

Virginia: At a regular scheduled meeting of the Essex County Board of Supervisors held on Tuesday, January 18, 2022 at 7:00 p.m., at the School Board meeting room, 109 Cross Street, Tappahannock, Virginia and virtually for the public:

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

Present: Michael Lombardo, County Administrator  
Andrew McRoberts, County Attorney

### **CALL TO ORDER**

Chairman Akers called the meeting of Tuesday, January 18, 2022 to order at 7:00 p.m.

### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Vice Chairman Gill led the Invocation and the Pledge of Allegiance.

### **ROLL CALL**

Administrator Lombardo called out the roll. All Supervisors were present; a quorum was met.

### **AGENDA APPROVAL**

Chairman Akers asked the Board if anything needs to be added to the agenda and hearing none asked for a motion to approve the agenda. Supervisor Johnson so moved and Supervisor Smith seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

### **RECOGNITION**

None.

### **PUBLIC HEARINGS**

Chairman Akers read the rules for Public Hearings and opened the Public Hearing for Redistricting Ordinance #22-01. Administrator Lombardo read Ordinance #22-01 aloud for everyone. Chairman Akers asked if anyone would like to speak and a gentleman from the Central District came forward and stated that it appears the redistricting has already been decided by the Board of Supervisors. Chairman Akers said three options were brought before

the Board at their last meeting. The gentleman said he never saw the other two options and he had a question about #2 criteria; it stated that race cannot be considered [in redistricting] and each district has to have a majority minority. He said these two criteria seem to conflict with each other.

Angela Islam, 13217 Mount Landing Rd., Tappahannock said she bought a home 35 years ago and just recently found out that the property is located in King and Queen County not Essex County. She said she never received notification and has been paying taxes to Essex County and sending her children to Essex County Public Schools. Administrator Lombardo said he is aware of this issue and will be working with his GIS staff this year on the King and Queen/Essex Boundary.

Having no further comments for the Public Hearing, Chairman Akers closed the Public Hearing.

Supervisor Magruder added that voting Districts are determined by population not acreage. He pointed out that item #6 states that affected voters will be notified of the change within 15 days. He said there are many options to vote: early voting, by mail, and dropping ballots off at the Registrar's office. Supervisor Gill said the Board of Elections told him each District can only have one voting location. He asked that the name of the voting location for the South District, Ephesus Baptist Church, be added to the Resolution #22-01, as the names of the other locations are listed.

Supervisor Smith made a motion to approve Ordinance #22-01 as amended and Vice Chairman Gill seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

### **ORDINANCE #22-01**

**AN ORDINANCE TO ESTABLISH ELECTION DISTRICTS; TO ESTABLISH PRECINCTS AND POLLING PLACES FOR ELECTION DISTRICTS; TO ESTABLISH A CENTRALIZED ABSENTEE PRECINCT; AND TO PROVIDE FOR THE APPORTIONMENT OF MEMBERS OF THE COUNTY BOARD OF SUPERVISORS AND SCHOOL BOARD BY ELECTION DISTRICT.**

BE IT ORDAINED by the Board of Supervisors of Essex County, Virginia that:

1. **AUTHORITY:** Pursuant to the authorities contained in Title 24.2, Chapter 3 of the Code of Virginia, 1950, as amended, representation to the Board of Supervisors shall be by the election districts which are hereby created and established as set forth in this Ordinance. Further, pursuant to authorities contained in Title 24.2, Chapter 3 of the Code of Virginia, 1950 as amended, polling places for the respective election districts in Essex County are established as set forth in this ordinance.
2. **ELECTION DISTRICTS – POPULATIONS:** The election districts for Board of Supervisors and School Board elections, and their respective populations, are as follows:

<u>Districts</u>	<u>Population</u>
North	2653
Central	2610
Greater Tappahannock	2735
South	2601

3. ELECTION DISTRICT BOUNDARIES: The boundaries of the respective election districts for Board of Supervisors and School Board elections are set forth below and on the attached district map of Essex County, Virginia, which is made a part hereof.

### 3.1 NORTH DISTRICT –

Beginning at the confluence of the Rappahannock River and Portobago Creek, south to the intersection of Portobago Creek and Portobago Run; thence south along Portobago Run to intersection of Rt. 625 (Supply Rd.); along the western county line to US HWY 360 (Richmond HWY); east on US HWY 360 (Richmond HWY) to Rt. 682; east on Rt. 682 to HWY 360 (Richmond HWY); east on HWY 360 (Richmond HWY) to Rt. 620 (Dunbrooke Rd.); north on Rt. 620 (Dunbrooke Rd.); to Rt. 618 (Sunnyside Rd.); northeast on Rt. 618 (Sunnyside Rd.) to Rt. 717 (Crittendens Mill Rd.); northeast on Rt. 717 (Crittendens Mill Rd.) to Rt. 627 (Mt. Landing Rd.); north on Rt. 627 (Mt. Landing Rd.) to Rt. 716 (Warings Mill Rd.); east on Rt. 716 (Warings Mill Rd.) to US HWY 17 (Tidewater Trail) to Rt. 689 (Goldberry Ln.); north on Rt. 689 (Goldberry Ln.) to the Rappahannock River; finally, from the intersection at Rt. 689 (Goldberry Ln.) and the Rappahannock River north and northwest, along the county line in the Rappahannock River, to a point ending at the confluence of the Rappahannock River and Portobago Creek.

