

Virginia: At a regular scheduled meeting of the Essex County Board of Supervisors held on Tuesday, April 12, 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

Planning Commission Present:

David Jones – Chairman
Dr. G. R. Quarles – Vice Chairman
Cheryl Evans – Commissioner
Benjamin Scott Mundie – Commissioner

Planning Commission Absent:

Angelo S. Stevens, Jr. - Commissioner
Jean E. Segar - Commissioner
Trent Taliaferro - Commissioner

CALL TO ORDER

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Supervisor Johnson 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. Supervisor Johnson stated that two items need to be added; 1) Current year CIP and 2) Broadband. He made a motion to approve the Agenda with the two additional items and Supervisor Smith seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

RECOGNITION

None.

PUBLIC HEARINGS

Chairman Akers opened the Special Joint Public Hearing with the Planning Commission for the proposed Zoning and Subdivision Ordinance Text Amendment Project. He stated that there is no reason to make a decision tonight as the final decision will be made in May. He added that if the Planning Commission comes up with more stringent requirements in the Ordinance then another Public Hearing will be held. Chairman Akers asked the Planning Commission Chairman to call his Board to order. Chairman Jones did so and asked Kelly McKnight, the Planning and Zoning Office Manager, to call the roll for the Planning Commission. A quorum was met.

Chairman Akers introduced Rebecca Cobb of the Berkley Group who will give an overview of the Ordinance revision.

Ms. Cobb said there are two documents governing the zoning ordinances: 1) the Comprehensive Plan which is a policy document with a 20 year outlook and 2) the actual Zoning Ordinance and Sub Division Ordinance which are regulatory documents. State Code allows localities to regulate such things as lot sizes, setbacks, building heights, parking, and landscaping. The Zoning Map is comprised of Zoning Districts. A Subdivision Ordinance is required by State Code. The Comprehensive Plan vision changes over time so the ordinances need to be reviewed. Uses can change over time as well as new uses created. Essex County engaged the community, held public work sessions, and held joint work sessions with the Planning Commission and Board of Supervisors to start drafting an ordinance revision.

Ms. Cobb then went over the highlights of each of the nine Articles of the Ordinance.

Article 1, In General – State Code references were added.

Article 2, Administration – A fee schedule was adopted and civil penalties were incorporated.

Article 3, Permits and Applications – A directive that all outstanding taxes must be paid and best practices are to be used was added.

Article 4, Zoning Districts – Made some changes to the Districts and created tables for Standards in order to streamline requirements.

Article 5, Use Matrix – a Use Matrix was added using “B” for By-right, “C” for Conditional Use Permit required, and “blank” if the use is not allowed. Not every possible use is listed. This gives the County some flexibility.

Article 6, Use Performance Standards – Solar facilities were added and they must obtain a Conditional Use Permit. Accessory Building standards were adjusted for lots adjacent to the Rappahannock River allowing sites to be located in the side and front yards as long as setbacks are met.

Article 7, Community Design Standards – includes signs, landscaping, lighting, parking, and more. Tables were added that outline the regulations for each District. Parking lot sizes were reduced. Lighting is brand new to the Ordinance and eliminates lighting trespass to neighbors. Landscaping is new also.

Article 8, Non-Conforming Lots – can continue if legally established and can be rebuilt if damage is caused by a natural disaster. Cannot add to the non-conformity.

Article 9, Subdivision Ordinance – This section was streamlined. References to State Code were added and appeals go before the Essex County Board of Zoning Appeals instead of the Essex County Board of Supervisors.

Definitions – added many definitions, most were State Code, and defined all uses listed in the Matrix.

Ms. Cobb stated that there were two Zoning Map changes; one at the old airport and one at the La Grange Industrial Park.

Chairman Akers read the Rules of Procedure for Public Hearings and invited the public to come forward with any comments.

Jeff Howeth, 556 Riverdale Rd, stated that he is concerned with compliance of State Code 15.2-2285, which appears in Section 3.1 of the existing Ordinance and states that the official zoning map must reside in the County Administrator's office. The small copies are not the official zoning map. He strongly suggested producing an official map and tie it to the Ordinance.

