

Regular Meeting (Thursday, August 10, 2023)
Northumberland County, Virginia

Members present

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 Administrator
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.

Chairman Haynie requested a moment of silence for Vice Chairman Ronald L. Jett District V.

The Board of Supervisors expressed their appreciation for Mr. Jett and stated that he will be greatly missed.

1. Opening of Meeting 5:30 P.M.

Procedural: A. Invocation - Reverend Tyron Williams, Mount Olive Baptist Church
Reverend Tyron Williams 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: James M. Long, Richard F. Haynie, Thomas H. Tomlin, James W. Brann

2. Approval of Minutes

Action, Minutes: A. July 13, 2023 Regular Meeting
Motion to approve the minutes from the regular meeting on July 13, 2023.

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, Minutes: B. July 18, 2023 Special Meeting

Motion to approve the minutes from the special called meeting on July 18, 2023.

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, Minutes: C. August 2, 2023 Joint Meeting with School Board

Motion to approve the minutes from the joint meeting with the School Board on August 2, 2023.

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

3. Presentations

Action, Information: A. Resolution - Mount Olive Baptist Church 150th Anniversary

Motion to approve the resolution for Mount Olive Baptist Church in celebration of their 150th church anniversary.

**RESOLUTION
CONGRATULATING MOUNT OLIVE BAPTIST CHURCH
FOR THEIR 150TH ANNIVERSARY**

WHEREAS; the Mount Olive Baptist Church in Heathsville, Virginia is celebrating their 150th Anniversary of Christian Services, and

WHEREAS; Mount Olive Baptist Church was established on August 9, 1873 and has a longstanding history of community involvement in Northumberland County, and

WHEREAS; Mount Olive Baptist Church is recognized for their celebration of life and contributions to the community,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors congratulates Mount Olive Baptist Church on their 150th Anniversary and for being an outstanding example of a Community Church.

Adopted: August 10, 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

Supervisor Tomlin requested a copy of the resolution be sent to the state legislators.

Information: B. Tyron Williams - Community Liaison and Advocacy Council

Rev. Dr. Tyron Williams presented a power point presentation on behalf of the Community Liaison and Advocacy Council. Rev. Dr. Williams explained how the council got started, why the council is needed, the council's purpose/goals, and some of their achievements. The full presentation can be accessed in board docs.

Action, Information: C. Linda Hodges - CSB State Performance Contract

Mrs. Linda Hodges explained that the Performance Contract is an agreement that occurs every two years between the Department of Behavioral Health, Developmental Services, and each Community Services Board. Mrs. Hodges requested that the Board approve the resolution presented to them to approve the Performance Contract.

**Resolution
Approval of the Performance Contract**

WHEREAS, § 37.2-508 OF THE *Code of Virginia* [1950] as amended, requires each Community Services Board to submit, to the governing body of each political subdivision that established it, a biennium Performance Contract for community mental health, intellectual disabilities, and substance use services for its approval prior to submission of the contract to the Virginia Department of Behavioral Health and Developmental Services, and

WHEREAS, the Middle Peninsula Northern Neck Community Services Board has put forward its proposed FY 24/25 Biennium Performance Contract for approval by the Board of Supervisors of its governing counties of Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland;

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Supervisors of Northumberland County, Virginia, that the FY 24/25 Biennium Performance Contract prepared by the Middle Peninsula Northern Neck Community Services Board presented to the Board is hereby approved and may be forwarded to the Virginia Department of Behavioral Health and Developmental Services as further required.

CERTIFICATION

I, E. Luttrell Tadlock, Clerk of the Board of Supervisors of the County of Northumberland, Virginia, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Board of Supervisors of Northumberland County, Virginia, held at 220 Judicial Pl, Heathsville VA 22473.

Motion to adopt the resolution for the approval of the State Performance Contract for fiscal year 2024 and 2025.

