

Virginia: At a regular scheduled meeting of the Essex County Board of Supervisors held on Tuesday, August 16, 2022, at 7:00 p.m., in the School Board meeting room, 109 Cross Street, Tappahannock, Virginia.

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, Clerk
April Rounds, Assistant County Administrator, Deputy Clerk

CALL TO ORDER

Chairman Akers called the meeting of Tuesday, August 16, 2022, to order at 7:00 p.m.

ROLL CALL

The Chairman asked the Assistant County Administrator to call out the roll; a quorum was met.

INVOCATION AND PLEDGE OF ALLEGIANCE

Chairman Akers led the Invocation and the Pledge of Allegiance.

AGENDA APPROVAL

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

RECOGNITION

None.

PUBLIC HEARINGS

None.

PUBLIC COMMENTS

Wright Andrews, 198 Wilson Acres, is speaking on behalf of him and Bill Croxton. They are delighted that the town and county was awarded a \$1,500,000 federal raise grant based on the application prepared on their behalf by the middle peninsula planning district staff. The work under this grant will evaluate water access in Essex County. We were dismayed to learn that the town and county failed to include acquisition and redevelopment of the Parker Marina under priority items in the application. The grant states that the staff provided the list of sites for evaluation. We do not know if the staff was given direction or approval for this evaluation or if they did not know that the marina was not listed as one of those items. We believe that this is a serious error that this site was not included. Bill and I have worked with the EDA, Tappahannock Main Street, Town and County Government to seek federal funding via federal appropriation or agency grant for the so called Tappahannock Steamboat Wharf Replacement and Water Access Project. This would have a public beach and public fishing pier. We strongly encourage that this site be evaluated to be included in the grant. Chairman Akers said there was nothing intentional about leaving that site off and we can talk with the town to get it added.

Bill Croxton, 19347 Tidewater Trail. We have had many committees about this marina site. We have underprivileged kids that have never been on the water. We have 45 miles of riverfront and no public access. It is unprecedented to have grants of this nature back to back. He believes we should take this opportunity to look at this and take care of it.

Robert Franson, 434 Marine Dr. Dunnsville. Wants to thank everyone for the noise ordinance that was passed. The community leadership changed this past year. There is a handful of people in the community that are bringing their personal ideology and symbolism into the community. They are putting things that are offensive to people of color and minorities. It is tainting our community

and membership. I know I cannot do anything with their own personal property but when they enter the venue of public leadership representing our non-profit organization. He handed out a memo that was sent to everyone in their community. He is asking for support from the board that this behavior is not accepted in our community.

Rusty Carlton, 453 Prince St. During and after the fire there were a lot of fundraisers that were held. We had a fundraiser for the EMS, Police, Sheriff, and Firefighter. I talked with Applebee's to see about doing a breakfast fundraiser. This past Saturday we had the breakfast with roughly 175 people. There were lots of volunteers from the county and town and it was a big success.

Hearing no more Chairman Akers closed out the Public Comments Section.

COUNTY ADMINISTRATOR'S and AGENCIES' REPORTS

Chairman Akers

Chairman Akers met with the planning commission who is starting to go about looking at the comprehensive plan. I recommended that they review the comprehensive plan first before we contract out to the Berkley Group. Highlight the things that need to be changed or that they need help with. I talked with Louie Lawrence from the PDC, and he has agreed to help with this process. Chairman David Jones also talked to the PDC in Lancaster, and they are willing to lend support as well.

Supervisor Magruder asked if there was any grant money that could help with this. Chairman Akers said he would follow up and find out if that is possible. Supervisor Magruder also pulled out some files that he had from a couple of years ago that might be included in the comprehensive plan.

Chairman Akers said that Meredith Tribble is doing a Prince St Brick Project. The goal is to collect as many bricks as possible from the debris and repurpose them somewhere later. Builders' 1st has said that they will house the bricks for such a time that we are ready to use them.

County Administrator

County Administrator Lombardo stated that they have been interviewing for the EMS Chief position and had three very strong candidates. He is following up with a couple of them and will hope to be able to make an offer soon. He also stated

with regard to the subdivision and zoning update, Rob is working with Darla on different aspects of the update. They are hoping to bring their recommendations before the board at the next meeting.