### 3.2 CENTRAL DISTRICT –

Beginning at a point on the Rappahannock River shoreline at or near the northern beginning of Rt. 689 (Goldberry Ln.); thence south to and on Rt. 689 (Goldberry Ln.) to US HWY 17 (Tidewater Trail); northwest on US HWY 17 (Tidewater Trail) to Rt. 716 (Warings Mill Rd.); southeast on Rt. 716 (Warings Mill Rd.) to Rt. 627 (Mt. Landing Rd.); southwest on Rt. 627 (Mt. Landing Rd.) to Rt. 717 (Crittendens Mill Rd.); south on to Rt. 717 (Crittendens Mill Rd.) to Rt. 618 (Sunnyside Rd.); southwest along Rt. 618 (Sunnyside Rd.) to Rt. 620 (Dunbrooke Rd.); south on Rt. 620 (Dunbrooke Rd) to US HWY 360 (Richmond Road); west to the county line; southeast along the county line for .154 miles to Rt. 707 (Millers Tavern Rd.); east on Rt. 707 (Millers Tavern Rd.) to Rt. 684 (Howerton Rd.); northeast on to Rt. 684 (Howerton Rd.) to Rt 609 (Essex Mill Rd.); northeast on Rt 609 (Essex Mill Rd.) to Rt 615 (Mussel Swamp Rd); northwest on Rt 615 (Mussel Swamp Rd) to Mussel Swamp; northeast along Mussel Swamp to a point at US HWY 17 (Tidewater Trail) and the Piscataway Creek; northwest along US HWY 17 (Tidewater Trail) to the Tappahannock town line; north along the town line to Rt. 627 (Mt. Landing Rd.); along Rt. 627 (Mt. Landing Rd.) to a point 1.75 miles to point that intersects with an unnamed road that traverses (west to east) the Rappahannock River Valley National Wildlife Refuge to a point that intersects US HWY 17 (Tidewater Trail); northwest along Hwy 17 (Tidewater Trail) to Mt. Landing Creek; north along Mt. Landing Creek to the Rappahannock River; finally, along the County line in the Rappahannock River to the start point.

### 3.3 GREATER TAPPAHANNOCK DISTRICT –

Beginning at the confluence of Piscataway Creek and the Rappahannock River north along the Rappahannock River shoreline to Mt. Landing Creek; thence west along Mt Landing Creek to US HWY 17 (Tidewater Trail); southeast along US HWY 17 (Tidewater Trail) to point that intersects with an unnamed road that traverses (east to west) the Rappahannock River Valley National Wildlife Refuge to a point that intersects Rt. 627 (Mt. Landing Rd.); southeast on Rt. 627 (Mt. Landing Rd.) to the Tappahannock Town line; south, along the town line, to US HWY 17 (Tidewater Trail); southeast along US HWY 17 (Tidewater Trail) to Piscataway Creek; from US HWY 17 (Tidewater Trail) at Piscataway Creek; finally, northeast along Piscataway Creek to a point ending at its confluence with the Rappahannock River.

### 3.4 SOUTH DISTRICT –

Beginning at the confluence of Piscataway Creek and the Rappahannock River, south along the shoreline, to the intersection, at a point, .7 miles south of Jones Point at the intersection of the shoreline and the Rappahannock River; thence along the southern county line intersecting at a point with Dragon Swamp; along Dragon Swamp to intersection with Rt. 620 (Powcan Rd.); north along Rt. 620 (Powcan Rd.) to the intersection of Rt. 684 (Howerton Rd.) and Rt. 707 (Millers Tavern Rd.); east on Rt. 684 (Howerton Rd.) to Rt 609 (Essex Mill Rd.); northeast on Rt 609 (Essex Mill Rd.) to Rt 615 (Mussel Swamp Rd); northwest on Rt 615 (Mussel Swamp Rd) to a point that intersects with Mussel Swamp; northeast along Mussel Swamp to the Piscataway Creek; finally east along the Piscataway Creek to a point that ends at the Rappahannock River.

