO A LEASE/PURCHASE FINANCING IN THE MAXIMUM PRINCIPAL AMOUNT OF \$5,000,000 TO FINANCE THE COSTS OF ACQUIRING AND INSTALLING EQUIPMENT FOR A NEW EMERGENCY COMMUNICATIONS SYSTEM" (the "Resolution"), as adopted at a regular meeting of the Board held on June 8, 2023, by the recorded affirmative roll-call vote of a majority of all members elected to the Board.
- 2. Such meeting of the Board was held at the time and place established by the Board for such meeting.
- 3. The minutes of such meeting reflect the attendance of the members and their votes on the Resolution as follows:

Member	Attendance	Vote
	(Present/Absent)	(Aye/Nay/Abstain)
Richard F. Haynie, Chair		
Ronald L. Jett, Vice Chair		
James W. Brann		
James M. Long		
Thomas H. Tomlin		

4. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

WITNESS my signature and the seal of the Board of Supervisors of the County of Northumberland, Virginia, this 8th day of June, 2023.

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

Final Resolution: Motion Carried

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

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

Supervisor Tomlin explained that this was a big expenditure but it's necessary for the County's safety.

Supervisor Brann asked Sheriff Beauchamp, Communications Supervisor Jennifer Packett, and Chief Woolard if they would come speak about the current radio system and the issues they've faced.

Sheriff Beauchamp stated that recently dispatch is unable to be heard in the field and there have been some GPS failures. Mr. Beauchamp also informed the public that the new radio system is going to be regional, meaning they will be able to coordinate mutual aid response with Westmoreland, Lancaster, and Richmond counties.

Former Chief of CVFD, David Woolard, stated that there have been too many close calls while using the current radio system. Mr. Woolard believes the new system will allow better communication with other jurisdictions who are relied on to help during certain emergencies.

Communications Supervisor Jennifer Packett stated that the worst of the radio reception started mid-April which caused her to contact Board members and Radio Communications daily. Mrs. Packett stated that they have been on back-up channels since last Friday and they're even having point-to-point failure on the back-up channel, so they are not able to operate as they need to. She then shared a recent incident that could have been life-threatening due to the lack of reception in the field.

County Attorney Gregory reminded the Board that their next steps would be to review the contract with L3Harris to acquire the equipment necessary for the system and then a resolution will be presented to them sometime in the near future regarding joining the Upper Middle Peninsula Regional Radio System.

Information: B. Update from the Virginia Department of Transportation

Mr. David Beale presented the monthly report on behalf of the Virginia Department of Transportation. The full report can be accessed in board docs.

Supervisor Long asked VDOT to drag the ditches along Light Street.

Supervisor Long then asked for an update on the rumble strips in Heathsville because it was mentioned at last month's meeting that VDOT was going to connect the rumble strips, making them one solid line as opposed to the separated lines.

Mr. Beale stated that he would look into this.

Supervisor Long questioned whether they were going to install another set of rumble strips for eastbound traffic, but Mr. Beale stated that their plan only consisted of them being installed for westbound traffic.

Supervisor Tomlin asked Mr. Beale to look into cleaning the driveway pipe at 185 Remo Road.

Information: C. Update from Northumberland County Schools

Mr. Adam Letizia presented the school's weekly highlights to the Board. Mr. Letizia also made the Board aware that a tour of all the schools was conducted with EMS Chief Balderson on June 6, 2023. The full report from the school can be accessed in board docs.

Supervisor Brann asked if the school was going to continue the EMT program since the EMT instructor is leaving to teach at the vocational center.

Mr. Letizia stated that the school is looking into a reduced program due to the lack of enrollment.

Supervisor Brann suggested that it may not be necessary since the vocational center offers it.

Supervisor Tomlin agreed, stating this is a duplication of services and money could be better spent elsewhere.

Mr. Letizia stated that the school would look into these options.

Finance Director Tara Booth provided some information to the Board regarding an update on fuel and HVAC, a project breakdown for ESSER funds, and information on the school's construction grant. More information regarding these details can be accessed in the boards packet.