Supervisor Johnson asked if he had someone for the EMS Chief. County Administrator Lombardo stated that there are 3 strong candidates and with some follow-up phone calls they are hoping to make an offer by the end of next week.

Chairman Akers asked about the GIS? County Administrator Lombardo stated that we are running into a roadblock as there are other larger areas that are looking for a GIS Coordinator as well. Supervisor Gill asked if there was a possibility of making it a Regional Position? County Administrator Lombardo stated that there is enough work in Essex County to make it more beneficial to have a full time GIS in Essex County.

Airport

Supervisor Gill noticed that the income revenue is down about 80% as well as landings and departures. He asked County Administrator Lombardo if he knew what was causing this? County Administrator Lombardo said he would reach out to see what it is.

Finance

Supervisor Gill asked why the first couple of pages had 13 months as opposed to 12 months. County Administrator Lombardo said he would look into that as well.

Information Technology

Supervisor Magruder asked if Chuck Huntley could talk about the program about cyber security and grant money with that. Chuck stated that it is in the works he just wanted to make the board aware of it. He is not sure how they will do the grant but he is going to keep looking at it to see what we could benefit from. He also wanted to thank them for the migration to the Cloud for the county.

Facilities

Supervisor Magruder gave a shout out to the fact that they have streamlined permitting as well as digitizing documents. Hopefully we can get to the point where people can look for their own regards.

EMS

Supervisor Magruder wanted to thank the EMS for the fire suppression.

Parks and Recreation

Supervisor Magruder wanted to thank each of the ones that helped with the Summer Camp; Ernestine Fauntleroy, Valerie Taylor, Davante Hill, Dora Ashlock, and Taylor Davis. Also, for the Marsh St Pool and all of the work that they do for the community.

SCHOOL SUPERINTENDENT'S AND CONSTITUTIONAL OFFICERS' REPORTS

Trash Pick-up

Supervisor Johnson asked how the Trash Pick-up was going. Sheriff Holmes said that the trash pick-up is going well and there will be a full report next month.

Sheriff's Office

Sheriff Holmes stated that as of September 1st we will be starting a new program called Project Lifesaver. This is a community program and so far, we have \$3,100 in donations. This is for people with dementia. The device will track up to a mile on land and 10 miles in the air. They can be tracked in other counties as well. This will help so that we can track them more quickly and efficiently.

Treasurer

Supervisor Magruder thanked Penny Davis for moving money into a higher interest rate as well as the collections for the real estate.

Commissioner of Revenue

Supervisor Magruder asked Tommy Blackwell about the Forestry Sustainability Fund meeting if there was a report about that? Tommy Blackwell stated that he went to the meeting last week. It was passed in the 2022 General Assembly session as a plan to restore some of the funding that localities lose through deferred payments of taxes as they relate to forest land use. A survey will be done asking questions about acreage and how much revenue is forgone due to forestry land use. They were given 1,000,000 seed money for this year to those that want to be a part of this program. The locality will have to request to participate in this program in November. The money that comes back will be earmarked for public education or projects related to outdoor recreation or forest conservation. It may be between the \$10,000-\$15,000 the first year.

BOARDS AND COMMITTEES' MINUTES

No discussion.

CONSENT AGENDA

Chairman Akers asked for a motion to approve all three the motion was made by Supervisor Johnson and seconded by Supervisor Smith. AYES: 5 NAYES: 0 ABSENT: 0

NEW BUSINESS

Tax Fund Resolution 22-009

Commissioner Blackwell asks the board to adopt this which will allow the commissioner and treasurer to execute refunds up to \$2,500 from \$1,000. Supervisor Magruder does not see where in the resolution what the refunds are. He asked if this was something that could be added into the board reports. Commissioner Blackwell said that they could add that it. Supervisor Magruder made the motion to adopt the resolution with the amendment of a monthly report. Supervisor Gill seconded. AYES: 5 NAYES: 0 ABSENT: 0

RESOLUTION #22-009

Authorizing Treasurer to Refund up to \$2,500 for Erroneous Tax Payments based on Certification of Commissioner of the Revenue

WHEREAS, Section 58.1-3981 of the *Code of Virginia*, 1950, as amended (**the "Code"**) authorizes the governing body of any county to authorize the Treasurer of such county to approve and issue a refund of up to **\$10,000** for payment of taxes made to the county as a result an erroneous assessment, subject to the limitations and under the conditions set forth in the Code; and