4. ELECTION OF SUPERVISORS AND SCHOOL BOARD MEMBERS: One supervisor and one school board member shall be elected from each election district created by this Ordinance. In addition, one more supervisor and one more school board member shall be elected at large from the entire county.
5. PRECINCTS AND POLLING PLACES: One precinct is hereby established for each election district, and one polling place for each precinct and district plus one Centralized Absentee Precinct. They are as follows, although they may be changed from time to time by resolution of the Board of Supervisors in accordance with applicable laws:

North District: Antioch Baptist Church  
454 Lloyds Road  
Champlain, VA 22438

Central District: James Moore Terminal Building  
1450 Aviation Road  
Tappahannock, VA 22560

Greater Tappahannock  
District: Tappahannock-Essex Volunteer Fire Department  
620 Airport Road  
Tappahannock, VA 22560

South District: Ephesus Church  
287 Ephesus Church Road  
Dunnsville, VA 22454

Centralized Absentee/Advance Precinct (CAP) – located in the Essex County Registrar’s Office. The CAP is established for the purpose of processing absentee and advance ballots for all elections in Essex County.

All precincts and polling places, collectively, shall serve for the at-large election district.

6. NOTIFICATION OF REGISTERED VOTERS: The Registrar of the County shall notify by mail no later than fifteen days, or such other time as is required by law, or regulation of the State Board of Elections, prior to the next general, special or primary election, which is scheduled to occur after the effective date of this Ordinance, all registered voters whose precinct and/or polling place has been changed by the provisions of this Ordinance.
7. NOTIFICATION OF GOVERNMENT OFFICIALS: The County Administrator shall provide notice and a certified copy of this ordinance to the Essex County Electoral Board, the County Registrar, the State Board of Elections, and any other legal or governmental authority required by law to receive a copy of this ordinance. In addition, the County Attorney shall provide a certified copy and a request for a certification of no objection to the Office of the Attorney General of Virginia.
8. EFFECT ON PREVIOUS ORDINANCES: This ordinance shall take precedence over and shall repeal all previous ordinances on the matters addressed herein. Otherwise, this ordinance shall apply consistently and harmoniously with previous ordinances.
9. SEVERABILITY: Should any section or provision of this Ordinance be decided to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of any other section and provision of this Ordinance.
10. RATIFICATION: The Board’s adoption and approval of the attached map of redistricting in December of 2021, called then by the Board, “Redistricting Option 3,” is hereby ratified.
11. EFFECTIVE DATE: This Ordinance shall be in full force and effect upon its adoption and enactment by the Board of Supervisors of Essex County, Virginia and upon Office of the Attorney General of Virginia certification of no objection.

**ADOPTED:** This 18<sup>th</sup> day of January 2022

**CERTIFICATION OF ADOPTION RESOLUTION**

The undersigned Clerk of the Board of Supervisors of the County of Essex, Virginia certifies that the Ordinance set forth above was duly adopted during an open public meeting on the 18<sup>th</sup> day of January 2022 by a majority of the members of the Essex County Board of Supervisors with the following votes:

AYE:

NAY:

ABSTENTION:

ABSENT:

Signed this 18<sup>th</sup> day of January 2022

ATTEST:

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Michael A. Lombardo, Clerk  
Board of Supervisors of the County of Essex, Virginia

## **PUBLIC COMMENTS**

Chairman Akers opened the Public Comments section of the meeting allowing speakers 5 minutes each.

As no one spoke, Chairman Akers closed the Public Comment session.

## **COUNTY ADMINISTRATOR'S and AGENCIES' REPORTS**

### **County Administrator**

Administrator Lombardo reported that the Financial Director has provided him with a spreadsheet for the FY22-23 budget and he will be getting back on track with the budget schedule. He gave a COVID update and said everyone will come down with Omicron which should peak in the next couple of weeks. Omicron is on par with measles for transmissibility, however, symptoms are much more mild for vaccinated individuals. He said 40% of his staff had Omicron last week. Mr. Lombardo said due to COVID the EDA summit will be pushed out to March 2022. Vice Chairman Gill requested an updated copy of the budget calendar. Chairman Akers said he is working on the BOS retreat.

### **EMS Director**

Mr. Brann reported that he has COVID self tests for County staff. He has separated his two crews to reduce the chance for COVID spread among his crew members. One crew is working out of Station 5 and the other Station 1. EMS units have four wheel drive to deal with the impending inclement weather, however, downed trees covering roadways still present a problem. Administrator Lombardo stated he will be talking with VDOT about snow removal.

### **Social Services**

Director Mickelborough passed out a budget to the Board members. She stated that the CSA appropriation of \$1,127,000 will be depleted by March 2022 and she will need an additional \$590,000 to provide mandated services through the end of the fiscal year. She said the agency

is quickly running out of money. Chairman Akers asked that the request be put on the February Board of Supervisors' meeting agenda.