Mrs. Booth also explained that staff has taken steps to address the areas noted for improvement in last year's audit and all requested documents from Mr. Stover (except for the list of reimbursements) have been uploaded for the preliminary audit next week.

Chairman Haynie asked what kind of steps were taken to address the issues in the audit.

Finance Director Booth stated meetings are being scheduled between School and County staff, purchase orders are being attached to the appropriate invoices, staff is reimbursing all Title and ESSER funds, and staff is actively working on expenditure reconciliation.

Supervisor Tomlin asked what her understanding was of what the school construction grant monies can be used for.

Mrs. Booth stated that the details of this grant are in the packet provided to the Board at the November 2, 2023 meeting. She recalled that the monies cannot be used for roads or any athletic purposes.

Chairman Haynie wanted to know how many out of County students attend NCPS and the cost per pupil for the County.

Mrs. Booth and Mr. Letizia did not have this information for the Board, but ensured they would send it over to Mr. Tadlock.

4. County Administrators Report

Information: A. Building Permit Report

Action: B. Appointment - Karen Pica, Economic Development Commission District IV Motion to approve the appointment of Karen Pica for the Economic Development Commission, District IV.

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

County Administrator Tadlock explained that there are still several vacancies for the Economic Development Commission (district I, II, and V). Mr. Tadlock added that there is still a vacancy on the Planning Commission for district II.

Action: C. Supplemental Appropriation - Sheriff's Department

Motion to approve a supplemental appropriation to line item 3102-1111 in the amount of \$2,280.45 and \$2,696.88 for monies received from the FBI.

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

Action: D. Supplemental Appropriation - Sheriff's Department

Motion to approve a supplemental appropriation from line item 10-1800-189917 to line item 3102-5503 in the amount of \$395.96 for a conference reimbursement.

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

Action: E. Supplemental Appropriation - Sheriff's Department

Motion to approve a supplemental appropriation to line item 3501-7003 in the amount of \$2,000.00 for a donation to the Heathsville Animal Shelter.

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

Action: F. Supplemental Appropriation - Sheriff's Department

Motion to approve a supplemental appropriation from account number 10-1800-189917 to account 3102-3012 for the 2021 Ford Police Interceptor in the amount of \$4,084.53.

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

Final Resolution: Motion Carried

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

Action: G. Supplemental Appropriation - Paving Old Courthouse Parking Lot

Motion to approve a supplemental appropriation for paving at 72 Monument Place to line item 10-4302-3300 for FY23 in the amount of \$18,470.00.

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

Action, Information: H. Northern Neck Regional Jail Budget Amendment

Motion to approve the budget amendment for the Northern Neck Regional Jail.

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

Final Resolution: Motion Failed

Aye: James M. Long

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

Motion Failed. Chairman Haynie and Supervisors Tomlin and Brann would like to receive additional information on this request before approving the budget amendment.

Information: I. Undesignated Fund Balance Policy

County Administrator Tadlock explained that staff is continuing to work with Davenport, LLC on this matter and it will be provided to the Board upon completion.

Supervisor Tomlin would like to know if the undesignated fund balance policy would still need to be at 20% if the County went to twice a year tax billing.

Information: J. School Board Budget Amendment Request (Advertised April 13, 2023)

County Administrator Tadlock reminded the Board that a public hearing was held on April 13, 2023, to consider a budget amendment request from the school in order to appropriate monies that are part of the Elementary and Secondary School Emergency Relief (ESSER) funding, various school grants, and construction funds so they can be accounted for within the FY23 budget.

Tonight's resolution provided to the Board is different than the one provided to them on April 13, 2023. This resolution consists of budgeting and appropriating all monies except the construction funds. Upon approval of this resolution provided tonight, the construction funds are to be budgeted but not appropriated.

Supervisor Brann would like an explanation for each dollar amount for why it's a carryover and where it's planning to be spent.

Supervisor Long stated that the school needs these monies budgeted/appropriated by the end of June.

County Administrator Tadlock explained that some of the grant monies do expire at the end of June.

Supervisor Brann suggested separating the grant funds from the federal funds.

Chairman Haynie suggested making a motion to approve the appropriation of grants specified by the Board.