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, Information: D. Ellen Kirby, Treasurer - Proposed Lifetime Dog Licenses

Treasurer Kirby explained that the State Code changed in 2014 to allow lifetime dog licenses. Mrs. Kirby gathered information from 80 Virginia localities and one-third of the localities have already enacted the lifetime dog licenses. The Treasurers of the localities informed Mrs. Kirby that the citizens are very pleased with not having the burden of obtaining an annual dog license. However, Mrs. Kirby explained that the requirements for rabies remain the same and if a person fails to get their dog revaccinated as they are supposed to, the citizen will lose their lifetime dog license and will have to reapply for one once the rabies requirements are all met.

Supervisor Tomlin asked when the code change would come into effect if adopted.

Mrs. Kirby requested the Board consider lifetime dog licenses becoming effective November 1, 2023 for the year of 2024.

Motion to advertise for a public hearing on the amendment of Chapter 34 of Northumberland County Code to allow lifetime dog licenses.

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

Information: E. 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.

Chairman Haynie asked if VDOT was going to put up a guardrail on Route 200 where they are working on the pipe replacement.

Mr. Beale stated that there are no current plans to put up a guardrail, but they are going to build the slope back out so there will be more room available on the shoulder. He stated they would send out a traffic engineer for the assessment of a guardrail in that location.

Supervisor Long stated mowing needs to be done at the intersection of Knights Run Road and Georgetown Road as well as at the intersection of Good Luck Road and Jessie Dupont Memorial Highway. Supervisor Long also requested that VDOT place another set of rumble strips at the intersection of Courthouse Road and Northumberland Highway on the eastbound traffic side.

Supervisor Brann asked if a guardrail could be placed on Mundy Point Road where the slope repair was because it's nearly a 20-foot drop.

Mr. Beale stated that they would look at the area and consider putting up a guardrail.

Chairman Haynie asked for an update on the culvert repairs on Mundy Point Road and Clarketown Road.

Mr. Beale explained that the repair on Mundy Point Road is a part of his upcoming work orders, but he wasn't familiar with the repair on Clarketown Road. Mr. Beale encouraged the Board to call the 1-800 FOR ROAD number to put in a work order because that is the best and most efficient way to get repairs done.

Action, Information: F. Update from Northumberland County Schools

Superintendent Wargo presented back to school highlights for the Board. The full presentation can be accessed in board docs.

Finance Director Tara Booth explained that the County received a total of \$111,092.04 in reimbursements for the month of August and there is about \$170,000 left to reimburse for ESSER II monies which is expected to be completed this week. Mrs. Booth continued by stating they have until September 30, 2024 to close out ESSER III and they are continuing to file reimbursements for Title I with a deadline of November 2023 for those monies.

Motion to approve a supplemental appropriation for Northumberland County Public Schools to line item 30-6000-6008, adult education, in the amount of \$11,665.00, as well as approve the memorandum of understanding with Rappahannock Community College.

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

Final Resolution: Motion Carried

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

Nay: Richard F. Haynie

4. County Administrators Report

Information: A. Building Permit Report

Action, Information: B. Sheriff's Office Funding Request

Sheriff Beauchamp explained that he resubmitted his request for three deputy positions because he was not present when the request was initially cut from the budget. Sheriff Beauchamp stated that he watched the zoom recording of the meeting and noticed that the Board of Supervisors were under the impression that he was okay with this item being removed from the budget. He explained that this was not the case, however he did offer the removal of the four part-time dispatchers at a total cost of \$25,000. Sheriff Beauchamp confirmed with the Board that he did not voluntarily request that position to be removed from the budget.

Supervisor Tomlin asked what the total amount would be this year for one deputy position.

Sheriff Beauchamp explained that he submitted a salary hiring range, so the highest salary would be \$53,500.00, but he does not know the benefits cost. The new vehicle would cost \$55,000 with the equipment. Sheriff Beauchamp explained that uniforms and any other equipment can be absorbed in his FY24 budget request.

Supervisor Tomlin would like the Sheriff to provide a specific figure on one deputy's position for this year.

Sheriff Beauchamp explained that number was presented during his FY24 budget request.

County Administrator Tadlock informed the Board that the deputy's position with benefits is \$74,739.00, so with the \$55,000.00 vehicle, the total position would cost \$129,739.00.

