

Regular Meeting (Thursday, September 12, 2024)

Northumberland County, Virginia

Members present:

James M. Long (arrived at 5:35 p.m.), Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Other Staff Present:

Mr. Luttrell Tadlock, County Administrator

Mr. Drew Basye, Assistant County Administrator

Ms. Morgan Wilson, Executive Assistant

Ms. Mary Dodson, Bookkeeper & Benefits Administrator

Mr. Carl Hayden, IT Technician

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 Kori Kiss, Bethany Baptist Church

Pastor Kori Kiss led the invocation.

Procedural: B. Pledge of Allegiance

Mr. Tommy Tomlin led us in the Pledge of Allegiance.

Action: C. Approval of Agenda

County Administrator Tadlock informed the Board that the closed meeting session needs to include Virginia state code § 2.2-3711 section 7 as well.

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

Motion by: Chip Williams, second by: AC Fisher, Jr.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

2. Approval of Minutes

Action, Minutes: A. July 11, 2024 Regular Meeting Revision

County Administrator Tadlock explained that the July 11, 2024 minutes were previously approved, but they are now brought back to the Board due to a typo within a motion. The motion was to approve the change order as presented in the amount of \$82,261.78, but the motion should reflect the correct amount which is \$83,261.78.

Motion to approve the revision to the minutes from the regular meeting on July 11, 2024.

Motion by: Chip Williams, second by: AC Fisher Jr.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action, Minutes: B. August 8, 2024 Regular Meeting

Motion to approve the minutes from the regular meeting on August 8, 2024.

Motion by: Chip Williams, second by: James M Long.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

3. Presentations

Action, Information: A. Resolution - Northumberland Rescue Squad Sixtieth Anniversary

**RESOLUTION
NORTHUMBERLAND RESCUE SQUAD, INC.
SIXTIETH ANNIVERSARY**

WHEREAS, The Northumberland Rescue Squad, Inc. was established on October 13, 1964 by a dedicated group of caring individuals; and

WHEREAS, The Northumberland Rescue Squad served the entire County until 1966 when Callao Volunteer Rescue Squad was formed and then Northumberland and Callao served half the County until 1987 when Mid-County Volunteer Rescue Squad was formed; and

WHEREAS, The Northumberland Rescue Squad was originally dispatched by Zeke Hurst from the store he owned on Main Street, Reedville which is now Reedville Market Restaurant; and

WHEREAS, Northumberland Rescue Squad is an essential part of Northumberland County's first responders and has run over 229 calls so far this year,

NOW THEREFORE, BE IT RESOLVED, that the Northumberland County Board of Supervisors does hereby express their sincere appreciation to the many volunteers and congratulates Northumberland Rescue Squad, Inc. on its sixtieth anniversary; and

BE IT FURTHER RESOLVED, that this resolution be presented to the President of Northumberland Rescue Squad and adopted on this day, September 12, 2024.

Motion to approve the resolution honoring Northumberland Rescue squad's sixtieth anniversary as presented.

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

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action, Information: B. Resolution - First Responders Day

**NORTHUMBERLAND COUNTY
FIRST RESPONDERS DAY RESOLUTION**

WHEREAS, first responders often risk their lives and safety in the performance of their duties; and

WHEREAS, first responders are our first and best defense against all emergencies that threaten our community; and

WHEREAS, first responders are highly trained, specialized workers who contribute their excellent skills for the public good; and

WHEREAS, first responders sacrifice much of their personal time with family and friends to ensure the safety of their community; and

WHEREAS, first responders, whether career or volunteer, selflessly provide a vital public service for the Northumberland community; and

NOW THEREFORE BE IT PROCLAIMED ON THE 11TH DAY OF SEPTEMBER THAT THE, Northumberland County Board of Supervisors as does the State of Virginia recognizes FIRST RESPONDERS DAY and hereby thanks Callao Volunteer Rescue Squad, Mid-County Volunteer Rescue Squad, Northumberland Rescue Squad, Callao Volunteer Fire Department, Fairfields Volunteer Fire Department, Smith Point Sea Rescue, Northumberland

Sheriff's Office, Northumberland Department of Emergency Services, and other organizations in the public safety sector for their service and sacrifice to our community.

Adopted: September 12, 2024

Motion to approve the resolution in honor of First Responders Day as presented.

Motion by: James W. Brann, second by: AC Fisher, Jr.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action, Information: C. Resolution - Fire Prevention Week

**RESOLUTION
FIRE PREVENTION WEEK**

WHEREAS, each year since 1922, Fire Prevention Week is observed to commemorate the Great Chicago Fire that took place on October 8, 1871; and

WHEREAS, Fire Prevention Week is the longest-running public health and safety observance in our country; and

WHEREAS, we recognize the efforts of all firefighters, fire service agencies, and other first responders that aid in preventing and combating fire dangers; and

WHEREAS, we thank them for their dedication, sacrifice, hard work, and for putting their lives on the line for the sake of our community; and

WHEREAS, the 2024 Fire Prevention Week theme, "Smoke alarms: Make them work for you!" strives to educate everyone about the importance of having working smoke alarms in the home; and

THEREFORE, The Northumberland County Board of Supervisors do hereby proclaim October 6-12, 2024, as Fire Prevention Week and urge all citizens of Northumberland County to have working smoke alarms in the home.

