

Virginia: At the regular work session meeting of the Essex County Board of Supervisors held on Tuesday, September 13, 2022, at 5:00 p.m. in the School Board Meeting Room, at 109 S. Cross St., Tappahannock, Virginia:

Board of Supervisors Present: Robert Akers, Jr., Chairman
 Ronnie G. Gill, Vice Chairman
 John C. Magruder, Supervisor
 Edwin E. Smith, Jr., Supervisor
 Sidney N. Johnson, Supervisor

County Administration Present: Michael Lombardo, County Administrator
 April Rounds, Assistant County Administrator, Deputy Clerk

Andrew McRoberts, Counsel for Essex County, arrived at 5:04 PM.

CALL TO ORDER

Chairman Akers called the Regular Board of Supervisors Work Session of September 13, 2022, to order.

ROLL CALL

The Deputy Clerk called out the roll for the Board of Supervisors; a quorum was met.

AGENDA

No changes.

DISCUSSION

Broadband Update

County Administrator Lombardo stated that we have submitted the application that will go through the review and scoring process and we should know something by December. Mr. Hodges stated that all of the applications that were submitted are on the website and there are quite a few of them. There will be a period in October that people can challenge areas. He is unsure if the County will be challenged by any of the providers. The Vatty will announce in December.

Chairman Akers asked if Mr. Hodges had looked at any of the other applications to get a feel for what the other pass through rates were to see how competitive we were? Mr. Hodges is planning to look at that next week and extract the information and will present it to Administrator Lombardo.

Chairman Akers asked when the deadline for them to make their decision was? Mr. Hodges stated they will look at the challenges and then announce the awards in late December. Supervisor Gill asked if we had any challenges last year? Mr. Hodges said we did not. Administrator Lombardo stated that he doesn't see any changes that would be cause or concern.

Supervisor Smith asked if there was an exact amount that we were asking for in the grant. Mr. Hodges said he was not sure of the exact number but would put that in his report next week. Supervisor Magruder asked if they had heard anything back from the school for their commitment? Administrator Lombardo stated he had not gotten a definitive answer yet just some questions regarding how the grant worked.

Zoning Initiative Update and Review of Proposed County Zoning Map

Chairman Akers stated that they have Vetted the ordinance quite a bit as have the planning commission, staff, and legal council. The map is the newest part there and we are about 85% there. His recommendation is to provide some availability for public comment by making it available online for people to look at.

Mr. Hodges came with the recommendation that both the zoning map and the ordinance that you consider approving it. He sent a summary packet that included his cover letter, Administrator Lombardo's cover letter, the map changes, and the amendments to the document.

In April we put out the 5 changes to the current zoning map.

- 1) Taking a single parcel of property near the old airport and changing it from S1 to R1.
- 2) Take a parcel of property near the new airport and rezone from M2 to I1
- 3) The two changes in the LaGrange area from 2 to 1 where 2 means heavy and 1 means light.

The majority of the changes are just name changes. Mr. Hodges said from his perspective the information has been out there and we should go ahead with the changes. The individual parcels will be the next major project.

Supervisor Johnson asked if there was a timeline the zoning map needed to be updated or just when they are doing the Comprehensive Plan. Mr. Hodges stated the maximum you would want to go is five years which is associated with the comprehensive plan. He feels that as the board approves a zoning change they update the map yearly.

Supervisor Gill asked if we update it annually would it be incumbent on Mr. Hodges to bring those changes to the board to approve? Mr. Hodges stated that he sees it as it is approved we can update the parcel in GIS and then yearly print out a new map with all of those changes in it.

Supervisor Magruder stated his concerns are one with just the clean up of the lines on GIS so there is no overlap. Also with something such as the LaGrange portion as far as changing and then making sure that we are communicating these changes to the land owners. Especially if it involves changing their taxes. Mr. Hodges stated that we had sent out letters to all of the land owners about these proposed changes. He stated that he only received two phone calls. Supervisor Magruder stated that either way people are going to fuss. If they question it and they go before the planning commission would they have to pay a \$400 fee? Mr. Hodges stated that they are not asking to change something so they would not have to. If someone is wanting to make a change to the zoning then they would have to pay the fee. If they just have a question about a previous zoning they could come before the planning commission without a fee for review.

Mr. Hodges stated that there are several ways to look at county information and not all of it is accurate. Supervisor Magruder asked that they put a time limit to come in if they have questions without the burden of the cost on them. Mr. Hodges asked if they were wanting to resend the letters to the 50 people that are in the zoning map change and give them the time frame in which they can ask questions.

Andrew McRoberts, Council for Essex County asked if the zoning map was being prepared to reflect existing zoning categories or changing zoning categories? Mr. Hodges stated that it is in a way both. It reflecting the ones that we had. What we had advertised to change is the taxonomy for how we do industrial M1 was industrial heavy M2 was industrial light. We are changing it to I1 is industrial light and

I2 is industrial heavy. So we have changed the letter and the number designation. We changed one parcel from S1 to R1. Mr. McRoberts asked if it had been to the Planning Commission for recommendations and suggestions? Mr. Hodges stated that all of the changes had been sent to the planning commission and they sent a letter back to the board saying they recommend the zoning map changes as well as the amendment changes to the base document. Mr. McRoberts asked if there was a public hearing with notices here with the board. Mr. Hodges stated that was done in April.

Chairman Akers asked if the new map was in there. Administrator Lombardo stated that the map was designated but the changes were in there. Supervisor Gill asked if we renotify the land owners is there any rabbit holes? Mr. McRoberts said that if you want to send an additional letter there is no problem, there is only a problem with not enough notice. Supervisor Magruder asked with the inconsistencies with the GIS, Commissioner of Revenue and what we are proposing that we give one last chance and whether they come forward or not is their choice.