### Facilities

Supervisor Magruder wanted to give a shout out to the maintenance department for their hard work renovating the Treasurer's office.

### General

Chairman Akers asked Administrator Lombardo to incentivize Department Heads to include their reports to the Board of Supervisors every month. The Tappahannock Main Street group has not reported in a few months and the Schools in over a year.

## **SCHOOL SUPERINTENDENT'S AND CONSTITUTIONAL OFFICERS' REPORTS**

### Commissioner of the Revenue

Commissioner Blackwell announced the DMV Connect team will be in the Beale Sanctuary next week. The Commissioners of the Revenue 2022 Legislative Agenda will be asking that the Governor's budget be amended to include unfunded positions. He has one unfunded position with a salary of about \$18,000 annually.

### Essex County Public Schools

Vice Chairman Gill reported that he and Chairman Akers met with the School Board members recently. He feels confident that they have internal controls in place now, so the auditors should not find any more material weaknesses going forward.

### Treasurer's Report

The records of this office show the following balances at the close of business on December 31, 2021:

<u>CASH IN OFFICE</u>	\$1,294.26
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#### CASH IN BANKS

United Bank @ 0.10%	\$4,210,072.73
Cafeteria Account @ 0.10%	\$31,263.88

#### MONEY MARKET

Primis Bank @ 0.10%	\$11,407.26
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## INVESTMENTS

LGIP @ 0.10%

\$1,355,330.37

The above balances are secured according to Chapter 350 of the Tax Code of Virginia and I certify that they are correct to the best of my knowledge and belief.

Heads Up Item: United Bank acquired Essex Bank and on December 4, 2021 the bank names changed.

## BOARDS AND COMMITTEES MINUTES

Minutes were provided by the Airport Authority.

## CONSENT AGENDA

The Board agreed to take all three Consent Agenda items together for an approval vote. Chairman Akers would like sentence 10 of section "EDA Efforts Update" from the December 14, 2021 Work Session minutes changed to read as follows:

"Mr. Akers stated that he is in favor of the wharf and if the grant comes in for less money, he would like the money to go to the wharf first then the marina."

Supervisor Johnson made a motion to approve the Consent Agenda as amended and Supervisor Smith seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0.

## NEW BUSINESS

None.

## OLD BUSINESS

None.

## CLOSED SESSION

Vice Chairman Gill read: In accordance with Section 2.2-3711(A)(1) of the Code of Virginia, I move that the Board of Supervisors convene in Closed Meeting to discuss the appointment of individual(s) to the Airport Authority; and pursuant to Section 2.2-3711(A)(8), to discuss and receive legal guidance regarding the assignment, performance, demotion, disciplinary action, and/or termination of specific County employees. Supervisor Smith seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0.

## RECONVENE IN OPEN SESSION



The roll call was performed by the County Administrator as follows: Chairman Akers – present, Vice-Chairman Gill – present, Supervisor Magruder – present, Supervisor Smith – present, Supervisor Johnson – present.

Supervisor Johnson read the certification of the Board:

**A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING**

WHEREAS, the ESSEX County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 D. of the Code of Virginia requires a certification by the ESSEX County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED by the ESSEX County Board of Supervisors this the 18th day of January, 2022 hereby certifies that, to the best of each member’s knowledge,

1). only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and 2). only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the ESSEX County Board of Supervisors.

The County Administrator called out the Certification of Board members. All were present and all certified.

Supervisor Magruder made a motion to appoint Sara West to service on the Essex County Airport Authority to replace Eric Pollitt as the Town representative. Vice Chairman Gill seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

**BOARD REQUESTS AND DIRECTIVES**

- 1). Supervisor Johnson asked what days the Board members could go to the State legislature.
- 2). Chairman Akers stated that he will be spending Mondays at the County offices.
- 3). Supervisor Magruder asked that the Town of Tappahannock give the Board of Supervisors an update every six months.
- 4). Supervisor Magruder requested the King and Queen border issues be resolved by the November 2022 election.
- 5). Supervisor Magruder said the Department of Social Services is down four positions which total at least \$100,000. Administrator Lombardo indicated that the County supplies the Department of Social Services just what they need.

- 6). Supervisor Magruder requested a monthly report from everyone including the Workforce Development Board.
- 7). Chairman Akers reported that the Regional Jail is running at a surplus and inmate count is down.
- 8). Vice Chairman Gill said the County needs to keep up with office space needs.
- 9). Supervisor Magruder indicated he is ready to move forward with the LaGrange Industrial Park grant again.

**ADJOURN**

Having no further business before the Board, Chairman Akers called for a motion to adjourn the meeting. Supervisor Johnson so moved. The meeting was adjourned.

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Chairman

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Clerk of the Board





