

Virginia: At a regular scheduled meeting of the Essex County Board of Supervisors held on Tuesday, December 13, 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
Edwin Smith, Jr., Supervisor
Sidney Johnson, Supervisor
John C. Magruder, Supervisor

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

Absent:

CALL TO ORDER

Chairman Akers called the meeting of Tuesday, December 13, 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

Supervisor Magruder 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. Chairman Akers would like to add the motion for the text amendment for R2200001. Vice Chairman Gill made the motion Supervisor Magruder seconded. AYES: 5 NAYES: 0 ABSENT: 0

RECOGNITION

Citizenship Award

Jay Mitchell wanted to present several citizens with the Citizens Merit Award for their help with an emergency situation with a female lost in the woods and stuck in a swamp. Bryan Davis and Lee Whitlock, from the Dragon Hunt Club helped to guide Emergency personnel through the woods to the swamp to help extricate the woman from the swamp. They thoroughly went above and beyond to help a total stranger.

PUBLIC HEARINGS

None

PUBLIC COMMENTS

Mike Swidelhall, 523 Fort Lowry Lane. He wanted to speak briefly about the situations at the Northern Neck Regional Jail. He works with a group called Northern Neck Patriots and they have had a lot of interaction with the J6 Political Prisoners. They are living in some horrid conditions, and he received a phone call from one of them recently. 'Robert Morris stated that since June 11, 2021, his reputation has been tarnished and vilified, my nonexistent criminal background completely ignored. He has lost his job, his home and significant relationships. He has been sexually assaulted and harassed. His military service has been assaulted or completely erased. Certain guarantees within the constitution have been alienated from me that I have personally fought to protect. Hard earned benefits completely stripped from me. He suffered this fate; He refuses to let this define him.' Mr. Swidelhall stated regardless of what you think happened on January 6th these folks are having their constitutional rights violated and ignored. If they had committed any other crime such as burning down cities in the summer of '21 or had killed a retired police officer, they would have people out there bailing them out of jail with little or no charges. These people are being held in horrendous conditions, denied bail until they break down. There were some people who were bad actors on January 6th and those people should be prosecuted for what they did. Robert Morris has not been charged with a crime. We need to look at the conditions at the jail and are probably closed to requiring a grand jury to look into these conditions.

Chairman Akers thanked him but let him know that we participate with the Middle Peninsula Regional Jail in Saluda not the Northern Neck Regional Jail. Supervisor Johnson let him know there is a superintendent there for you to meet with and file complaints.

Jeff Howeth, 556 Riverdale Rd. He is coming tonight as the chairman of the Essex County Wetlands Board. In accordance with section 28.2-1303 of the code of Virginia the governing body should also appoint 1 but not more than 3 alternate members to the board. They have a board member that has had some severe health issues including needing a brain surgery and is now in some basic rehabilitation at sheltering arms. He has been a good member of the board. We have one application for an alternate it is Robby Howeth, and I am asking the board give consideration to make him an alternate to the Wetlands Board.

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

COUNTY ADMINISTRATOR'S and AGENCIES' REPORTS

Chairman Report

Chairman Akers and Vice Chairman Gill met with the school finance which is Mr. Croxton and Mr. Whitaker. We looked at preliminary SOQ data and enrollment data. They said they are down in enrollment by about 140 students from what they had projected. It is anticipated that the number could drop more but is not going up. They are looking at some significant improvements with the elementary school.

Chairman Akers also spoke with the town to see if they would help with the cost of an additional dispatcher that is now required. With 65% of the calls being for Sheriff or Town Police.

Chairman Akers mentioned meeting with Lancaster schools to see how they went to a two-school system. They vacated the elementary school and remodeled their middle school and are doing all of this while the kids are in school. There will be a cost that comes with that if we decide to go that direction.

County Administrator Lombardo

County Administrator Lombardo stated that this is his last board meeting in his career in local government. He thanked the Board for allowing him to serve.

Shout Outs

- Maintenance Department for the work they have done with the dehumidifiers.
- Library for reaching out to Chesapeake Bay Governors School to get the telescopes out over the wildlife refuge.
- Tappahannock Main Street for the parade and Winterfest. Vice Chairman Gill stated that the Essex County Chamber of Commerce is coming back to take an active role with the Main Street
- Sheriff's Department collect 84 bags of trash.
- IT for contracts for copiers and printers.

