

Virginia: At the regular work session meeting of the Essex County Board of Supervisors held on Tuesday, December 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
 Sidney N. Johnson, Supervisor
 John C. Magruder, Supervisor

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

Absent: Edwin E. Smith, Jr., Supervisor will be at regular meeting

CALL TO ORDER

Chairman Akers called the Regular Board of Supervisors Work Session of December 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

Financial Report for FY End 6/30/2022

The financial report for FY end 6/30/22 was presented. There was discussion on the supplemental grant for the school and the reappropriation of the funds.

Proposed Building and Zoning Fees for 2023

Zoning Administrator Rob Hodges presented the zoning fees for 2023. Based on the adoption of the new zoning ordinances I made 3 changes to the zoning fees. The registration for short term rentals which would be \$100 annual fee for each property. Added permit fees for solar. Appeals cost for Board of Zoning and Appeals.

Supervisor Johnson asked what the purpose of the additional fees are? Mr. Hodges stated that for the solar since we have added the sections for solar in our zoning and subdivision we wanted to put a permit fee for that. We added the short term rentals if they want to use their residence for that. Previously we just had one fee for appeals and now they would be separated for each board that needs an appeal. Administrator Lombardo stated that this is also to help recoup the cost of Tim Smith who is overseeing the short term rentals as well as the zoning code enforcement.

Supervisor Johnson stated that they need to have a public hearing before these are voted on.

Vice Chairman Gill asked if we would have to do a public hearing in the future if we decided to change them again. Chairman Akers stated that only if we raised them.

Supervisor Magruder stated that he would like to change Solar Farm to Solar Facility.

Chairman Akers asked Commissioner Blackwell if we would be implementing a short term rental tax and if so should we do that at the same public hearing? Commissioner Blackwell stated that we would need to have a public hearing to implement a short term rental tax.

Chairman Akers asked if we could draft something to put into place? Commissioner Blackwell stated that his colleagues are working on that for different localities and he would like to wait to see what they do.

Vice Chairman Gill asked if he knew when it would be out. Commissioner Blackwell stated that he feels that it is imminent. They would like to see something done quickly.

Supervisor Johnson asked if it would be handled like a hotel or motel where that tax is charged. Commissioner Blackwell stated it would be handled just like that and he will get something drafted quickly.

Supervisor Magruder asked if we could also check with VACO? Commissioner Blackwell stated that VACO has been involved in these meetings so we could check with them.

Text Amendment Request R2200001 Overview with PC/Zoning Administrator Recommendation to BoS

Zoning Administrator Hodges presented a request for a text amendment that was previously presented to the planning commission. The staff recommended to the planning commission that they deny the request which they did. His recommendation to the Board of Supervisors is that they also deny the request.

Vice Chairman Gill asked if this request was also going to the BZA for a variance? Zoning Administrator Hodges stated that going to the BZA was not an option as it is not a variance request.

Vice Chairman Gill also asked if this was a nonconforming structure? Mr. Hodges stated that it is nonconforming with the number of apartments and trailers they have on the property with no way to fix it.

Vice Chairman Gill stated that the 2 options seem to be accept it as nonconforming and look the other way or enforce that it is nonconforming? Mr. Hodges stated that is correct.

Vice Chairman Gill said the owner of the property voluntarily came forward for the text amendment. Mr. Hodges stated that is because they wanted to set up electric services for each separate unit. However, the property is not zoned for a duplex nor is the property big enough for a duplex and there are more dwellings on the property.

Vice Chairman Gill agrees with the planning commission on the denial but did state it is a tough case because there is no way to remedy the situation.

Supervisor Magruder stated you have a multifamily dwelling and the soil out there is not great. He can not imagine that the septic could handle that and it not be a health concern. That was not addressed in the packet and that is a huge concern. Mr. Hodges stated that Mr. Williams enlisted a soil scientist and there was a plan to make it bigger if it were able to get rezoned to multi-family.

Vice Chairman Gill stated that the saving grace is that the family owns the adjoining 15 acres. They could get it resurveyed and then potentially rezoned.

Supervisor Johnson asked if the owners would be willing to do that? Mr. Hodges stated that the owner has not talked about that but he could bring that up to him as an option. There also may not be enough buildable acreage to do that but he could look into it.

Supervisor Magruder stated that he does not want to lead the owner that direction do we want to rezone that as an R3 when it is agriculture? Chairman Akers did say they should at least have a right to know some options.

There was discussion on the comprehensive plan.

Broadband and VATI Grant Update

Mr. Hodges stated that there is no updates but we anticipate the announcement to be by the end of the month. VATI has not provided the items yet about the federal funds if we do not get this.

Supervisor Magruder stated that we had committed to \$4,000,000 and the school the other night only committed to \$300,000. As we are preparing budget we need to keep in mind we are already \$200,000 behind.

Vice Chairman Gill asked when the announcement comes out is it piecemealed, or does it go out to everyone whether they got it or not. Mr. Hodges stated that last year it came out in an email from the governor with all those that got it listed on there.

Two school system

Chairman Akers stated he received a text that the VDOE is going to come back out tomorrow to look at the high school as that was not in the original discussion when talking with them about a two school system.

Superintendent Thomas stated that according to the VDOE we are ok with the schools now but that did not include the high school. The School Board has asked Dr. Thomas to look at a private firm to do a feasibility study on going to a two school system. He is looking at using a PPEA and beginning to look at a scope of work to look for a RFP. Once a scope of work is done it will take about 2 months for the feasibility study.

Reappropriation of funds for school

Dr. Thomas stated that the funds they received from the revenue from the virtual programs that they ran last year. These were in county students that wanted virtual study. We were unsure of how much revenue this would generate.

Zoning Map Conditional Use Updates in Accordance with Section 36.129

Mr. Hodges stated that section 36.129 says that he has to keep a conditional use index of all the properties that have a conditional use permit. I anticipate having this list by January and then we will have a layer on the zoning map.

Tax Relief

Supervisor Johnson stated that we have met with Commissioner Blackwell several times with the tax relief. We should continue to see what we can do with that especially with the cost of inflation.

Chairman Akers is still hesitant the cost and including the disability income we don't know what that rate would be.

There was discussion on using the disability income information from the IRS.

Commissioner Blackwell stated that there were three areas that we recommended to increase limits and also with the disability. If it that is holding us up I can take out the disability and we move forward with the rest.

ADJOURN

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

Chairman

Clerk of the Board