Adopted: September 12, 2024

Motion to approve the resolution in honor of Fire Prevention Week as presented.

Motion by: Chip Williams, second by: James W. Brann.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action, Information: D. Greater Reedville Association - Park Update

Mrs. Shauna McCranie, Executive Director of the Greater Reedville Association dba the Reedville Fisherman's Museum, explained that they were given the only green space left on Main Street by Ms. Helen M. Birkel to preserve the maritime heritage of Reedville. Mrs. McCranie and the Chair of the Helen Birkel Watermen's Park, Mrs. Kim Schmidt, shared their park plans with the Board and asked that the County consider sending a letter in support of this project so that they can move forward with seeking grants. The full presentation can be accessed in board docs.

Supervisor Williams stated that the Board has been able to work with other parks within the County, so he looks forward to being able to work with Reedville as well.

Vice Chairman Brann stated that the recognition of the Indian tribes should open some doors for federal funding.

Mrs. McCranie and Mrs. Schmidt agreed and explained their grant seeking efforts thus far with the Board.

Motion to send a letter in support to the Greater Reedville Association for their application to the National Park Service - Chesapeake Gateways Tourism and Economic Development Grants regarding the park initiative.

Motion by: Richard F. Haynie, second by: Chip Williams.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Information: E. Update from Northumberland County Schools

Superintendent Wargo presented the school's weekly highlights to the Board. This document can be accessed in board docs.

Finance Director Booth presented the three appropriation requests on behalf of the School Board.

Action: F. Supplemental Appropriation - School Board

Motion to approve the supplemental appropriation for the Virginia Tiered System of Supports (VTSS) grant to line item 30-6000-6100 (Instruction) in the amount of \$7,283.04.

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

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action: G. Supplemental Appropriation - School Board

Motion to approve a supplemental appropriation for the carry over of the New Construction Funds from FY24 to FY25 in the amount of \$426,538.72 to the following line items:

Carry Over New Construction Funds - 30-6000-6400 (Operations & Maintenance) \$125,412.00

Carry Over New Construction Funds - 30-6000-6600 (Capital Outlay) \$301,126.72

Motion by: Chip Williams, second by: James M. Long.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action: H. Supplemental Appropriation - School Board

Motion to approve the supplemental appropriation for the carry over of the ESSER Funds from FY24 to FY25 in the amount of \$205,937.69 to the following line items:

ESSER III Unfinished Learning - 30-6000-6100 (Instruction) \$51,617.69

ESSER III Unfinished Learning - 30-6000-6600 (Capital Outlay) \$154,320.00

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

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Mrs. Booth provided the Board with a complete expenditure report to date. The school has expended the following percentages from each category as follows:

Instruction	10.64%
Administration and Health	14.23%
Transportation	4.3%
Operations and Maintenance	7.18%
Building and Site Improvements	0%
Debt Service	0%
Technology	24.59%

OVERALL

10.66%

School Budget Spent to Date

Supervisor Williams asked if the school was on track as they should be.

Mrs. Booth stated that the school expenditures are on track.

NES Principal, Martha Williams, asked the Board to consider supporting the capital improvement project request by the schools to construct a new playground at the elementary school. She explained that the current playground does not drain properly, is surfaced with 28 years of decaying mulch, and does not meet state/federal regulations related to being accessible to all students, including those with disabilities. Principal Williams explained that one family even purchased a \$9,000 swing so their child could get outside and play with the rest of the students. In addition, the equipment is in disrepair due to its age and its frequency of use. Ms. Williams stated that they worked to get bids from companies, but only one submitted a bid which was provided to the Board. The bid for the playground totaled \$567,881.62; however, it was submitted in May 2024 so that may not be exact.

Ms. Williams shared her excitement and explained that Mrs. Booth was able to transfer expenditures from the general fund to the unfinished learning, before and after school, and ESSER grants in order to fund this playground, so the project won't affect the current budget. She asked that the Board consider approving this project for the use of those monies.

Supervisor Fisher asked what the construction time is for this project.

Principal Williams explained that the hardest part is receiving all the equipment on time, but she believes the proposal stated that it could be somewhere around 3 months if he could get all equipment from the manufacturers.

Supervisor Williams asked how much of the ESSER funds could possibly be applied to this project.

Finance Director Booth stated that she doesn't think that the ESSER funds can be used for this project, but she believes that they will have enough unexpended funds from FY24 that would cover this expense.

Vice Chairman Brann thought that the school mentioned that the new construction funds were going to be used for the repair of the playground.

Dr. Wargo stated that the School Board had a list of priority projects, but the cost of the playground so far exceeded the amount of money available in the new construction funds, so they chose to prioritize the NMS/NHS walkways, NES LVT flooring, track resurfacing, NES rooftop stairway, and the boilers. She explained that the School Board did want to purchase the playground with those funds, but there were several other competing priorities.

Vice Chairman Brann asked if there were any new construction funds left.

Dr. Wargo explained that those projects she listed used all that money. Mrs. Booth stated that there may be around \$8,500 left in those funds.

Supervisor Williams asked how the RFP for the playground compares to the current playground in relation to size and the equipment.