As no one else came up to speak, Chairman Akers asked if any of the on-line participants would like to speak. Hearing no one, the Chairman asked if any of the Board members would like to speak. Vice Chairman Gill asked Ms. Cobb if the Short Term Rental registration had to be renewed annually and she replied in the affirmative stating that the applicant must renew in person with the Zoning Administrator annually. He then asked where the Berkley Group came up with the three complaint revocation and Ms. Cobb answered that it is similar in other localities.

David Jones, Chairman of the Planning Commission, asked to have another meeting of the Planning Commission, prior to the next Board of Supervisors meeting, to review the Ordinance. April 19, 2022 was chosen, at 6p.m. in the School Board Meeting room. Supervisor Magruder asked that written public input would be allowed up until that meeting and asked Mr. Hodges to display that option on the County's website's front page.

Having no further business, the Chairman of the Planning Commission adjourned its members and Chairman Akers closed the Joint Public Hearing.

PUBLIC COMMENTS

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

Louis Spencer, 614 Ann Pitts Rd, Caret stated that litter is costly and unlawful to litter on public lands. The litter ends up in the waterways and eventually in the ocean. He urged the Board of Supervisors to promote litter clean up and advocates the establishment of a litter ordinance to be known as the Essex County Illegal dumping and litter control ordinance. Mr. Spencer said he had cleaned Clarks Store Road on Saturday and by Sunday morning there was more litter on the road. Also, VDOT needs to erect sign posts that are down and remove barrels left on the roadway. Supervisor Johnson asked Mr. Spencer to let him know which signs are down and he will contact VDOT.

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

COUNTY ADMINISTRATOR'S and AGENCIES' REPORTS

Chairman's Report

Chairman Akers reported that an open house for the joint vehicle facility was held. He expressed the need to revise the Reserve policy and develop a policy for Resolutions.

County Administrator

Mr. Lombardo reported that he has met with the Sheriff and Commonwealth Attorney on sentencing requirements.

SCHOOL SUPERINTENDENT'S AND CONSTITUTIONAL OFFICERS' REPORTS

Supervisor Magruder gave a shout out to both the Treasurer's office and the Commissioner of the Revenue for their collection efforts.

Treasurer's Report

The records of this office show the following balances at the close of business on March 31, 2022:

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

United Bank @ 0.10%	\$83,527.58
Cafeteria Account @ 0.10%	\$17,739.80

MONEY MARKET

Primis Bank @ 0.10% \$11,410.08

INVESTMENTS

LGIP @ 0.34% \$3,856,310.02

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: \$7,820.71 has been received from Sands Anderson for unclaimed surplus for a land sale held in 2019.

VDOT Report

Chairman Akers requested that VDOT representatives come to the next Board of Supervisors meeting.

BOARDS AND COMMITTEES MINUTES

Approved minutes were received from the Airport Authority and the Middle Peninsula Planning District Commission.

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 Supervisor Smith seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0.

NEW BUSINESS

Budget and CIP Presentation

\$310,000 of the \$745,000 in the CIP has been earmarked for the following:

- Ambulance Medical Unit
- Two vehicles for the Sheriff's department
- LED replacement lighting
- Replacement windows

Vice Chairman Gill made a motion to approve \$310,000 for the aforementioned items in the current year budget. Supervisor Johnson seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

IT Appropriation Request \$8,036.00

Chuck Huntley, IT Director, stated that the Appropriation request is for purchasing a new back-up system which will help reduce effects of malware. The initial cost is \$8,036 and subsequent annual cost is \$5,861. The system will give the County on site repository back-up in the cloud. Supervisor Smith made a motion to approve the Appropriation request and Vice Chairman Gill seconded it. AYES: 5 NAYES: 0 ABSENT: 0

Regional Jail Budget Supplement Request \$19,602.18

Chairman Akers said this year's allocation is lower than last year's \$945,745. The County's usage of the facility is lower. He feels the jail is inflating the per diem rate. Supervisor Johnson made a motion to approve the Regional Jail Budget Supplement request of \$19,602.18. Supervisor Smith seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

Hoskins Creek Park Recreational Facility Resolution #22-003 for Adoption

Town Manager Eric Pollitt showed the Board pictures of the facility which will have transient boating docks, a boardwalk in the marsh, parking, and a soft launch for kayaks. The Resolution will provide for easier access to the site. The site will be for boating not fishing. Supervisor Johnson made a motion to approve Resolution #22-003 and Supervisor Smith seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

RESOLUTION # 22-003

Request for funding for a New Roadway or Existing Roadway Improvement.