County Administrator Tadlock would like to seek additional information before the Board breaks up the funds a certain way because depending on the outcome of the vote, staff may not have enough time to readvertise for a public hearing by the end of June.

Chairman Haynie asked that Dr. Wargo and Mrs. Booth be present at the next meeting so they can answer some questions they have regarding the construction funds.

County Administrator Tadlock continued his report by stating that the School Efficiency Review Program is no longer provided by the State Department of Planning and Budget.

Additionally, the Board was provided with some information on the registry for short-term rentals.

Action, Information: K. Other County Administration Items

Motion to move forward with a draft ordinance on the creation of registry for short-term rental of property.

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

County Administrator Tadlock then explained that the EVB roof bid is due June 26, 2023, and a pre-bid meeting was held yesterday.

Mr. Tadlock informed the Board that Sheriff Beauchamp confirmed that the sheriff's office did receive the Law Enforcement Equipment Grant for a total of \$262,000.

Lastly, Mr. Tadlock stated that staff is working together to come up with ideas to take to the auditors related to the scope of services. Discussion will take place with the auditors on how they can incorporate their ideas to address the needs of the County.

Action, Information: L. Transferring Funds - Electoral Board

Motion to approve the transfer of funds from line item 1301-3006 (printing) to line item 1301-7002 (capital outlay) in the amount of \$4,000.00.

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

5. Board of Supervisor Items

Action: A. Approval of Check Register

Motion to approve the check register for June 2023.

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

Final Resolution: Motion Carried

Aye: 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 in Lottsburg.

County Administrator Tadlock stated that the County needs to come up with a plan of action for that building.

Supervisor Long asked what happened to the consideration of cigarette tax because there needs to be other avenues for tax revenue.

County Administrator Tadlock explained that the Board decided not to pursue that when it was up for consideration about a year ago.

Supervisor Tomlin asked Mr. Tadlock to seek additional information from other counties on how much tax revenue they have received from this.

Supervisor Brann would like all department heads to submit a monthly report to the Board. He believes the report should highlight events, progress, accomplishments, and services provided to the citizens. Any supporting documentation may be attached to this report as well. Mr. Brann asked staff to create a fillable form so that all reports can be formatted in the same way. Supervisor Brann then stated that everything should be presented on a screen at the Board meetings so the public can see what the Board sees. He continued by stating that all department heads/agencies should receive an excel spreadsheet of their budget, and they should put their budget requests within that spreadsheet whether it be level funding or requesting additional monies. The spreadsheet should include a column for notes/justification for increases in any line item and supporting documentation should be attached if necessary. All budget requests should be submitted before the date set by the Board or the County Administrator. Mr. Brann believes the County should no longer accept a one or two-page budget request. Line items in the budget need to remain balanced throughout the year, and no line item should run over budget even if there is money in the overall budget to cover those costs.

Supervisor Brann asked that an evaluation of County property be done in relation to rented office space versus the construction of a new building for office space. He believes that all County contracts need to be reviewed to seek additional cost savings. Mr. Brann asked that all County fees be reviewed as well. He suggested consolidating any office/janitorial supply orders so that orders can be bought in bulk. Supervisor Brann would like an evaluation to be done on the phone/fax lines, copier/printer leases, postage costs, and vehicle maintenance costs.

In relation to economic development, Mr. Brann asked that the Economic Development Commission submit a monthly report to the Board so the citizens in the County can see what's going on.

Supervisor Long suggested working on approving the school board budget in May so we don't continue to lose personnel.

Supervisor Tomlin asked if all the money in the EMS recovery fund goes to the capital funds or does some of those monies get used for operational costs. Mr. Tomlin also stated that Chief Balderson should consider how often a new unit is needed based on mileage, etc.

Supervisor Tomlin asked Mr. Tadlock to ask the judge if a drop-down screen could be installed in the courtroom for board meeting presentations.

Chairman Haynie said that there is no reason why we can't use the portable screen to present information to the public at the meetings. He also reminded staff that the Board asked for information to be sent over to them 3 days prior to a meeting.

County Administrator Tadlock explained that he has a meeting with Mr. Balderson to discuss the EMS fees and Mr. Basye is currently working with staff on the fee schedule.

