

Special Called Board of Supervisors Meeting (Thursday, September 7, 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

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

Information: A. Call to Order

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

Chairman Fisher called the Planning Commission meeting to order as this was a joint meeting. Attending the meeting was Alfred Fisher, Charles Williams, Chris Cralle, Roger McKinley, Patrick O'Brien, and Heidi Wilkins-Corey.

2. Presentations

Discussion, Information: A. Rural Solar Development Coalition

For more information related to the formation of the Rural Solar Development Coalition (RSDC), see May 2, 2023 special meeting minutes.

Ms. Susan Seward started her presentation by informing the Board that she has several zoning ordinances being sent to her from other RSDC counties to share with the Board. She then went through Northumberland County's solar ordinance and asked questions, while offering recommendations to better shape the ordinance for the County's best interest.

Ms. Seward recommended adding a definition in the ordinance to address electric cooperative (behind the meter) projects. She stated she believes the ordinance needs more definitions overall.

Supervisor Tomlin asked what size projects those typically are.

Ms. Seward explained these projects are usually less than 20 megawatts.

Ms. Seward recommended going into further detail on the conditional use permit, public hearing process, and the requirements the County expects from a developer. She also mentioned that she

didn't see a road bond anywhere in the ordinance and explained that the potential for road damage is high when constructing these projects.

Supervisor Tomlin asked if she was referring to public or private roads.

Ms. Seward stated that she was referring to public roads.

Supervisor Tomlin asked if VDOT had any type of bond if damage is done. He then asked why VDOT wouldn't take responsibility for a damaged public road.

Ms. Seward stated she wouldn't want to depend on VDOT to prioritize repairing a road due to project damage. She informed the Board that her county's planner would go after the developer a lot harder for money to fix the road rather than VDOT. This would be a more accelerated process in comparison to relying on VDOT.

Mr. Fisher asked if they could address truck traffic in certain areas in the ordinance.

Ms. Seward confirmed that you could put up gatekeepers in the zoning ordinance while addressing the road bond and construction entrances.

Ms. Seward highly recommended adding a minimum setback for solar projects from dwellings or businesses.

Ms. Seward then recommended the surety bond method the County chooses be adjusted to reflect whatever increased costs there may be.

Ms. Seward also suggested the County be more specific on decommissioning and what the County expects to be removed after the project's useful life. She warned the County that others could interpret our current language multiple ways, so she suggested being cautious about that.

Ms. Seward stated that the County would more than likely receive pushback from a developer for doing a bond evaluation every two years due to the costs.

Ms. Seward informed the Board that her County requires the developer to notify them by certified mail whenever a facility is inactive. She suggested creating ordinance language that specifies the preferred notification to the County.

Ms. Seward referred to a several page document she sent to the Board regarding battery storage projects and emphasized the importance of being specific in the ordinance regarding training for the firefighters and the fund source(s) associated with that. She also suggested referencing the National Electrical Code, International Fire Code, and National Fire Protection Association Fire Code in the zoning ordinance. She recommended addressing the foundation for the battery storage, developer certification requirements, emergency lighting/signage, and reserving the right to test the groundwater.

Ms. Seward suggested having a separate section for site plan requirements that addresses site security, construction lighting, water supply (if applicable), and work hours.

Ms. Seward informed the Board that her County also addresses an erosion and sediment control plan as well as requires an erosion and sediment bond.

Ms. Seward then referred to their comprehensive plan and suggested revising ours to address minimum/maximum acreage dedicated to solar, panel coverage, and the preferred type of land to place the projects on. She stated that since this was a part of the comprehensive plan, there is some flexibility there in comparison to the zoning ordinance.

Ms. Seward concluded her presentation by letting the Board know she would send several zoning ordinances to them to use as a tool when shaping the Northumberland ordinance.

Mr. Fisher asked the Board of Supervisors to look into the recommendations brought forward to tonight's meeting and send the ordinance back to the Planning Commission for review.

The Planning Commission's Chair, Alfred Fisher, adjourned to close the joint meeting.

***Chairman Haynie called for a 10-minute recess.*

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: 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

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

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

Motion to approve the increase in David Woolard's salary by supplemental appropriation in the amount \$6,611.16 for the additional 10 months of FY24 to include salary and benefits effective September 1, 2023.

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

Final Resolution: Motion Carried

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

Abstain: James W. Brann

County Administrator Tadlock announced that the district V Board of Supervisor member applications are due tomorrow at noon, so he asked if the Board would like to have a special meeting to review those applications.

Supervisor Long asked if the County was doing anything to encourage the public to cover their loads in their trucks.

County Administrator Tadlock explained that the anti-litter committee applied for a grant that will allow them to take these actions.

4. Closing of Meeting

Action: A. Carry Over

Motion to carry over to the Board of Supervisors special meeting on September 14, 2023 at 4:30 p.m.

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