Motion to approve a supplemental appropriation in the amount of \$129,739.00 to the following line items for the Sheriff's Office Deputy Position:

\$55,000.00 to line item 9103-7029

\$53,500.00 to line item 3102-1001

\$4,092.75 to line item 3102-2001

\$6,671.75 to line item 3102-2002

\$716.90 to line item 3102-2003

\$9,732.00 to line item 3102-2005

\$25.60 to line item 3102-2009

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

Final Resolution: Motion Carried

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

Action, Information: C. Rappahannock Regional Criminal Justice Academy - Bylaws and Charter

The revised Charter and Bylaws can be accessed in board docs.

Motion to approve the revisions to the bylaws and charter for the Rappahannock Regional Criminal Justice Academy.

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: D. Election Split Waiver

Motion to hereby approve the resolution and authorize the Northumberland County General Registrar to submit a request for a waiver from the State Board of Elections pursuant to Section 24.2-307 of the Code of Virginia to administer the District 4 precincts in Northumberland County located in the Town of Kilmarnock, Town Code 1390 as split precincts for the 2023 election.

**NORTHUMBERLAND COUNTY BOARD OF SUPERVISORS
RE: KILMARNOCK TOWN VOTERS**

WHEREAS a portion of the Town of Kilmarnock, Virginia, is located in Northumberland County, Virginia, while the majority of the Town of Kilmarnock is located in Lancaster, County, Virginia; and,

WHEREAS that portion of the Town of Kilmarnock located in Northumberland County is described as Tract # 020302 and Block #'s 3035, 3036, 3053, 3054, and 3055; and,

WHEREAS town elections were previously held in May; and

WHEREAS The General Assembly established November as the date for town elections effective January 1, 2022; and,

WHEREAS approximately fifty (50) voters who reside in that portion of the Town of Kilmarnock that is located in Northumberland County are affected; AND,

WHEREAS establishing a split precinct for this small number of voters is not feasible (Code of Virginia 24.2-307);

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Northumberland County, Virginia, that those voters in the Town of Kilmarnock who reside in Northumberland County will vote in all elections at the Northumberland County District Four (4) polling place, Wicomico Parish Church, Wicomico Church, Virginia, and, the Northumberland County Electoral Board and General Registrar will prepare appropriate ballots, voting procedures, and reporting procedures to accommodate Town of Kilmarnock voters affected by this action, and, will ensure compliance with all relevant sections of the Code of Virginia pertaining to the conduct of elections.

Adopted: August 10, 2023

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

Supervisor Tomlin asked that County Administrator Tadlock write to the State Legislators requesting if there's any way to have a one-time approval based on an understanding between the State Board of Elections and Northumberland County General Registrar so they can avoid submitting a waiver every year.

Action, Information: E. Canoe/Kayak Launch Quotes at Glebe Point Fishing Pier

County Administrator Tadlock explained that the County had received estimates previously, but the Board requested this information be sent to the Planning Commission to come up with a general scope of work. The information was sent back to the contractors and the contractors indicated the information provided was how they would perform the job, so no updated figures were submitted regarding these estimates.

Chairman Haynie explained that he received a verbal estimate today from Mr. Alfred Fisher, Chairman of the Planning Commission, in regard to Clark's Excavating. Mr. Clark informed Mr. Fisher that the cost of stones/resources are increasing and there would be an additional cost of \$1,100 to the estimate he submitted. All submitted estimates can be accessed in board docs.

Motion to approve the low estimate from Earth Resources in the amount of \$8,500.

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

Information: F. Department Agency Monthly Updates

Department agency monthly updates can be found in board docs.

Action, Information: G. Other County Administration Items

Motion to advertise the following budget amendments for FY24:

\$1,359,301.11 to line item 45-3507-8102 for FY23 remaining ARPA funds

\$29,000.00 to line item 10-8105-8503 for FY23 remaining ARPA Tourism funds

\$38,453.03 to line item 47-5102-3200 for FY23 remaining National Opioid Settlement Funds

\$5,512.86 to line item 47-5102-3200 for National Opioid Settlement Funds received in FY24

\$11,665.00 to line item 30-6000-6008 for Northumberland County Public Schools Adult Education

\$303,696.00 for Northumberland County Public Schools Health Insurance increase and Bus Driver benefits

\$129,739.00 for the Sheriff's Office Deputy Position

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, Information: H. Appointment - Dan Corder, Economic Development Commission District I

Motion to appoint Mr. Dan Corder to the Economic Development Commission as the District I representative.

