

**Special Called Board of Supervisors Meeting (Thursday, February 2, 2023)**  
*Northumberland County, Virginia*

**Members present:**

Ronald L. Jett (arrived at 3:15 p.m.), James M. Long (arrived at 3:30 p.m.), 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

**1. Opening of Meeting 3:00 P.M.**

The special called meeting was convened by Chairman Haynie and held at the Northumberland Courthouse located at 220 Judicial Place, Heathsville, VA 22473.

**2. Discussion**

**Information: A. Solar Discussion with the Department of Energy - Aaron Berryhill**

Mr. Berryhill started his presentation by giving some background information about him and the Department of Energy. Mr. Berryhill is the solar program manager who works in the state energy office to promote energy generation around the state of Virginia. Along with his presentation, Mr. Berryhill provided the Board with a packet that included sections of the state code, solar ordinance options, and a map from the developer's perspective.

Mr. Berryhill believes the County is in a good position in regard to introducing solar to the County because other counties have solar facilities that were approved back in 2015. This has allowed neighboring counties and the developers to learn and improve on the production of these facilities.

*\*Vice Chairman Jett arrived (3:15p.m.)*

Supervisor Brann feels that the property owner and developers use false information as a sales pitch such as seeing a decrease in citizen's electric bills. Another concern of his is if the panels are harmful, he doesn't want to bring them into the County.

Mr. Berryhill stated that recent studies show if starting from scratch in choosing some form of electricity, solar is the cheapest one, but when replacing another source with solar, the calculations for the bill may not show the same results.

Supervisor Tomlin wanted clarification on the fact that if a citizen has solar, they must have some sort of alternative for energy during the night hours unless they have enough energy storage to keep up with the demand of electricity at night.

Mr. Berryhill confirmed that is correct and that most people would agree that fully relying on solar is not 100% practical.

Supervisor Tomlin asked Mr. Berryhill if their department did any permitting of solar or if they were just an advisory board.

Mr. Berryhill stated that their department serves as an information provider and has no regulatory authority. The Department of Environmental Quality primarily handles permitting as well as the State Corporation Commission for larger projects.

*\*Supervisor Long arrived (3:30p.m.)*

Supervisor Tomlin asked if the County would primarily be working with the Department of Environmental Quality (DEQ) because most of the projects will be smaller than other localities (between 3 – 10 MW).

Mr. Berryhill confirmed that this is correct, but the DEQ permitting process is optional. Some localities may choose to do the State Corporation Commission process although it does take longer to complete. Mr. Berryhill stated that projects below 5 MW have a slightly more expedited permitting process than projects that are above 5 MW when done through DEQ. Currently in Virginia, most of the decisions related to approving or denying a project are occurring at the local level.

Chairman Haynie shared his concern of the company presenting the project to the public and making it seem like there would be a lot of money coming back to the County, but what the public doesn't understand is that it's not a lot of money because it's spread-out payments over a long period of time.

Mr. Berryhill stated that some counties require an economic impact study and anticipated tax revenue with the application to ensure the benefit received by the county.

Mr. Berryhill referenced Mr. Brann's concern about the toxicity of the solar panels and stated that he has not run into any specific evidence that proves this.

Supervisor Tomlin asked how the panels are disposed of.

Mr. Berryhill informed the Board that the disposal of the panels is similar to any other recycling market. Research is being conducted on creating a recycling market for solar panels and it can be done, but there are not enough panels coming offline right now to support that type of market. Currently, the panels are probably being landfilled and when looking at the concerns of runoff, Mr. Berryhill has seen most issues around the quantity of the runoff as opposed to the toxicity of the runoff. DEQ is working on adjusting the stormwater regulations to aid this issue.

Supervisor Brann brought attention to the fact that once the facility is installed, it can be sold multiple times and the tracking of ownership is nonexistent. Supervisor Brann asked how the County can track the changes in ownership.

Mr. Berryhill suggested the County require reports to the County on changes in ownership. Mr. Berryhill stated that he also often sees other counties require reporting and annual updates on how much electricity is being produced to ensure that the facility is active and producing what they said it would.