Ms. Williams explained the playground plans to the Board.

Vice Chairman Brann asked if Mrs. Booth could have a firm number for the Board by next month.

Supervisor Williams asked why there was only one proposal submitted.

Principal Williams stated that they contacted four companies that were large enough and three of them declined or didn't respond.

Supervisor Williams asked how Principal Williams felt about going back to get another proposal.

Ms. Williams stated that she can try to reach out to the companies again.

After some discussion, County Administrator Tadlock asked if the project was put out for bids.

Principal Williams stated that Mr. Jeff Brann did put this project out for bid. She informed the Board that she will reach out to other companies to see if they can get anymore bids.

Information: I. Update from the Virginia Department of Transportation

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

Vice Chairman Brann asked for an update on the rumble strips at Lively Hope Road.

Mr. Beale stated that he's just waiting for them to be installed.

Vice Chairman Brann reported trash in the ditches on Valley Drive and Fruit Plain Road.

Supervisor Fisher stated that he has seen "no outlet" state signs going up all over the County and he's curious to know how many more will be installed.

Mr. Beale stated that he's unaware of any organized effort, but he'd be happy to investigate it if he could provide him with the locations. Mr. Beale believes it's probably just circumstantial.

4. County Administrators Report

Information: A. Building Permit Report

	2024	2023
Const. Cost for Month	\$5,015,573.35	\$5,145,872.70
Total Bldg. Permit Cost for Month	10,557.64	7,575.20
Total Zoning Permit Cost for Month	4,775.00	2,520.00
Total Levy Fee for Month	203.16	151.49
TOTAL CONSTRUCTION COST YEAR TO DATE	\$43,765,060.20	\$37,821,685.68

Action, Information: B. Supplemental Appropriation - Sheriff's Department

County Administrator Tadlock explained that the first appropriation is due to expenses that the County has not received reimbursements on, so the amounts are negative.

Vice Chairman Brann asked if these were ARPA funds.

Mr. Tadlock confirmed that these are ARPA funds, and that the County anticipated the funds coming in last fiscal year, but they were not received in time; however, there are grant funds available to offset these amounts.

Motion to transfer the negative balances from FY24 to FY25 for the Sheriff's Office in the amount of (\$132,360.90) to the following line items:

Security Athletic Events Reimbursement - 10-3102-1006 (\$420.00)

FBI Reimbursement - 10-3102-1111 (\$319.89)

ARPA Law Enforcement Grant Reimbursement - 10-3102-8012 (\$131,621.01)

Motion by: James W. Brann, second by: Chip Williams.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action, Information: C. Supplemental Appropriation - Sheriff's Department

Motion to approve a supplemental appropriation to line item 3102-8012 for a Sheriff's Office grant reimbursement in the amount of \$131,621.01.

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

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action, Information: D. Supplemental Appropriation - Sheriff's Department

Motion to approve a supplemental appropriation from line item 10-762 to line item 3102-1111 for an FBI payroll reimbursement in the amount of \$423.96.

Motion by: James W. Brann, second by: AC Fisher Jr.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action, Information: E. Supplemental Appropriation - Sheriff's Department

Motion to approve a supplemental appropriation from line item 10-273 to line item 3102-1006 for extra security at graduation in the amount of \$420.00.

Motion by: James W. Brann, second by: Chip Williams.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action, Information: F. Supplemental Appropriation - Sheriff's Department

Motion to approve a supplemental appropriation from line item 10-1800-189917 to line item 3102-3012 for an insurance reimbursement in the amount of \$303.40.

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

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action, Information: G. Supplemental Appropriation - Sheriff's Department

Motion to approve a supplemental appropriation from line item 10-762 to line item 3102-1111 for an FBI payroll reimbursement in the amount of \$445.49.

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

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action: H. Supplemental Appropriation - Sheriff's Department

Motion to approve a supplemental appropriation from line item 10-1800-189917 to line item 3102-3012 for an insurance reimbursement in the amount of \$1,593.29.

Motion by: Chip Williams, second by: James W. Brann.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action, Information: I. Supplemental Appropriation - Sheriff's Department

Motion to approve a transfer of funds and a supplemental appropriation from line item 10-265 to line item 3102-5805 in the amount of \$3,758.68.

Motion by: James W. Brann, second by: Chip Williams.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action, Information: J. Supplemental Appropriation - Sheriff's Department

Motion to approve a supplemental appropriation from line item 10-762 to line item 3102-1111 for an FBI payroll reimbursement in the amount of \$361.08.

Motion by: Chip Williams, second by: James W. Brann.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action, Information: K. Supplemental Appropriation - Economic Development Commission

County Administrator Tadlock stated that these are also ARPA funds, and they are requesting that the negative amounts be carried over until the County receives those reimbursements.

Motion to transfer the negative balances from FY24 to FY25 in the amount of (\$28,786.23) for the Economic Development Commission as follows:

8105-8504 (\$3,696.00)

8105-8505 (\$2,570.00)

8105-8506 (\$22,520.23)

Motion by: James W. Brann, second by: Chip Williams.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action, Information: L. Supplemental Appropriation - Volunteer EMS Agencies

Motion to approve the supplemental appropriation to line item 10-3203-5605 for the Volunteer EMS agencies grant in the amount of \$16,884.40.