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

Final Resolution: Motion Carried

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

County Administrator Tadlock informed the Board that there are still vacancies for District IV and V on the Economic Development Commission.

Action: I. Middle Peninsula/Northern Neck Regional Radio System Policy Team Members

Motion to appoint Supervisor Brann and County Administrator Tadlock as the radio system policy team members.

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: J. County Government Offices' Closed In Remembrance of Ronald L. Jett

Motion to close the County Offices on Tuesday, August 15, 2023 in remembrance of Board of Supervisor Member Ronald L. Jett, District V.

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

5. Board of Supervisor Items

Action: A. Approval of Check Register

Motion to approve the check register for August 2023.

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. County/School Work Group Nomination

Motion to nominate Dr. Karen Pica as the Board of Supervisors' citizen representative.

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

Final Resolution: Motion Carried

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

Information: C. Board Comments

**Due to timing constraints, the Board's Comments were moved to the end of the meeting.*

6. Items Related to Closed Meeting

**Due to timing constraints, Closed Meeting was moved to the end of the meeting.*

Action, Information: A. Convene into Closed Meeting

Motion to Action: A. Convene into Closed Meeting: convene into closed meeting as permitted by Virginia Code Section 2.2-3711 (A)(1) 1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or

employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

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

Final Resolution: Motion Carried

Aye: 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 W. Brann.

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. Brann

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

7. Public Comments

There was no public comment.

8. Public Hearings 7:00 P.M.

Action, Information: A. TABLED FROM JULY 13, 2023; Request by Andrea Khoury, owner, for a Conditional Use permit to allow a vacation home rental on property zoned R-3, Residential Restricted. The property is shown as Tax Map Parcel #38-C(3)1--15 and is located at 134 Beach Road in Chesapeake Beach Subdivision.

Supervisor Tomlin requested Zoning Administrator Philip Marston to reach the suggested conditions.

Suggested Conditions if Approved:

1. All required permits and/or licenses shall be obtained from all appropriate regulatory agencies including compliance with all applicable state, federal, and local laws, regulations, ordinances, or rules concerning taxes, including transient occupancy tax.
2. A smoke detector and a carbon monoxide detector shall be located in each bedroom and in any other location required by the Building Code.
3. There shall be at least one off-street parking space for each bedroom and no on-street parking.
4. The vacation home rental shall have an access driveway to a state highway with a sufficient twelve (12) foot width, twelve (12) foot height, and condition to accommodate emergency services vehicles and equipment.
5. The vacation home rental shall register and maintain registration with the County's registry if such ordinance is enacted by the Board of Supervisors.
6. The vacation home rental shall register a local manager who possesses the authority and ability to promptly address and correct any violations of the conditions, use requirements and/or limitations applicable to the vacation home rental with the Building and Zoning Office and the Sheriff's Office. This registry shall include the name, address, and telephone number of the local manager and this shall also be posted in a conspicuous area of the vacation home rental.
7. The vacation home rental's boundary lines shall be clearly marked and identified for the occupants of the rental home.
8. An inspection of the vacation home rental shall be conducted annually by the Building Official or designee and shall be paid by the owner pursuant to the County's adopted fee schedule.
9. Recreational vehicles may be parked on the property but may not be used by guests for living quarters during their stay at the vacation home rental.
10. Renter's pets shall be kept under control at all times.
11. Overnight occupancy shall be limited to two (2) persons per bedroom plus two (2) additional persons per residence.
12. This Conditional Use Permit is non-transferable and does not attach to the property if ownership changes.
13. There shall be no golf cart use by the renters on the roads.