WHEREAS, the *Hoskins Creek Park* is owned and is to be developed by the *Town of Tappahannock* as a *recreational* facility serving the residents of *Tappahannock and Essex County* and adjoining localities; and

WHEREAS, the existing public road network does not provide for adequate access to this facility and it is deemed necessary that improvements be made to name of road and route number to be determined since none exists at the moment; and

WHEREAS, the procedure governing the allocation of recreational access funds as set forth in Section 33.2-1510 of the *Code of Virginia* requires joint action by the *Director of Conservation and Recreation* and the Commonwealth Transportation Board; and

WHEREAS, a statement of policy agreed upon between the said Director and Board approves the use of such funds for the construction of access roads to publicly-owned recreational or historical areas; and

WHEREAS, the Council has duly adopted a zoning ordinance pursuant to Article 7 (Section 15.2-2280 *et seq*), Chapter 22, Title 15.2 of the *Code of Virginia*; and

WHEREAS, it appears to this *Board of Supervisors* that all requirements of the law have been met to permit the Director of *Conservation and Recreation* to designate the *Hoskins Creek Park* as a public recreational facility and further permit the Commonwealth Transportation Board to provide funds for access to this public recreation area in accordance with Section 33.2-1510 of the *Code of Virginia*; and

WHEREAS, the *Board of Supervisors* agrees, in keeping with the intent of Section 33.2-405 of the *Code of Virginia*, to use its good offices to reasonably protect the aesthetic or cultural value of this road leading to or within areas of historical, natural or recreational significance; and

WHEREAS, the Town of Tappahannock will be responsible for the administration of the Recreational Access project to Hoskins Creek Park, and the Town of Tappahannock will be responsible for any funding provided through, and any funding that exceeds, the Recreational Access Program allocation; and

NOW, THEREFORE BE IT RESOLVED, that the Essex County Board of Supervisors hereby requests the Director of the *Department of Conservation and Recreation* to designate the *Hoskins Creek Park* as a *public recreation access area* and to recommend to the Commonwealth Transportation Board that recreational access funds be allocated for an adequate access road to serve said *park* area; and

BE IT FURTHER RESOLVED, that the Commonwealth Transportation Board is hereby requested to allocate the necessary recreational access funds to provide a suitable access road as hereinbefore described.

ADOPTED: This 12th day of April 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 12th day of April 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 12th day of April 2022.

ATTEST:

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

Final Subdivision Plat for “Hobbs Hole” Phase II, Section 1, Lots 56 to 60 and Lots 108 to 137 for Approval and Adoption

Rob Hodges, Zoning Administrator, stated that the developer has requested final plat approval for the above referenced subdivision from the Board of Supervisors. The plat complies with the minimum plat requirements and staff recommends approval. The owner has provided bonding for paving. Supervisor Johnson made a motion to approve the Hobbs Hole Phase II plat and Vice Chairman Gill seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0 Supervisor Magruder stated that the District needs to be corrected on page 1 and asked if the cul de sac is large enough for a fire truck to turn around. Mr. Hodges answered in the affirmative.