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

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action, Information: M. Planning Commission Memo - Business License Recommendation

County Administrator Tadlock explained that the Planning Commission unanimously voted to recommend that the Board not require a business license in the County at this time. Included in the Board's packet is a list of pros and cons for their findings.

County Planner Stuart McKenzie stated that the purpose of the discussion was to try to understand the type and number of businesses within the County which could be used to know whether they are growing. He explained that the information is already available through the Commissioner of Revenue's Taxable Businesses list. The Planning Commission can use this list to monitor and provide trends in the future.

Supervisor Long asked when they would come back to examine this in the future.

Mr. McKenzie stated that it would be another year before they come back with any trends for the Board.

Supervisor Long stated that he would hate to miss out on something that would create some job opportunities in the County.

Motion to accept the recommendation from the Planning Commission to not require a business license in the County.

Motion by: James W. Brann, second by: Chip Williams.

Final Resolution: Motion Carried

Aye: Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Nay: James M. Long

Information: N. Convenience Center Tag Discussion

Mr. Tadlock then presented the Board with some information related to how other counties were handling their waste sites and whether they ID the individuals going in and out. He explained that Lancaster does not require identification, but Richmond and Westmoreland counties do require hang tags. When looking at our options, the County estimates the cost to implement to be around \$15,000 which is dependent on if the Board decides to move forward with hang tags or a decal/sticker. A huge portion of that cost is going to be the mailing out of the stickers/hang tags. Mr. Tadlock explained that this will be enforced by Waste Management at each site and staff would go through to try and eliminate any duplicate stickers/hang tags being sent out. Several things will have to be looked at if the Board chooses to move forward and there will be a lot of coordination between the County Administrator's Office, Treasurer's Office, and the Commissioner of Revenue's Office once implemented. Mr. Tadlock informed the Board that this would be an annual pass.

Supervisor Williams asked what the criteria is for obtaining a sticker in other localities.

Mr. Tadlock stated that other localities have sent two hangtags to all property owners and if additional hangtags are needed (replacement, lost, additional vehicles, etc.), they would contact the office in order to do so.

Vice Chairman Brann asked if the other counties noticed a reduction in tonnage when implementing this program.

Mr. Tadlock stated the other localities didn't provide any firm numbers related to this, but one of the main reasons they continued this was because they have a tire recycling program and they have seen a reduction of tires being brought to their site, so they notice a savings there.

Vice Chairman Brann asked if it was enough savings to pay for the program.

Mr. Tadlock stated that he was unsure, but he would reach out to them to find out this information.

The Board asked that Mr. Tadlock find out that information and that they table this discussion to next month's meeting.

Action, Information: O. IFB - Abandoned and Derelict Vessel (ADV) Removal

Motion to advertise the invitation for bid for the abandoned and derelict vessel (ADV) removal at three locations (Bridge Creek, Lodge Creek, and the Great Wicomico near Whays Creek).

Motion by: Chip Williams, second by: James W. Brann.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action, Information: P. School Drainfield Project Package 1

Assistant County Administrator Basye described the drainfield project before the Board. He stated that there was only one bid received for package 1 related to this project, and Mr. Rob Mangrum is recommending the Board move forward with this.

Mr. Rob Mangrum presented the different packages to the Board and offered his recommendations.

Motion to move forward with the bid received from Nansemond Pre-Cast Concrete Co., Inc. in the amount of \$161,778.88 for package 1 utilizing the County's ARPA funds.

Motion by: James W. Brann, second by: Chip Williams.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action, Information: Q. School Drainfield Project Package 2

Motion to move forward with the bid received from Fair Winds Automation in the amount of \$60,000 for package 2 utilizing the County's ARPA funds.

Motion by: Chip Williams, second by: AC Fisher, Jr.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action, Information: R. School Drainfield Project Package 3

Motion to advertise the invitation for bid (IFB) for package 3 in relation to the school drainfield project.

Motion by: Chip Williams, second by: James M. Long.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Information: S. Medication Storage Project Update

Assistant Chief of Emergency Services, Mr. Ethan Harding provided an update to the Board related to their medication storage project. He stated that they officially received all of their machines and they have passed inspection through the Board of Pharmacy, meaning they are now able to order medications. He offered the Board to come by to see what the Board's support has done for them.

Information: T. Other County Administration Items

County Administrator Tadlock had no additional items to present to the Board at this time.

Information: U. Department Agency Monthly Updates

The department agency monthly updates can be accessed in board docs

5. Committee Reports

Vice Chairman Brann provided a committee report regarding a meeting he had attended.

6. Board of Supervisor Items

Action: A. Approval of Check Register

Motion to approve the check register for September 2024 in the amount of \$444,582.68.

Motion by: James M. Long, second by: AC Fisher, Jr.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action, Information: B. Board Comments

Supervisor Williams dedicated his comment period to Mr. Tadlock to provide an update on the Little Wicomico River dredging.