14. The applicant shall maintain liability insurance.

15. The renters shall not use the Civic Association's amenities.

Motion to approve the conditional use permit to allow a vacation home rental on property zoned R-3, Residential Restricted 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. TABLED FROM JULY 13, 2023; Request by Christopher and Laura McMillian, owners, for a Conditional Use permit to allow a vacation home rental on property zoned R-3, Residential Restricted. The property is shown as Tax Map Parcel #38-C(3)9--10 and is located at 159 Harbor Road in Chesapeake Beach Subdivision.

Chairman Haynie requested confirmation that the suggested conditions are the same for this conditional use permit.

Mr. Marston confirmed that the conditions are the same as previously read.

Suggested Conditions if Approved:

1. All required permits and/or licenses shall be obtained from all appropriate regulatory agencies including compliance with all applicable state, federal, and local laws, regulations, ordinances, or rules concerning taxes, including transient occupancy tax.
2. A smoke detector and a carbon monoxide detector shall be located in each bedroom and in any other location required by the Building Code.
3. There shall be at least one off-street parking space for each bedroom and no on-street parking.
4. The vacation home rental shall have an access driveway to a state highway with a sufficient twelve (12) foot width, twelve (12) foot height, and condition to accommodate emergency services vehicles and equipment.
5. The vacation home rental shall register and maintain registration with the County's registry if such ordinance is enacted by the Board of Supervisors.
6. The vacation home rental shall register a local manager who possesses the authority and ability to promptly address and correct any violations of the conditions, use

requirements and/or limitations applicable to the vacation home rental with the Building and Zoning Office and the Sheriff's Office. This registry shall include the name, address, and telephone number of the local manager and this shall also be posted in a conspicuous area of the vacation home rental.

7. The vacation home rental's boundary lines shall be clearly marked and identified for the occupants of the rental home.

8. An inspection of the vacation home rental shall be conducted annually by the Building Official or designee and shall be paid by the owner pursuant to the County's adopted fee schedule.

9. Recreational vehicles may be parked on the property but may not be used by guests for living quarters during their stay at the vacation home rental.

10. Renter's pets shall be kept under control at all times.

11. Overnight occupancy shall be limited to two (2) persons per bedroom plus two (2) additional persons per residence.

12. This Conditional Use Permit is non-transferable and does not attach to the property if ownership changes.

13. There shall be no golf cart use by the renters on the roads.

14. The applicant shall maintain liability insurance.

15. The renters shall not use the Civic Association's amenities.

Motion to approve the conditional use permit to allow a vacation home rental on property zoned R-3, Residential Restricted 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, Information: C. TABLED FROM JULY 13, 2023; Request by John J. Forster, owner, for a Conditional Use permit to allow a vacation home rental on property zoned R-3, Residential Restricted. The property is shown as Tax Map Parcel #38-C(3)4-10 and is located at 117 Beach Road in Chesapeake Beach Subdivision.

Mr. Forster stated that he was extremely comfortable with the list of conditions except for the one that states that the rentals cannot use community amenities. Mr. Forster explained that there

is a strong difference of opinion in the community over what those amenities are and who owns the right to use them. He believes that he has a deeded right to use the beach and although there is a provision in the community's deed regarding the beach and the picnic area, Mr. Forster explained that the benefit is for all property owners and not just club members.

Supervisor Brann believes there are a lot of legal issues involved that the Board cannot get involved in.

Suggested Conditions if Approved:

1. All required permits and/or licenses shall be obtained from all appropriate regulatory agencies including compliance with all applicable state, federal, and local laws, regulations, ordinances, or rules concerning taxes, including transient occupancy tax.
2. A smoke detector and a carbon monoxide detector shall be located in each bedroom and in any other location required by the Building Code.
3. There shall be at least one off-street parking space for each bedroom and no on-street parking.
4. The vacation home rental shall have an access driveway to a state highway with a sufficient twelve (12) foot width, twelve (12) foot height, and condition to accommodate emergency services vehicles and equipment.
5. The vacation home rental shall register and maintain registration with the County's registry if such ordinance is enacted by the Board of Supervisors.
6. The vacation home rental shall register a local manager who possesses the authority and ability to promptly address and correct any violations of the conditions, use requirements and/or limitations applicable to the vacation home rental with the Building and Zoning Office and the Sheriff's Office. This registry shall include the name, address, and telephone number of the local manager and this shall also be posted in a conspicuous area of the vacation home rental.
7. The vacation home rental's boundary lines shall be clearly marked and identified for the occupants of the rental home.
8. An inspection of the vacation home rental shall be conducted annually by the Building Official or designee and shall be paid by the owner pursuant to the County's adopted fee schedule.
9. Recreational vehicles may be parked on the property but may not be used by guests for living quarters during their stay at the vacation home rental.
10. Renter's pets shall be kept under control at all times.

