

Virginia: At a regular scheduled meeting of the Essex County Board of Supervisors held on Tuesday, March 8, 2022 at 7:00 p.m., in 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
April Rounds, Assistant County Administrator, Deputy Clerk

CALL TO ORDER

Chairman Akers called the meeting of Tuesday, March 8, 2022 to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Chairman Akers led the Invocation and the Pledge of Allegiance.

ROLL CALL

The Deputy Clerk called out the roll. All Supervisors were present; a quorum was met.

AGENDA APPROVAL

Chairman Akers asked the Board if anything else needs to be added or deleted from the agenda. Hearing no one, he asked for a motion to approve the agenda. Supervisor Johnson so moved and Supervisor Gill seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

RECOGNITION

None.

PUBLIC HEARINGS

Chairman Akers opened the Public Hearing for the proposed Ordinance Amendment #22-02; repeal of Chapter 17, Johnson grass, of the Code of Essex County. As no one came forward to speak, Chairman Akers closed the Public Hearing.

PUBLIC COMMENTS

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

Mr. Craig Shirley, 269 Ben Lomond Rd, Dunnsville, stated that he and his family moved to Dunnsville seven years ago. At that time the solar complex was being installed adjacent to his property. He said the solar complex never held a public hearing for the public to attend. He indicated that there have been erosion problems at the solar complex with toxic sediment seeping into the Chesapeake watershed. There was a fire at the solar complex three months ago and another big fire just yesterday burning 25 acres before it was put out. There is no fire fighting equipment around the solar complex and no hydrants. He stated he has opposed the solar complex all along as it is a dangerous failure and needs to be ripped out. He asked the Board of Supervisors to stop its operation. The solar company has not kept its promises to the County and is endangering lives. The fire burned up the telephone lines and Mr. Shirley as well as 30 other homes have been without telephone service. He is consulting with a lawyer to sue for reckless endangerment and will file an injunction to shut the solar complex down.

Hearing no one else, Chairman Akers closed the Public Comment session.

COUNTY ADMINISTRATOR'S and AGENCIES' REPORTS

Chairman's Report

Chairman Akers reported that he had a conference call with the Town of Tappahannock regarding the development grant. The deadline for applying for the grant is March 21, 2022. The Town is the lead applicant. He has included the Poor House tract in the grant. Chairman Akers announced a site preview on March 30, 2022 for the joint venture vehicle maintenance facility to be held at the bus garage at 5:30 p.m.

County Administrator

Administrator Lombardo stated that he will be advertising for a second Assistant County Administrator and introduced Mr. Tommy Hicks as the Interim EMS Coordinator. Mr. Hicks came to the podium and announced that he will be creating a strategic plan and assist in finding a permanent candidate for the EMS Coordinator position. He thanked EMS and the Fire Department for their assistance with the fires that broke out in the County yesterday.

Animal Shelter

Supervisor Magruder gave a shout out to River City Golf Carts who will be sponsoring pet adoptions at the Animal Shelter.

Building/Facilities

Chairman Akers said it is his understanding that the cleaning of the schools is going better.

Emergency Services

Supervisor Magruder asked Mr. Hicks to look into the \$192,406.11 in write-offs listed in the report as the previous month total was only \$6,000.

Parks and Recreation

Supervisor Magruder thanked the Parks and Recreation department for hosting children's soccer. He said the kids had a blast.

Planning and Zoning

Supervisor Magruder gave a shout out to the Planning and Zoning department for their hard work as the County is booming with construction and permit requests.

Technology

Chairman Akers said he prefers going with tablets versus chrome books. He also requested an explanation of telecommunication lines and costs.

SCHOOL SUPERINTENDENT'S AND CONSTITUTIONAL OFFICERS' REPORTS

Treasurer's Report

The records of this office show the following balances at the close of business on February 28, 2022:

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

United Bank @ 0.10%	\$2,928,245.54
Cafeteria Account @ 0.10%	\$37,993.73

MONEY MARKET

Primis Bank @ 0.10%	\$11,407.26
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INVESTMENTS

LGIP @ 0.10%	\$1,355,449.75
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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 items:

- 1) 5,887 delinquent Personal Property records were sent to the Department of Taxation in the amount of \$1,373,993.47 for Debt Set-Off.
- 2) Notice of Judicial sale of Real Property advertised 7 delinquent parcels. Any parcels unpaid after 3/28/22 will be placed in an online auction to take place in April (date to be determined)
- 3) The first ACH payment for Cigarette Tax was received on 2/28/22 in the amount of \$3,839.44.