County Administrator Tadlock stated that staff has been working with the Northern Neck Planning District Commission and a consultant group, Shore Consulting – Mark Mansfield, and the County has been approved for phase three funding which is about \$950,000; however, it was a regional project so phase three funding will be distributed between Lancaster, Westmoreland, and Richmond counties as well. Mr. Tadlock explained that phase three consists of working with VIMS and other consultants, looking at data collection, project design, reports and identifying the disposal sites to then finalize a draft permit for the application. That process is underway, and Mark Mansfield met with the Army Corps of Engineers on August 30, 2024, with the Baltimore District and Norfolk District, so we are working to get that project moving.

Supervisor Williams shared a story related to the seriousness of the situation as one of the most experienced Charter Boat Captains in our area came into the Jetties while it was dark and ran aground. He stated that it was rough and windy, the boat ran aground, did a complete 180 degrees and nearly ran up onto the rocks. Mr. Williams stated that the captain had never been so scared in his life since he's been a Charter Boat Captain.

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

County Administrator Tadlock stated that the Board will need to schedule additional meetings to discuss the County's properties as that property is a part of that evaluation.

Supervisor Long asked for an update on the old EVB Building and whether that was passed over to the School Board.

Mr. Tadlock explained that staff is currently still discussing this with the school's legal counsel.

Vice Chairman Brann announced that last year the County sponsored a Halloween Boo Bash for the children in the County and it's about that time of year again. He stated that well over 200 people attended and he'd like to see the County offer this event again. He asked that the Board consider setting aside funds so that staff can put this event together.

Motion to set aside \$1,000 of County funds so that staff can host a County Halloween Boo Bash in October 2024.

Motion by: James M. Long, second by: AC Fisher, Jr.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Vice Chairman Brann would like to see discussion on the Christmas Tree Lighting Ceremony on next month's agenda.

Vice Chairman Brann stated that last Friday there was an EMS call in the Callao area, and the County could not ask for a better group of first responders. He noticed that the school resource officer, Mr. Keith Wilson, responded to the call from the school and got there in time to meet two other children. He stated that Mr. Wilson spent the evening occupying them and keeping them away from the situation until they could go back to their parents.

Lastly, Mr. Brann stated that he'd like to see presentations, such as the drainfield project, in person rather than virtually because the sound quality isn't the best.

County Administrator Tadlock agreed and stated that Mr. Mangrum's intent was to be there in person, but he had another engagement in Fredericksburg that he couldn't get out of in time.

Action, Information: C. Planning Commission Review Cargo Containers

Supervisor Fisher mentioned the discussion they had related to cargo containers a few months ago, and he asked if that needs to be sent to the Planning Commission for their review. Mr. Fisher stated that we have a beautiful County with green fields and growing crops, and the containers stick out like a sore thumb.

Chairman Haynie stated that they could also look into screening options related to the containers.

Motion to have the Planning Commission review further regulations related to the color requirements and screening of cargo containers.

Motion by: AC Fisher, Jr., second by: Richard F. Haynie.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action, Information: D. Planning Commission Review Solar Ordinance

Chairman Haynie stated that the solar ordinance was sent back to the Planning Commission before and there were discussions related to setting an amount of distance from any tidal water. Chairman Haynie believes that the ordinance should be sent back to the Planning Commission again, so that they can look at a one-mile distance from any tidal water. Mr. Haynie explained

his reasoning for this which was the solar projects are targeting the County's residential and future growth areas, so he believes we'd be much better off if we can get the projects away from those areas.

Supervisor Williams asked if Chairman Haynie put this on a map to see how much land it eliminates.

Chairman Haynie explained that he did, and it takes care of their growth area.

Vice Chairman Brann asked what this will do to the projects that come to the Board now.

Chairman Haynie stated that it won't stop any projects that come before them, until the ordinance comes back before the Board. Projects brought before them now would fall under the current adopted ordinance.

Motion to have the Planning Commission review the solar ordinance to consider not allowing any solar projects within one mile of any tidal water in the County.

Motion by: Richard F. Haynie, second by: AC Fisher, Jr.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Supervisor Fisher asked if the Board could put a moratorium on solar.

Chairman Haynie made a motion to put a moratorium on any future solar applications until the Board gets the recommendation back from the Planning Commission.

The Board asked if they have any pending applications at this time.

Zoning Administrator Philip Marston stated that there are no pending applications.

County Attorney Gregory recommended cautiously approaching this idea of a moratorium because he believes the County solar ordinance is strong and the Board has a great deal of authority to direct/control the projects. He stated that setting a moratorium on the solar applications could put the County in jeopardy of litigation which he recommends against.

Chairman Haynie withdrew his motion of a moratorium on solar projects.

7. Public Comments

Mr. Daniel Clarkson expressed the elementary school's need for a playground. He shared a story of a faulty piece of equipment that could have harmed his sister.

Mrs. Kimberly Mulligan stated that it would be a scary thing for children to get hurt on the existing playground.

Ms. Robin Jenkins, special education teacher at NES, stated that her students cannot access the current playground because it is not handicap accessible. She explained that one of her student's parents graciously paid for a handicap swing and donated it, so their child has something to do during recess instead of sitting and watching their peers. Ms. Jenkins urged the Board to rally together as a community to help allocate funds to help NES receive a playground that meets ADA requirements so that all students can enjoy an all-inclusive playground.