Supervisor Long asked Mr. Berryhill to talk about the positives of bringing solar into the County.

Mr. Berryhill stated that it's a clean form of electricity, it may improve the resiliency of the County's grid, and it brings economic benefits to the County.

Supervisor Tomlin asked what differences are found in a community solar farm.

Mr. Berryhill informed the Board that in the state code, it's referred to as shared solar but essentially it is simply subscribing to another's solar field, allowing interaction between the local community.

Mr. Berryhill wanted to offer some suggestions in the County's Zoning Ordinance in regard to Solar Energy Facilities. Mr. Berryhill noticed that we had defined medium and utility scale solar energy facilities but treated them the same as both being subject to a conditional use permit. Mr. Berryhill often sees the way we define medium scale as allowed without a conditional use permit, so he suggested differentiating between medium and utility scale.

Mr. Berryhill also mentioned spotting a special provision for small agricultural generators in the County's ordinance, but it is excluded from both definitions, so he stated that the County should look into allowing that for those with agricultural business on their property.

Supervisor Tomlin asked where the typical starting point is for setbacks.

Mr. Berryhill said the setback should be defined as whatever is clear to the Board, but he typically sees setbacks beginning from the edge of the right of way.

Mr. Berryhill continued by stating that any utility scale shall require a siting agreement, but the state code does not enable localities to do so if the facility is less than 5 MW, so he recommended adding language stating that this does not include 5 MW or less.

Along with this, Mr. Berryhill explained that in order to have any development done, not only solar, it must be in accordance with the County's comprehensive plan which is decided by the Planning Commission. If there is a siting agreement, it automatically deems the project to be in accordance with the comprehensive plan.

Mr. Berryhill stated that most other aspects of the County's code were pretty standard, but he noticed where the County would allow the use of existing vegetation to count toward the

landscape buffer. He believes the County should come up with language that allows for both but encourages the use of the existing buffer if there is one.

Mr. Berryhill suggested placing the time the vegetative buffer should be planted in the suggested conditions for a specific project rather than in the County's ordinance because it allows for more flexibility.

Mr. Berryhill continued by informing the Board that the state code doesn't require anything descriptive on decommissioning in the locality's ordinance, but the locality must create a decommissioning plan between them and the developer once the project is approved.

Supervisor Tomlin asked if any project in the state of Virginia has been decommissioned yet.

Mr. Berryhill stated that no project has been decommissioned yet.

Supervisor Tomlin shared his concern on decommissioning and the financial liability of the project. He is concerned that the financial liability may fall upon the locality.

Mr. Berryhill suggested being as clear as possible when defining decommissioning to help resolve some of his concerns. Along with this, the County should add what needs to be removed during decommissioning and state the point when the County has the right to enter the property and access the surety bond once the project is inactive.

Supervisor Tomlin asked who the County should hire to help evaluate projects from an engineering technical point of view.

Mr. Berryhill stated that he sees many other localities state within their ordinance that the developer must pay for the cost of the County to conduct a project review by a third party.

Supervisor Tomlin asked where the materials to make the panels come from.

Mr. Berryhill assumed probably China, but there are American companies that are increasing output.

The Board of Supervisors thanked Mr. Berryhill for coming to the meeting to answer some of their questions and concerns.

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

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

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

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

Motion by: Thomas H. Tomlin, second by: Ronald L. Jett.

Final Resolution: Motion Carried

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

**Action: B. Reconvene into Open Meeting**

Motion to reconvene into open session.

Motion by: Ronald L. Jett, second by: Thomas H. Tomlin.

Final Resolution: Motion Carried

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

**Action: C. Certification of Closed Meeting**

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

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

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

Motion by: Ronald L. Jett, second by: Thomas H. Tomlin.

Final Resolution: Motion Carried

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

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

Motion to hire Calvin Balderson for the position of EMS Chief for the Department of Emergency Services with a starting salary of \$92,500.00.

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

**4. Closing of Meeting**

**Action: A. Adjournment**

Motion to adjourn.

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

Final Resolution: Motion Carried

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