BOARDS AND COMMITTEES MINUTES

Chairman Akers pointed out that in addition to the minutes, the Boards, Commissions, and Authorities bylaws were included and he would like the Board of Supervisors representatives for each entity, to review their bylaws once a year. Chairman Akers gave kudos to the Planning Commission for their efforts to review the zoning ordinance. Supervisor Magruder asked to see the comments tracker the Planning Commission has put together. The Public Hearing for the Zoning Ordinance revision is scheduled for April 12, 2022.

CONSENT AGENDA

The Board agreed to take all three Consent Agenda items together for an approval vote. Supervisor Johnson made a motion to approve the Consent Agenda and Vice Chairman Gill seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0.

NEW BUSINESS

- A. Director of EMS. The Board of Supervisors needs to name a new director of Emergency Management for Essex County. Supervisor Magruder recommended appointing Supervisor Smith. Supervisor Smith agreed. Supervisor Johnson made a motion to appoint Supervisor Smith to the Director of Emergency Management pursuant to Virginia Code #44-146.19. Supervisor Magruder seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0.
Supervisor Smith, in his capacity as Director of Emergency Management made a motion to appoint Tommy Hicks as Coordinator of Emergency Management pursuant to Virginia Code #44-146.19 and Chief of Emergency Services. The motion was seconded by Vice Chairman Gill. AYES: 5 NAYES: 0 ABSENT: 0
- B. Vice Chairman Gill made a motion to approve Ordinance #22-02: the Repeal of Chapter 17, Johnson grass, from the Code of Essex County. Supervisor Smith seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

#22-02 ORDINANCE TO REPEAL CHAPTER 17 OF THE CODE OF ESSEX COUNTY

WHEREAS, Chapter 17, Johnsongrass Control Ordinance, was adopted on May 10, 1983 and became effective on May 11, 1983 at 12:01 a.m.; and

WHEREAS, Essex County now wishes to repeal the said Chapter 17, Johnsongrass Control Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Essex County, that Chapter 17, Johnsongrass Control Ordinance, is hereby **REPEALED**.

AND, BE IT FURTHER ORDAINED AND ENACTED, that this ordinance shall take effect immediately.

ADOPTED: This 8th day of March 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 8th day of March, 2022 by a majority of the members of the Essex County Board of Supervisors with the following votes:

AYE:	Gill, Johnson, Magruder, Smith
NAY:	N/A
ABSTENTION:	Akers
ABSENT:	N/A

Signed this 8th day of March 2022.

ATTEST:

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

- C. The proposed Resolution #22-003 Hoskins Creek Recreational Facility was tabled until the April 2022 Board of Supervisors meeting.
- D. Supervisor Johnson made a motion to approve Resolution #22-002 for Angel Visit Baptist Church. Chairman Akers stated that the Resolution does not include the words “white led”. Supervisor Johnson made a motion to amend Resolution #22-002 to contain the words “white led”. Vice Chairman Gill seconded the motion. Chairman Akers asked for all in favor to say AYE. Vice Chairman Gill said AYE. Supervisor Johnson said AYE. Supervisor Smith said AYE. The motion carried.

Resolution # 22-002
Dedication of the Angel Visit Baptist Church Historical Highway Marker
on the Third of April Emancipation Day

WHEREAS, Angel Visit Baptist Church was established at Ozeana, Virginia (now Dunnsville) in Essex County in 1866, when a group of African-American members of white-led Ephesus Baptist Church withdrew to form their own church; and

WHEREAS, against all odds these pioneers, at a time when many of them were just two years out of bondage, defied the convention of their time, listening only to their own hearts and to the guidance of their Creator; and

WHEREAS, Angel Visit Baptist Church is one of the oldest African-American churches in Essex County, and is believed to be the oldest African-American church currently in operation in the county; and

WHEREAS, Angel Visit Baptist Church has been a beacon of light in the community for 156 years, and continues to provide spiritual guidance, to enhance the quality of life in Essex County, and to be dedicated to the service of God and humanity; and

WHEREAS, Angel Visit Baptist Church has been led by the Reverend Dr. Carla E. Lightfoot as pastor since 2003; and

WHEREAS, on April 3, 2022, a historical highway marker will be dedicated to educate and inform the public of the significance of Angel Visit Baptist Church and of its contributions to Essex County and to the region; and

WHEREAS, the Third of April is a day of remembrance in Essex County, having been previously proclaimed as African-American Emancipation Day in the county in recognition of the celebration held in Essex County on this day for decades; and

WHEREAS, the Angel Visit Baptist Church historical marker is being dedicated on the Third of April Emancipation Day, and the importance of this date is noted; and

WHEREAS, it is a pleasure to extend this expression of our esteem and best wishes to the members of this congregation on this memorable occasion;

NOW THEREFORE BE IT RESOLVED, that we recognize and commemorate the dedication of the Angel Visit Baptist Church historical highway marker; and

BE IT FURTHER RESOLVED, that we do hereby recognize April 3, 2022, as

“Angel Visit Baptist Church Appreciation Day”

in Essex County, a day to acknowledge the contributions of Angel Visit Baptist Church to the greater Essex County community.