Mrs. Walker, parent who donated the swing for the special education students, stated that she hopes the Board considers putting funds towards the playground to better their already awesome school.

Mr. Richard Lensis thanked the Board for moving forward with advertising the invitation for bid for the abandoned and derelict vessel (ADV) removal as the boat located on Bridge Creek is 3-4 feet from his personal dock. He offered his assistance to the Board if they need any.

Mr. Fred Nutt, owner of Reedville Market Restaurant, shared his concerns related to the construction of the water tower there. He explained that the water tower company wants to use his property to replace the tower, and he's concerned about liability as well as the impact this will have on his customer base. Mr. Nutt stated that he tried to contact AQUA Virginia's representative several times over the past year, but they have not returned his phone calls. He explained that the one call he did receive was an easement request, so he hired an attorney because he was weary of how the entire process was taking place. Mr. Nutt explained that there will be a meeting with the interested parties next week to discuss a solution.

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

8. Items Related to Closed 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),(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: James W. Brann, second by: James M. Long.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Action: B. Reconvene into Open Meeting

Motion to reconvene into open session.

Motion by: AC Fisher, Jr., second by: James W. Brann.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

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, AC Fisher, Jr., James M. Long, James W. Brann, Charles H. Williams

Motion by: AC Fisher, Jr., second by: James W. Brann.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

9. Public Hearings 7:00 P.M.

Action, Information: A. Request by Pamela M. Plaster, owner, and Little Wicomico Oyster Company, applicant, for a Conditional Use Permit to allow an expansion to an existing marina and commercial aquaculture/seafood processing facility on property zoned R-2,

Residential Waterfront. The property is shown as Tax Map Parcel #28-(1)-126 and is located adjacent to Railway Drive.

Ms. Pamela Mackinaw Plaster, one of the applicants, spoke on why she believes Cockrell Farms is a good fit for this community.

Mr. Myles Cockrell shared his plans for the property which consists of another barn to use for storage.

Vice Chairman Brann stated that the application includes aquaculture/seafood processing aside from the storage building. He asked for clarification on this.

Mr. Cockrell stated that there won't be any seafood processing in the building, but they currently process seafood down the hill in their existing building. The application is only requesting expansion for an additional storage building.

Public Hearing Open

Mr. Stanley Murphy, attorney representing John and Olivia Cockrell, came to the Board to represent their opposition to this permit and asked that the Board slow down. He explained that this application was brought to their attention 22 days ago and it wasn't even sent to the correct people in the neighborhood. Mr. Murphy stated that this is also the first time that he's laid eyes on the suggested conditions on the screen. He also brought attention to a revised site plan that was dated yesterday. He asked that the Board consider tabling this matter for 60 days so that everyone has a chance to fully understand the new site plan and to address the suggested conditions.

Mrs. Olivia Cockrell lives next door to the business and feels that she should have been consulted regarding the expansion request. She stated that it's difficult living beside the business as there is lots of noise all hours of the day/night and the road is very dusty. Mrs. Cockrell explained that she and her husband built the road they're using, and now the business is suing her over an easement. She asked that the Board table this matter for 60 days.

Mr. Andrew Bury, attorney representing Little Wicomico Oyster Co., believes that this is a simple request on behalf of both applicants which is to expand an existing business onto an adjoining parcel by adding additional parking, dry storage for boats, and constructing a warehouse with a maximum not to exceed 175ft x 100ft to store dry goods. He explained that the application is not asking for any type of oyster processing. Mr. Bury thanked Mr. Marston for working with his client, Mr. Myles Cockrell, and himself to try to address a lot of issues that have been raised related to this application including excess lights, overburdening of an

easement, traffic, and smell. Mr. Bury stated that the revised site plan that Mr. Murphy referred to only changed the position of the building and to turn it 90 degrees. He stated that a lot of the citizen concerns are addressed in the suggested conditions on the screen (accessible in board docs). Furthermore, Mr. Bury explained that Mr. Murphy disagreed with a statement made related to Ms. Mackinaw Plaster not having a deeded easement on the property. He clarified that there was a survey done that shows a lot of this easement located on the Plaster property. He also stated that he received some documentation that suggests Ms. Plaster was given use of that deeded easement when she purchased the property in the 1990s. Lastly, he stated that there is current litigation going on between the family and he asked that the Board ignore that as it has nothing to do with this application.

Vice Chairman Brann stated that there is a discrepancy in the application based on what Mr. Bury is stating related to the purpose of the expansion.

Mr. Bury understood and explained that the County staff took care of this by limiting the use of this property in the suggested conditions.

Mr. James Clegg shared his support of the expansion and explained the space there is very limited.

Mr. Harold Bell also shared his support of the application and stated that when he purchased the property three years ago, not once did he view the existing marina as harm to their property value.

Mr. Michael Stough shared his concern with the vagueness of the application and the lack of description on the actual operation at the marina. He stated that there's no description of intended buildings, possible environmental impacts, or building setbacks and he believes the location on the property is unclear. He went on to state that there are no discussions related to noise levels, line of sight impairments, building height, operational byproducts, or the impact on the local road. He urged the Board to defer action on this until everyone has a chance to understand the conditions and to get some clarity on some of the items he listed.