FEMA APA Resolution #22-004 for Adoption

Supervisor Johnson made a motion to approve Resolution #22-004 and Supervisor Smith seconded it. AYES: 5 NAYES: 0 ABSENT: 0

RESOLUTION # 22-004



PROPOSED RESOLUTION TO ADOPT THE MIDDLE PENINSULA REGIONAL ALL HAZARDS MITIGATION PLAN 2021 UPDATE

WHEREAS, the County of Essex, Virginia has experienced severe damage from a host of hazards such as communicable diseases, winter storm snow and ice, flooding from hurricanes, nor'easters, wildfires, winter storms, tornadoes and lightning on many occasions in the past century that have resulted in property losses, loss of life, economic hardships, and threats to public health and safety for all community residents, and

WHEREAS, the first Middle Peninsula Regional All Hazards Mitigation Plan (“the Plan”) was undertaken as a regional planning project with all nine (9) jurisdictions participating in its development and adoption in 2006, 2011, and 2016, and

WHEREAS, all nine (9) Middle Peninsula jurisdictions and federally recognized Tribes in the region participated in the update of the AHMP within the Federal Emergency Management Agency’s required 5-year period, and

WHEREAS, the County of Essex, Virginia will submit yearly progress reviews and plan discussion to state and FEMA, and

WHEREAS, MPPDC has executed the contract with Dewberry to run HAZUS, which is a risk modeling software to assess the region’s risk from flooding, hurricane winds, and sea level rise. Based on discussions with the LPT there will be two sea level rise scenarios assessed: (1) the baseline of Mean High Water (MHHW) and (2) projected sea level rise elevation of the 2060 intermediate-high scenario of MHHW plus 3.02 feet; and

WHEREAS, the Plan update recommends many mitigation strategies that will help to protect the residents and their property from the adverse effects of hazards that face the County of Essex, Virginia, and

WHEREAS, the Plan update was reviewed at a meeting of the County of Essex, Virginia's Board of Supervisors held on April 12, 2022, as required by law.

NOW, THEREFORE, BE IT RESOLVED, by the County of Essex, Virginia, that:

1. The Middle Peninsula Regional All Hazards Mitigation Plan 2021 update is hereby adopted as the official Plan for the County of Essex, Virginia.
2. The respective officials/staff identified in the implementation section of the Plan update are encouraged to implement the mitigation strategies and report on their activities, accomplishments, and progress to the County of Essex, Virginia Board of Supervisors.
3. The County Administrator/Town Administrator/Chief of the County of Essex, Virginia's Board of Supervisors will report status updates on mitigation strategies to the Middle Peninsula Planning District Commission and the Federal Emergency Management Agency on an annual basis.
4. Obtain the latest version of the FEMA: Region 3 High Hazard Potential Dams State and Local Mitigation Planning Tips Resource from FEMA Region 3 and/or State staff and use it to inform the development of the next plan update or amendment.

Adopted the 12th day of April 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 12th day of April 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 12th day of April 2022.

ATTEST:

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

Broadband Agreement with All Points Broadband and MOU

Supervisor Johnson made a motion to approve the Broadband Agreement with All Points Broadband and the Memorandum of Understanding. Vice Chairman Gill seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

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, including the Public Access Authority, Ag & Forestry Board and the CPMT Parent representative vacancy. Supervisor Smith 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.

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 12th day of April, 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 Johnson made a motion to approve Martha Mercer to the Parent Representative of the CPMT and Vice Chairman Gill seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

Vice Chairman Gill made a motion to appoint Robert Elton Waring, Jr. to the At Large position in the Ag and Forestry Board and Supervisor Smith seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

Supervisor Magruder motioned to appoint Sidney Johnson to the Public Access Authority to fill the unexpired term of Ronnie Gill set to expire on June 30, 2024. Supervisor Smith seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

BOARD REQUESTS AND DIRECTIVES

BOS Work Session, May 10, 2022, 5pm, School Board Meeting Room

BOS Regular Meeting, May 10, 2022, 7pm, School Board Meeting Room

EDA Summit, April 23, 2022

Supervisor Magruder articulated what to ask VDOT representatives at the next meeting; leaning trees on Route 360, damaged guard rails, and downed road signs. He asked for a copy of the Tax analysis report done by the Berkley Group at the end of 2020. He asked the Administrator to encourage agencies to send in their reports monthly.

Chairman Akers said after the budget is finalized, the Board can have their Strategic Planning Session.

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.

Chairman

Clerk of the Board