SCHOOL SUPERINTENDENT'S AND CONSTITUTIONAL OFFICERS' REPORTS

Commissioner of Revenue Tommy Blackwell stated that the DMV Connect will be coming to the Public Library December 15, 2022. The Commissioners Legislative Agenda is attached. If there is anything that the board would like me to take to the General Assembly in January, I would be happy to share anything.

Chairman Akers asked if it was something that could be pushed for composite index instead of land use? Commissioner Blackwell said they get a lot of push back from the Northern Virginia areas.

VDOT

- Rt 688 Fortune Lane has been complete.
- There is an upcoming bridge project on Rt612 Bestland Rd. It is a full bridge replacement beginning January 23, 2022, weather permitting. It will be about a 20-week project.
- They have been working on the Snow maintenance where they check all the equipment and look at the roads during the day to prepare for the winter.
- There were 367 service requests in November they closed 272 with an average day to close of 20 days.
- The Town of Tappahannock requested on 17S that they have a speed display sign at Tignors Creek Bridge. That has been approved
- Rt 676 Lewis Level Road traffic counts were completed. They revealed an average 105 daily traffic. It is eligible to be included on the secondary 6-year plan for future funding. Which is done in the Spring.

Supervisor Johnson informed him of the trash on some on 17. He also mentioned potholes that he had reported to see if they could check on that.

Supervisor Smith informed him of a deteriorating road near mount landing bridge. Vice Chairman Gill asked about the snow removal efforts that there was some additional training that would be done. VDOT explained this is in person training to help get everyone prepared on how to use the equipment.

Supervisor Magruder stated that on Leveltown Rd Rt 632 there is a patchwork that has been done so much the agriculture trucks. He would also like to know about line painting like on Airport Rd. VDOT stated that he believes on primary it is every year but secondary is as needed.

Treasurer Penny Davis wanted to update on the real estate tax. For the first half they are at 95.78% received and the second half they are at 91.35% received. The first half of personal property they are at 82.49% and the second half usually comes in right around 75% and we are currently at 76.29%.

BOARDS AND COMMITTEES' MINUTES

Vice Chairman Gill asked if we had seen anything from the Airport Authority. Chairman Akers said we had not and would need to request something from them.

CONSENT AGENDA

Supervisor Johnson made a motion to approve all three and seconded by Supervisor Smith. AYES: 5 NAYES: 0 ABSENT: 0

NEW BUSINESS

Proposed FY23-24 Budget Schedule

The motion was made to approve the budget schedule by Supervisor Johnson and seconded by Supervisor Smith. AYES: 5 NAYES: 0 ABSENT: 0

Resolution #22-022 Zoning Administrator, Subdivision Agent (Plats Officer) Appointment

RESOLUTION OF APPOINTMENT ESSEX COUNTY ZONING ADMINISTRATOR AND SUBDIVISION AGENT (PLATS OFFICER)

WHEREAS, the Board of Supervisors of Essex County, Virginia desires to appoint a Zoning Administrator and Subdivision Agent (Plats Officer); and

WHEREAS, section 15.2-2286 of the Code of Virginia and Essex County Code Appx. B, Sec. 21.1 provides for the appointment of a Zoning Administrator; and

WHEREAS, section 15.2-2258 of the Code of Virginia and Essex County Code Appx. A Sec. 2.1 provides for the appointment of a Subdivision Agent (Plats Officer).

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Essex County, Virginia hereby appoints Rob Hodges, as the Zoning Administrator for Essex County, Virginia and as the Subdivision Agent (Plats Officer) for Essex County, Virginia.

BE IT FURTHER RESOLVED that such appointment shall be *nunc pro tunc* January 18, 2022, the date of his hire as the Director of Planning & Zoning for Essex County, Virginia, and the Board of Supervisors hereby ratifies the actions taken by Rob Hodges as the Zoning Administrator and Subdivision Agent (Plats Officer) of Essex County, Virginia since January 18, 2022.