WHEREAS, the Board of Supervisors of Essex County (**the "Board"**) has determined that it is in the best interests of Essex County (**the "County"**) to authorize the Treasurer of the County to approve and issue refunds for tax payments resulting from erroneous assessments in amounts up to and including the sum of \$2,500 pursuant to the provisions of Section 58.1-3981 of the Code; and

WHEREAS, the Commissioner of the Revenue shall report all tax refunds resulting from an erroneous assessment (upon certification of such error by the Commissioner of the Revenue of the County and subject to the limitations and upon the conditions set forth in the Code, including without limitation,

those set forth in Section 58.1-3980 of the Code) on the Commissioner's monthly Board report to include, but not limited to, the following data:

- Taxpayer's Name & Address
- Date of Refund
- Subject of Taxation
- Year/Value/Value Overassessed/Rate per \$100
- Total Refund Amount
- Reason for Refund

NOW THEREFORE, BE IT RESOLVED, by the Board of Supervisor of Essex County, that pursuant to the provisions of Section 58.1-3981 of the Code, the Treasurer of the County is hereby authorized and empowered to approve and issue any tax refund up to **\$2,500** with interest on amounts exceeding \$10 as set forth in Sections 58.1-3916 and 58.1-3918 of the Code, where such tax refund results from an erroneous assessment, upon certification of such error by the Commissioner of the Revenue of the County and subject to the limitations and upon the conditions set forth in the Code, including without limitation, those set forth in Section 58.1-3980 of the Code.

Nothing herein shall waive or relinquish the authority of the Board to approve such refunds in accordance with the authority granted to it under Section 58.1-3981 of the Code.

This resolution shall take effect immediately.

Adopted: This 15th day of August 2022.

CERTIFICATION OF ADOPTION RESOLUTION

The undersigned Clerk of the Board of Supervisors of the County of Essex, Virginia certifies that the Resolution set forth above was duly adopted during an open public meeting on the 15th day of August 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

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

Broadband Funding

Supervisor Smith made a motion to approve the funding of \$2,100,000 and \$1,400,000 borrowed for a total of \$3,500,000 funded. Supervisor Gill seconded. Supervisor Magruder asked for an amendment to the motion that we are willing to put 'x' amount of county funds. There was discussion on the funding amount.

Supervisor Smith withdrew his motion and made a new motion to approve the funding of \$4,000,000. Supervisor Johnson seconded. AYES: 5 NAYES: 0 ABSENT: 0

CLOSED SESSION

Supervisor Johnson stated in accordance with Section 2.2-3711. A.7 of the Code of Virginia, I move that the Board of Supervisors convene in Closed Meeting to consult with legal counsel on a matter of probable litigation* in which the County may become involved. Supervisor Magruder Seconded.

AYES: 5 NAYES: 0 ABSENT: 0

RECONVENE IN OPEN SESSION

Supervisor Johns stated 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 16th day of August 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.

Chairman Akers - Certifies

Vice Chairman Gill – Certifies

Supervisor Johnson – Certifies

Supervisor Magruder – Certifies

Supervisor Smith - Certifies

BOARD REQUESTS AND DIRECTIVES

Work Session on September 13th

Regular Session on September 13th

Annual Town Hall meeting on September 27th

Regarding the annual Town Hall meeting on 9/27. The Board would like a Citizen sign-up created so the Chairman can call those for comment first before opening to the public. A flyer or other form of advertisement should be created and posted locally as well as online (website, social media, FB) and in the paper. Ideally this would be in full color. A survey could also be created to solicit inputs from the citizens. Details will be discussed at the Board's next strategic meeting. Administrator Lombardo is directed to finalize a date/time and location for the meeting. The session needs to occur prior to the Town Hall and allow for proper advertising deadlines.

Chairman Akers recommended that it would be good to have the strategic plan ideas for the town hall meeting. Chairman Akers asked County Administrator Lombardo to look at some dates.

Supervisor Johnson asked about the front door being locked. County Administrator Lombardo stated that we are working on the doors, but it should be unlocked now. Supervisor Johnson also gave a document to the board for industrial sites.

ADJOURN

Supervisor Smith made a motion to adjourn. Supervisor Johnson Seconded. Chairman Akers adjourned the meeting.

Chairman

Clerk of the Board