Chairman Akers asked the board if they thought that 30 or 60 days would be enough time? Administrator Lombardo feels that 30 days is plenty of time as we have been working on this for 2 years. Mr. Hodges asked if one option is that we adopt the zoning map, send out letters that we have adopted this and they have 60 days to ask questions before the planning commission? Chairman Akers asked the board if they agreed with that option.

Supervisor Johnson asked if we knew the parcels and the parcel owners? Were they local or did they live out of state? Since that would make a difference in them responding to the changes. Mr. Hodges stated that the parcel owner information that is reflected in the Commissioner of Revenue database is what they used to send out the letters. There was one owner who owns several parcels and they received a letter for each parcel. Mr. Hodges stated that the phone calls that he had received when he explained that we were just changing the name of the category not the use they understood.

Supervisor Magruder liked the 60 day to give them the time but supports what Mr. Hodges is proposing. Chairman Akers asked each of the Supervisors if they agreed and they all agreed.

Mr. Hodges discussed the Ordinance update and the amendments that would be made to this document so that they can all be updated. Mr. Hodges recommends that all amendments be approved except on the third page where they added 'shall be buffered' in there.

Mr. Hodges would like to look at each by section so the board can ask question. With the first section he asked if there were any questions? Supervisor Gill asked if the Planning Commission recommended all of these. Mr. Hodges stated that the planning commission, Administrator Lombardo and himself are all recommending these amendments. Supervisor Magruder asked about letter 'S' where it states that with a solar facility 'shall provide an action plan with concerns to adjacent property owners.' Mr. Magruder assumes that the County would get a copy of that as well but since it is public information the adjacent property owners would have access to that. It does not give them any rights or ability to circumvent anything but it would give them a voice. Is that how that the purpose? Mr. Hodges stated that the planning commission wanted to make sure that the adjacent property owners of a new solar facility would have a voice and that the developer would have to listen and respond to those concerns. Supervisor Magruder also asked about amendment 'X' is the reason for the maximum 4 foot for the visual so the buffer would hide that. At a forestry meeting they discussed grazing animals in solar facilities and if the maximum is 4 feet and the animals require more than that there would be some

issues there. He is not suggesting a change just bringing it to the attention. Mr. Hodges stated that might be something that we look at in a year.

Mr. Hodges asked if there is questions on the next section? There were no questions with that section.

Mr. Hodges asked if there were questions on the last section? The planning commission would like to add in the change to II. Because they added 'shall be buffer' Mr. Hodges stated that with the original document the wording accounts for buffering and so we do not need to add in about 'shall be'. Supervisor Magruder asked if Mr. Hodges had gone back to the planning commission to see why they wanted that wording in there? Administrator Lombardo stated that these were recommendations that came after the joint meeting with the planning commission and the Board of Supervisors. There is enough in there that discusses buffering and adding the additional wording isn't needed. Supervisor Johnson asked if we had asked the Planning Commission why they wanted that wording. Administrator Lombardo said they have not been to ask what the rationale was. Chairman Akers stated that the Planning Commission has reviewed all of these including what the Berkley Group was recommending and not recommending.

All Board members are supportive of the recommendations.

Mr. Hodges started looking at Section two. These were text changes that the county attorney had looked at and made changes based on state code. The Planning Commission has not looked at those but they came from the County Attorney.

Supervisor Magruder asked about 'VVV' intermodal shipping containers. Chairman Akers asked about using shipping containers as dwellings and if that were conditional use? Mr. Hodges stated right now that is now something you could live in in the county.

Town Hall Meeting Format

Chairman Akers stated that in the last meeting they discussed to highlight what they accomplished last year, look at what they discussed at their strategic planning meeting, broadband, Raise Grants. Are there any other topics that should be discussed at the Town Hall Meeting?

Supervisor Johnson would like to discuss the issue on recreation for the county. What can the kids do in their free time, they are pleased with the pool but that is only for the summer. We need to address the sports complex to meet the needs of some of our citizens.

Supervisor Smith stated that there is nothing specific just making sure that all items get addressed and that the public has time to get their questions answered. Chairman Akers suggested having a signup sheet to make sure there is some order so that everyone has a chance.

Supervisor Gill would like to discuss some things regarding the Economic development and the cooperation with the town and the schools.

Supervisor Magruder wanted to know if we were inviting the superintendent or a member of the Town council incase there are some questions for either of them?

Assistant Administrator Rounds suggested having the zoning map available as another opportunity for people to look at so that they could ask questions if needed.

Supervisor Magruder asked if the hunters would still be allowed to use the poor house track M-W for right now until the grants come in. It would be 21 days. Chairman Akers stated that last year they had discussed it being the last year but if it is not being utilized he would leave it up to the board. Supervisor Johnson would like for Administrator Lombardo to get with Kay Carlton to see who is using it and how often. Supervisor Smith agreed that Kay needed to be involved. Supervisor Gill stated that we made the decision last year assuming if there has been no change he does not see a reason why we couldn't allow it. Supervisor Magruder agreed that we could put it on the agenda for next month.

Supervisor Johnson asked about the Opioid Funds. Administrator Lombardo talked to the sheriff, commonwealth attorney, and Candice to brainstorm the needs and how to address it.

Supervisor Gill would like to add something to the closed session that would involve legal council.

ADJOURN

Having no further discussion, Chairman Akers adjourned the Work Session meeting of the Board of Supervisors.

Chairman

Clerk of the Board