11. Overnight occupancy shall be limited to two (2) persons per bedroom plus two (2) additional persons per residence.
12. This Conditional Use Permit is non-transferable and does not attach to the property if ownership changes.
13. There shall be no golf cart use by the renters on the roads.
14. The applicant shall maintain liability insurance.
15. The renters shall not use the Civic Association's amenities.

Motion to approve the conditional use permit to allow a vacation home rental on property zoned R-3, Residential Restricted 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, Information: D. TABLED FROM JULY 13, 2023; Request by Jon & Pamela Woodrum, owners, for a Conditional Use permit to allow a vacation home rental on property zoned R-3, Residential Restricted. The property is shown as Tax Map Parcel #45-B(3)7--25 and is located at 204 Chesapeake Street in Fleton Beach Subdivision.

Motion to table a decision to next month's meeting and to request Mr. and Mrs. Woodrum be present at the meeting.

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, Information: E. Request by David C. and Vivian R. McGaw, owners, for a Conditional Use Permit to allow construction of an addition (378 sq. ft.) to an existing 544 sq. ft. boathouse creating a structure larger than the allowed 700 sq. ft. The property is shown as Tax Map Parcel # 8-(1)-69-F1 and is located at 786 Hidden Point Road.

Mr. Craig Palabinski, agent from Bayshore Design, described the project to the Board.

Public Hearing Open.

No comments were given.

Public Hearing Closed.

Zoning Administrator Philip Marston read the suggested conditions.

Suggested Conditions if Approved:

1. All required permits and/or licenses shall be obtained from all appropriate regulatory agencies.
2. The boathouse shall be constructed as shown on the joint permit application.

Motion to approve the conditional use permit to allow construction of an addition (378 sq. ft.) to an existing 544 sq. ft. boathouse creating a structure larger than the allowed 700 sq. ft. 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 W. Brann, second by: Thomas H. Tomlin.

Final Resolution: Motion Carried

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

Action, Information: F. A revision to the Northumberland County Zoning Ordinance 148-155, Solar Energy Facilities, to modify the definition of solar energy facility, small system; to require negotiations on compensation of impacts to the county; to prohibit solar energy facilities in R-1, Residential General and R-2 Residential Waterfront zoned properties; require an environmental impact statement, a landscape agreement and surety; require an annual report of power output by month; stipulate decommissioning requires removal of infrastructure above and below ground; reduce the time for revision of the decommissioning plan from every five years to every two years; increase the time to decommission a solar energy facility from six to twelve months; as well as stipulate when the decommissioning plan and surety are due.

County Planner Stuart McKenzie explained the code revision before the Board.

Public Hearing Open.

Mr. Blake Cox from Energy Right suggested the Board not put restrictions in specific districts because it could limit the ability to shape good projects in the County. Mr. Cox also suggested creating some sort of height requirement for vegetation/grass as well as reviewing surety bonds every five years instead of two.

County Planner McKenzie stated that the Planning Commission wanted him to add the recommendation of reviewing the decommissioning plan every five years which aligns with Mr. Cox's statement.

Mr. Jim Johnson wanted to make the Board aware that the Planning Commission considered comments about the restrictions in certain residential neighborhoods, and they voted unanimously to keep the restrictions.

Public Hearing Closed.

Supervisor Tomlin suggested the decommissioning plan be reviewed two years after approval and then review it every five years thereafter.

Chairman Haynie reminded everyone that the County joined the Rural Solar Development Coalition, and the Board has not had the chance to meet with them yet.