Mrs. Pamela Hagy came before the Board in representation of the Sheps Point Drive neighborhood. She stated that her neighborhood is dealing with bright lights shining in their homes coming from this operation and loud music from across the creek. She asked if the Board could consider notifying landowners across the river since their neighborhood is also affected by this project.

Mr. Jeff Webster believes that oysters are putting us on the map and that enabling this business to grow is important to the community.

Mr. Donald Rice stated that the application included fish processing and aquaculture. He asked if fish processing would be occurring in relation to this request.

Chairman Haynie clarified that this is only going to be a storage building addition.

Mr. Rice stated that the application stated fish processing.

Supervisor Williams stated that he doesn't see anything related to fish processing on the application in front of him.

Public Hearing Closed

Mr. Murphy reminded the Board that this property is residentially zoned, and their job is to preserve the residential character of it.

Mr. Bury stated that he was able to contact Mr. Marston over the last several days and Mr. Marston was very helpful in providing him with the suggested conditions. Mr. Bury suggested that Mr. Murphy had the opportunity to do the same. He urged the Board not to table this matter as it's very important to his client. He stated that the suggested conditions address the concerns of the citizens.

Supervisor Williams asked Mr. Marston why some citizens are confused and believe they should have received a copy of the application in the mail.

Zoning Administrator Marston stated that adjoining property owners are notified of the application and in this instance, there were three parcels that all led to the same mailing address so instead of sending out three different notices to the same mailing address, staff only sent one.

Supervisor Williams asked when the notification was sent.

Mr. Marston explained that it was advertised in the local newspapers for two weeks and mailed out on August 23, 2024.

Supervisor Williams asked what is different on the updated site plan in comparison to the original.

Mr. Marston stated that the updated site plan is more specific to the location of the proposed warehouse which was a major part of the development associated with this request and it

changed the orientation of the building to be less intrusive to the most affected adjoining property owner.

Supervisor Williams and Vice Chairman Brann stated that the conditions should be more specific in relation to lighting and noise.

Chairman Haynie asked what day the suggested conditions were posted.

Mr. Marston stated that they were posted earlier this week.

Supervisor Long believes that this matter should be tabled to next month's meeting so both sides have a chance to review the information further.

Motion to table a decision to next month's regular meeting on October 10, 2024.

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

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Vice Chairman Brann clarified that the public can access board docs which is where the conditions were posted prior to the meeting.

County Administrator Tadlock explained that there is a link to board docs on the County website. If there are any concerns, he asked that they call the County Administrator's office at 804-580-7666.

Chairman Haynie suggested putting copies of the conditions out by the front door for citizens to pick up as they walk in the courtroom. He also stated that the conditions need to be posted seven days before the meeting date.

Action, Information: B. Request by Hacks Neck Farm to apply for establishing regulatory "No Wake Buoy Markers" in an area of the Great Wicomico River, near the Great Wicomico Bridge, boundaries described as Latitude 37° 51.0492' N and Longitude 76° 22.1711' W , Latitude 37° 50.9257' N and Longitude 76° 22.2728' W , and Latitude 37° 50.8027' N and Longitude 76° 21.9819' W to the Department of Wildlife Resources (DWR).

Mr. Myles Cockrell, applicant, described his no wake request to the Board.

Supervisor Fisher made it clear to the applicant that if approved, the County does not play a part in the enforcement of the no wake zone. He stated that he sees this as an enforcement nightmare.

Public Hearing Open

Mr. Jim Penney stated that he lives across the river and the no wake zone could be a good idea because it could lessen the amount of shore erosion where he resides, but he asked who enforces the no wake zone. He shared his negative experiences with living across the water from the business and believes that only one entity will benefit from this request. He also suggested that the Board consider requesting the Planning Commission to address noise from commercial operations especially within residential communities. Lastly, Mr. Penney believes that those across the water should have been notified about this application as well. He'd like to see the notification of adjoining property owners be revisited to consider notifying all those affected.

Mr. Matt Smith shared his opposition to the request as he believes the watermen need to get back and forth.

Public Hearing Closed

Supervisor Fisher commented on how difficult it would be to enforce the no wake zone and stated that he'd hate to see the people restricted if it's not necessary.

Supervisor Williams mentioned that the no wake zone could be beneficial because of the bridge being there as well as the fact that there's a kayak launch there now right at the foot of the bridge.

Motion to deny the request by Hacks Neck Farm to apply for establishing regulatory "No Wake Buoy Markers" in an area of the Great Wicomico River. 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: AC Fisher, Jr., second by: James M. Long.

Final Resolution: **Motion Carried**

Aye: James M. Long, James W. Brann, AC Fisher, Jr.

Nay: Richard F. Haynie, Chip Williams

Action, Information: C. Request by Ann Cordes Harvey, owner, to modify conditions to an existing Conditional Use Permit allowing farming with livestock on property zoned R-2, Residential Waterfront. The property is shown as Tax Map Parcel #52-(1)-41 and is located at 328 Point Pleasant Road.

Mrs. Nancy Ellen Keane, attorney representing Ms. Harvey, asked that the Board consider approving the amendment to Ms. Harvey's existing permit as she believes it's consistent with the County's comprehensive plan, complies with the zoning district, and is a win-win for all parties. She explained that Ms. Harvey wishes to continue her operation with minor changes which are adding additional acreage of 3.3 acres to the CUP and to change her numerical requirement of sheep and chickens.