Adopted this 13th day of December 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 and electronic meeting on the 13th day of December 2022 by as majority of the members of the members of the Board of Supervisors with the following votes:

AYE: Akers, Gill, Johnson, Magruder, Smith

NAY:

ABSTENTION:

Signed this 13th day of December 2022.

ATTEST:

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

Administrator Lombardo asked that the Board appoint Rob Hodges as the Zoning Administrator. Supervisor Johnson made the motion to approve Resolution #22-022 as presented and Vice Chairman Gill seconded. AYES: 5 NAYES: 0 ABSENT: 0

Recognition of Service John Crump: Resolution #23-002

Vice Chairman Gill made the motion to approve resolution #23-002 as amended. Supervisor Magruder seconded. Supervisor Johnson asked why there was nothing in the resolution regarding his time on the electoral board. Zoning Administrator Rob Hodges stated that the BZA approached him in regard to his time with them. He did not know about the years of service with the electoral board. Chairman Akers said they could make adjustments and vote on the resolution and present it at the January meeting. AYES: 5 NAYES: 0 ABSENT: 0

Clerk of the Board Appointment

Chairman Akers recommended appointing April Rounds as the Clerk of the Board as of January 1, 2023. Supervisor Johnson made the motion Supervisor Smith seconded. AYES: 5 NAYES: 0 ABSENT: 0

Text Amendment for R2200001

Chairman Akers reminded them of the text amendment request. Vice Chairman Gill made the motion to accept the Planning Commissions denial of the text amendment R2200001. Supervisor Magruder seconded. AYES: 5 NAYES: 0 ABSENT: 0

CLOSED SESSION

Supervisor Johnson stated 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 personnel issues, a recommendation to the Circuit Court for the Board of Zoning Appeals, Board of Building Appeals, Middle Peninsula Broadband Authority, and Wetlands Board. Vice Chairman Gill seconded.

AYES: 5 NAYES: 0 ABSENT: 0

RECONVENE IN OPEN SESSION

Supervisor Johnson 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 13th day of December 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

Vice Chairman Gill made the motion to provide the Essex County Circuit Court a recommendation to appoint Ned Stephenson to the Essex County Board of Zoning Appeals for a 5-year term. Motion seconded by Supervisor Johnson. AYES: 5 NAYES: 0 ABSENT: 0

Supervisor Johnson motioned to appoint Lou Spencer to the Board of Building Appeals for a term effective 1/1/23 ending 12/31/2027. Motion seconded by Supervisor Smith. AYES: 5 NAYES: 0 ABSENT: 0

Supervisor Smith motioned to appoint Rob Hodges to the Middle Peninsula Broadband Authority to fill the term of Michael Lombardo with expiration date May 30, 2023. Motion seconded by Vice Chairman Gill. AYES: 5 NAYES: 0 ABSENT: 0

Supervisor Magruder motioned to appoint April Rounds to the following Authority and Commission vacancies to fill the Michael Lombardo's unexpired terms resulting from his separation from Essex County on December 30, 2022:

Middle Peninsula Chesapeake Bay Public Access Authority (alternate position), term expiring June 30, 2023;

Middle Peninsula Juvenile Detention Commission (member), with term expiring June 30, 2023;

Middle Peninsula Planning District Commission (member), with term expiring December 31, 2023;

Virginia Peninsula Public Service Authority (member), with term expiring June 30, 2023;

Jail Authority (alternate position), with term expiring June 30, 2023. Motion was seconded by Supervisor Johnson. AYES: 5 NAYES: 0 ABSENT: 0

BOARD REQUESTS AND DIRECTIVES

Board directs the Assistant County Administrator to advertise openings to serve on the Wetlands Board are available.

Vice Chairman Gill shared that the Quarterly Meeting of the Rappahannock River Basin Committee will be hosted by Essex County. The Venue is TBD, but to mark your calendars for the event. June 28, 2023, 1 PM. All are invited to attend.

Board of Supervisors Organizational Meeting, January 10, 2023, 5PM

Board of Supervisors Work Session, January 10, 2023, 5:30 PM

Board of Supervisors Regular Meeting, January 10, 2023, 7:00PM

ADJOURN

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

Chairman

Clerk of the Board