**Closed meeting was postponed to the end of the meeting due to timing constraints.

6. Items Related to Closed Meeting

Action: A. Convene into Closed Meeting

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

Motion by: 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

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: 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, Thomas H. Tomlin, James M. Long, James W. Bran

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

7. Public Comments

Mr. James Johnson asked if the Board had time to consider whether a conditional use permit will be required for the TentRR camping site on Judith Sound Road.

County Attorney Gregory explained that he is actively engaged with staff on this issue.

Action: A. Resolution Request for Mount Olive Baptist Church

Motion to prepare a resolution for Mount Olive Baptist Church in celebration of their 150-year anniversary.

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

8. Public Hearings 7:00 P.M.

Action, Information: A. Request by Michael S. Civay, owner, for an Exception to the Chesapeake Bay Preservation Area Ordinance in order to construct a dwelling within the Resource Protection Area on property zoned R-3, Residential Restricted. The property is shown as Tax Map Parcel # 45-B(3)17-21 and is located on Leming Avenue in Fleeton Beach Subdivision.

Zoning Administrator Marston explained that he did receive one phone call in opposition to this this request, but he did not receive anything in writing as of 5:00 p.m. today.

Public Hearing Open.

Mr. Jeff Howeth summarized the project, announced that it does meet all requirements, and informed the public that it does not pollute the Chesapeake Bay.

Supervisor Tomlin asked if there has been any discussion on the encroachment of the deck.

Mr. Civay stated there was little discussion that occurred with his neighbor related to the deck. Mr. Civay indicated that the neighbor stated it would be a shame to tear down the deck and Mr. Civay stated he is not opposed to the deck staying where it is.

Mr. Robert LaChance explained that there is a restriction on the building being a minimum of 18 feet in length and 14 feet in width. Mr. LaChance also wanted to confirm that the entire property lies within the 100 ft resource protection area. He shared that the property owner will also need to look into water and sewer access in this area.

Public Hearing Closed.

Zoning Administrator Marston read the suggested conditions if approved:

- 1. All required permits and/or licenses shall be obtained from all appropriate regulatory.
- 2. A Best Management Practice Maintenance Agreement shall be recorded in the Northumberland Co. Clerk's Office for the stormwater controls proposed.
- 3. The home shall be guttered to biofiltration planters as shown on the site plan.
- 4. The driveway shall be constructed using permeable pavers.
- 5. Vegetative plantings shall be required to restore/establish a healthier buffer as shown on the site plan.

Supervisor Tomlin asked County Attorney Gregory if there needs to be any specific language due to the encroachment issue.

County Attorney Gregory explained that is not a matter of concern to the county but that's a private real estate issue between the owner of the lot and the neighbor.

Motion to approve the exception to the Chesapeake Bay Preservation Area Ordinance to construct a dwelling within the Resource Protection Area on property zoned R-3 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: 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

Action: B. Consideration of the FY 2024-2029 Northumberland County Capital Improvement Plan. The CIP Projects recommended for approval in FY24 total \$1,200,274.

Public Hearing Open.

No comments were given.

Public Hearing Closed.

Supervisor Tomlin asked how many of the projects have funds set aside for them.

County Administrator Tadlock stated that if the project involves the Sanitary District, the County is looking to use ARPA funding or monies from the Sanitary District fund.

Supervisor Long asked if there was a starting date listed for any of these projects.

County Planner McKenzie explained that there was no exact date listed for any of these projects, but they are all listed for the next fiscal year (FY24).

Chairman Haynie asked which project is the most important.

County Planner McKenzie stated that all projects are listed as urgent.

Motion to approve the County's Capital Improvement Plan as presented to the Board.

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

**Chairman Haynie requested a 10-minute recess.

**The Board of Supervisors now convened into closed meeting. See Items Related to Closed Meeting.

9. Closing of Meeting

The Board scheduled budget work sessions for June 15, 2023 at 5:00 p.m. and June 22, 2023 at 5:00 p.m.

Action: A. Carry Over

Motion to carry over to the special called meeting on June 15, 2023 at 5:00 p.m.

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