Supervisor Fisher asked if Ms. Harvey was currently in compliance.

Mrs. Keane stated that she is currently in compliance with the existing permit.

Supervisor Fisher asked Mr. Marston if there were sheep on the additional acreage when they visited the property, putting her out of compliance with her existing permit.

Mr. Marston stated that there were sheep on the additional acreage meaning she is out of compliance.

Supervisor Williams asked when they visited the property.

Supervisor Fisher stated it was about 4 weeks ago after she was already notified that she was out of compliance.

Public Hearing Open

Mr. Jeff Webster urged the Board to approve Ms. Harvey's request as he believes this is reasonable and that her operation is exemplary.

Mr. Jesse Dize stated he was under the impression that the permit included livestock such as pigs, but he doesn't have a problem with sheep. He explained that he was present at the original meeting back in 2020, and a deal was made with Mr. Tacey to not fence the field in question and to not put livestock there because of his concerns related to contamination of his surface well. Mr. Tacey now has dementia and had to be moved away from his home, so as soon as he left the fence was installed. Mr. Dize confronted Ms. Harvey about the fence, and she informed him that the conditions had been changed in her permit, so he did not pursue it any further. He doesn't agree with how this was done and believes that she should have come to the Board to modify her conditions before installing the fence and allowing more sheep to be placed on that land.

Mr. Lewis Larson believes that Ms. Harvey has trouble maintaining 25 sheep, so he disagrees with the approval of expanding her request to 50 sheep.

Supervisor Williams asked why he believes she's having a hard time maintaining 25 sheep.

Mr. Larson stated that he thinks she'd end up having problems with more than 25.

Mr. Ryan McDougle, attorney representing Mr. Tacey, explained Mr. Tacey's story of how he did become ill; shortly after, a fence was installed, and sheep were put into that area that the community had agreed upon to keep clear in 2020. He stated that the violation was noticed in April of 2023 and on May 5, 2023, a letter was sent to Ms. Harvey advising her of the violation and requesting her not to continue with installing the fence. Mr. McDougle explained that the fencing continued being installed and in September of that year, they noticed the sheep in that area, so Mr. Tacey's attorney sent a letter to Mr. Marston notifying him of the violation. He explained they are not asking for Ms. Harvey to withdraw her CUP, but they are asking that she continue with the original agreement with those conditions created in 2020.

Chairman Haynie asked Mr. Marston if he received a letter from Mr. Tacey's attorney back in 2023 notifying him of the violation.

Mr. Marston confirmed that he did receive the letter.

Chairman Haynie asked why something wasn't done about the violation sooner.

Zoning Administrator Marston explained that since the day the conditional use permit was approved in 2020, the County code changed to allow some administrative relief to allow farming with residential waterfront. Mr. Marston stated that he contacted the County's Attorney, and multiple conversations took place in regard to how to treat this violation. Their decision was that her CUP would supersede because it was applied prior to the zoning change. He informed the Board that he did reach out to Ms. Harvey to explain this, however after that, he didn't receive any correspondence from either party.

Mr. Scott Griffith believes that her operation is causing additional runoff and affecting the oyster shore. He asked that the Board not extend this matter.

Ms. Belinda Gaskins shared her concern of this operation contaminating the water and it potentially affecting her oyster shore.

Ms. Elizabeth Gruben addressed some of the citizen's concerns related to pollution and runoff. She shared her support of the application and urged that the Board move forward with Ms. Harvey's request.

Mr. Roger Gruben shared some positive traits of Ms. Harvey and doesn't believe that she'd do anything to degrade the living circumstances of her neighbors.

Ms. Sandra Baxter agreed with Mr. Gruben and provided the Board with positive feedback about Ms. Harvey and her involvement in the community.

Public Hearing Closed

Supervisor Fisher stated that he met with Ms. Harvey, and she is doing a good job with her sheep, but he has a problem because she violated her permit with the County. He explained that he wants no part of an operation that may be affecting the oyster shore. Mr. Fisher also asked what message they are sending to the County when they let a violation such as this take place.

Vice Chairman Brann asked how big that parcel of land is.

Mr. Marston stated it's a little over 3.3 acres.

Motion to deny the modification of conditions to an existing Conditional Use Permit allowing farming with livestock on property zoned R-2, Residential Waterfront. 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: AC Fisher, Jr., second by: James M. Long.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.

Supervisor Fisher made the public aware that the Board does have the ability to dismiss the original conditional use permit; however, in this case they are allowing Ms. Harvey to continue her operation as permitted back in November of 2020.

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

10. Closing of Meeting

County Administrator Tadlock asked the Board if they wanted to look at dates to reschedule the joint meeting with the School Board.

There being no suggestions, Mr. Tadlock stated that he would get with the Superintendent to see what potential dates they could have the joint meeting.

Action: A. Adjournment

Motion to adjourn.

Motion by: AC Fisher, Jr., second by: James W. Brann.

Final Resolution: Motion Carried

Aye: James M. Long, Richard F. Haynie, James W. Brann, Chip Williams, AC Fisher, Jr.