ADOPTED: This 8th day of March, 2022

CERTIFICATION OF ADOPTION RESOLUTION

The undersigned Clerk of the Board of Supervisors of the County of Essex, Virginia certified that the Resolution set forth above was duly adopted during an open public meeting on the 8th day of March 2022 by a majority of the members of the Essex County Board of Supervisors with the following votes:

AYE: Gill, Johnson, Magruder, Smith

NAY: N/A

ABSTENTION: Akers

ABSENT: N/A

Signed this 8th day of March 2022.

ATTEST:

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

- E. Social Services Funding Request for Mandated Services Deficit. Candace Mickelborough, Director of Social Services, stated that she has reduced her funding request from \$590,000 to \$398,000 due to multiple reimbursements from Medicaid and one child returning to the home. The State will reimburse the County 46% of the \$398,000. Supervisor Johnson made a motion to appropriate \$398,000 to Social Services and Supervisor Smith seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0
Ms. Mickelborough clarified that the services are not mandated but the child is. Staff determines what services are needed. Some services have to be paid such as foster care maintenance and court ordered services. Supervisor Magruder asked if there are any federally funded programs and Ms. Mickelborough answered that there is and it is called Title 4E. She has one staff member assigned to the Title 4E cases.
- F. Sheriff's Office funding request – Sheriff Holmes stated that the Vehicle Power Equipment Account balance is getting low at \$4,248. He has had to replace three front ends and the price of gasoline is out of sight. He will need \$35,000 to finish out the fiscal year. Patrolmen are driving around 4,000 miles per month. In January 2022, his officers had to transport 17 people to mental hospitals. He has to pay his officers overtime for this. He anticipates spending \$15,000 for gas, \$4,000 for tires, and \$6,000 for maintenance between now and the end of June 2022. The Chevrolet Tahoes cost \$93 to fill up with gas. Supervisor Johnson made a motion to appropriate \$35,000 to the Sheriff's department and Vice Chairman Gill seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0
Supervisor Magruder added that he asked the Community Services representative about the fact Essex County has to transport and stay with mental health patients since the County has a hospital within its borders. He asked Sheriff Holmes to keep track of the officers' time and mileage for these transports as well as whether the patients are Essex County citizens or not.

OLD BUSINESS

None.

CLOSED SESSION

Supervisor Johnson 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 various Boards and/or Committees, and under the same section to discuss the performance, assignment(s), disciplinary action, salary, resignation, promotion, and/or termination of specific County employees. Vice Chairman Gill seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0.

RECONVENE IN OPEN SESSION

Supervisor Johnson made a motion for the Board of Supervisors to reconvene in open session and Vice Chairman Gill seconded the motion.

The Deputy Clerk called out the roll: Chairman Akers – present, Vice-Chairman Gill – present, Supervisor Magruder – present, Supervisor Smith – present, Supervisor Johnson – present.

Vice Chairman Gill 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 8th day of March, 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 Deputy Clerk called out the Certification of Board members. All were present and all certified.

Supervisor Magruder made a motion to appoint Supervisor Johnson as a Board of Supervisors representative to the following Boards, Commissions, and Authorities: Bay Aging, Community Policy Management Team, and the Public Access Authority. Supervisor Smith seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

Vice Chairman Gill made a motion to appoint James Acors, Jr. to the Economic Development Authority. Supervisor Smith seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

BOARD REQUESTS AND DIRECTIVES

- A. Special Called Meeting of the BOS: ECPS and Social Services Budget Work Session, March 15, 2022, 7PM in the School Board meeting room.
- B. Special Called Meeting of the BOS: Joint Work Session with the School Board, 7PM, March 23, 2022, Essex High School Library

- C. Proposed Joint Maintenance Shop Site Open House, presented by Eric Pollitt – Tappahannock Town Manager, March 30, 2022, 5PM to 6PM at 110 Commerce Rd.
- D. BOS Work Session, April 12, 2022, 5PM, School Board Meeting Room
- E. BOS Regular Meeting, April 12, 2022, 7PM, School Board Meeting Room with a Public Hearing on the Zoning Ordinance revision.
- F. Check the last time rent was increased to the Health Department for Chairman Akers
- G. Check with VDOT for status of Lewis Level Road traffic count, leaning trees on Route 360 at the headwaters of the Piscataway Creek, Meadowview Subdivision road paving, and the Farmers road signs for spring planting season.

ADJOURN

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

Chairman

Clerk of the Board