Supervisor Brann agreed and stated that the Coalition needs to review their ordinance before the Board can approve the revision.

Motion to table a decision until the rural solar development coalition can review the County ordinance.

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

Final Resolution: Motion Carried

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

*** Board Comments were made at this time.*

Supervisor Long asked what control the County has over the trash sites because the sites need to be better maintained.

County Administrator Tadlock informed the Board he would get with Waste Management on this.

Supervisor Long wanted an update on the old EVB/School Board office building roof.

County Administrator Tadlock explained that the contract for that project was just signed and sent back to the contractor. They are currently trying to schedule a preliminary construction meeting so the School Division, County, and its citizens are prepared for the upcoming project. Mr. Tadlock stated he believed they were looking at the Labor Day timeframe to get that started.

Assistant County Administrator Basye reiterated that they anticipate starting construction around Labor Day.

Supervisor Long then asked for an update on the old School Board office in Lottsburg.

County Administrator Tadlock explained that the property has been transferred to the County and the Planning Commission is currently going through all the County properties to make recommendations on their uses.

Supervisor Tomlin stated that he doesn't see any progress on the debris site in Horsehead.

County Administrator Tadlock informed the Board that he would follow up with Mr. Saffelle to resolve the issue.

Supervisor Brann was appreciative of the department head reports, but stated there were no reports submitted by the Treasurer's Office or the Commissioner of Revenue. Mr. Brann believes the citizens have the right to a report because it is tax money going into their offices too even though they are constitutional officers.

Supervisor Long informed Sheriff Beauchamp that he sees a lot of debris on the road due to trucks traveling uncovered.

Sheriff Beauchamp explained that he believed the County's Anti-Litter Committee has come up with a "cover your load" campaign, but he was unsure of the status on this.

County Planner McKenzie explained that the Board authorized the Anti-Litter Committee to move forward on a grant from DEQ last month which would allow the Committee to put together a "cover your load" initiative. It requests that DEQ cover the costs of approximately 250 cargo nets to put up on the back of pickup trucks to cover their loads. Mr. McKenzie continued by stating the Committee also has an education campaign where they are going to create three banners for each of the convenience centers that says, "cover you load" and cites the state law. Additionally, the Committee will have newspaper articles and there will be free cargo nets distributed at the farmer's market upon signing a pledge stating the individual will use a cargo net to cover their trash while in transport. Lastly, the Committee will also be giving the Sheriff's Office a number of cargo nets so when deputies witness debris flying from vehicles, they can give them a cargo net in addition to a ticket if they choose to do so. Mr. McKenzie stated that the "cover your load" campaign is one of the four initiatives that the Committee is hopeful DEQ will fund for the County.

9. Closing of Meeting

Action: A. Board of Supervisor Representatives County/School Work Group

Motion to appoint Chairman Haynie and Supervisor Brann to the County/School Work Group as the Board of Supervisor representatives.

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 asked when the Board was going to meet with Mrs. Susan Seward from the Rural Solar Development Coalition.

County Administrator Tadlock explained that she would like to have a work session with the Board and the Planning Commission, so Mr. Tadlock asked the Board what dates would work best for them.

The Board asked that staff contact Mrs. Seward to see what dates work for her.

Chairman Haynie asked for an update on the centralized purchasing policy.

County Administrator Tadlock informed the Board that the policy was implemented on July 1, 2023 and there has been participation from the County Offices.

***The Board convened into closed meeting at this time. See Items Related to Closed Meeting.*

Action: B. Carry Over

County Administrator explained that next Tuesday, August 15, 2023 there is an Economic Development Commission meeting and typically when the Courthouse is closed, any meetings scheduled for that day are not held. Mr. Tadlock asked for confirmation on the cancellation of this meeting.

The Board confirmed that the meeting would be cancelled.

Supervisor Tomlin stated that there are actions that need to be taken in regard to Mr. Jett's vacancy on the Board. The Board asked that Mr. Tadlock communicate some special meeting dates with them.

Motion to carry over to a special meeting date to be announced.

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