

Virginia: At the regular work session meeting of the Essex County Board of Supervisors held on Tuesday, February 14, 2023 at 5:30 p.m. in the School Board Meeting Room, at 109 S. Cross St., Tappahannock, Virginia:

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

County Administration Present:               April Rounds, Interim County Administrator, Deputy Clerk

**CALL TO ORDER**

Chairman Akers called the Regular Board of Supervisors Work Session of February 14, 2023, to order.

**ROLL CALL**

The Clerk called out the roll for the Board of Supervisors; a quorum was met.

**AGENDA**

No changes.

**DISCUSSION**

**Jim Thomas Presentation**

Jim Thomas, Essex Mill Rd., sign painter. He is in the process of painting a series depicting the history of Essex County. There are several done that are displayed in the Essex Inn. While doing research he came across a book written by Mr. Slaughter. There are a lot of line drawings in this book that he would like permission to use. It is copyrighted by the Board of Supervisors.

Chairman Akers stated that if there was no questions they would bring it up in the regular meeting for vote. They have done this before for others that have wanted to use something out of the book.

Supervisor Magruder asked if there was any liability with this. Chairman Akers stated no it just requires our permission.

**Community Garden Presentation – J.T. Roane PhD**

Dr. J.T. Roane wanted to come with a proposal on behalf of Just Harvest for Essex County to consider a Tappahannock Green Space. Just Harvest would like to propose that Essex County Board of Supervisors provide them a member to help engage in process of working with the County and other partners to create a communal garden and green space on the currently undeveloped land at the heart of Tappahannock behind James H. Cary Intermediate School. The currently unused 17 acres of County land contains about 10 acres with trees and 7 acres of open space. These together have the potential to serve the local community with food resiliency, workshops, youth leadership, and adding to the nature preservation.

Just Harvest has received \$10,000 from the RAFT process. They plan to implement and distribute food through hosted refrigerators using sustainable agricultural practices. They have begun a workshop series related to sustainable gardening and food self-reliance.

Just Harvest is also working through his own connections with Rutgers University with a \$50,000 grant from the social science research council. I have dedicated a portion of these funds to develop a curriculum for Just Harvest.

There are upcoming funding opportunities to help with the long term development and sustainability.

Supervisor Magruder asked to know a little more about Just Harvest as an organization. Dr. Roane stated that it was developed recently. It is primarily indigenous and black led. They look at the food resiliency and food justice. They see themselves as a teaching organization.

Supervisor Magruder asked if they see themselves more as an educational group as opposed to an open garden where people from the community could plant or both.

Supervisor Magruder stated they would need to overcome an access issue as the only access to that property is from the intermediate school.

Supervisor Johnson asked if the \$50,000 is yearly or a one time grant. Dr. Roane said it is a one time grant. They would also continue to look for other opportunities for funds.

Supervisor Johnson asked about the food items. Dr. Roane stated it could be a year round.

Supervisor Johnson asked what the start date would be. Dr. Roane stated that it would depend on the process. They will at least start on a private land due to the funding that we have received.

Supervisor Johnson asked about getting the schools involved. Dr. Roane would encourage it and would like the support from them as well as including practical matters. It could be used as an outdoor classroom.

Supervisor Smith asked if they were planning on planting the whole field or just have sections for the different seasons? Dr. Roane stated that could be worked out based on funding and timing. Something more feasible to start with around 2-3 acres.

Supervisor Smith asked about who would maintain the garden. Dr. Roane would like to support local students from the high school to help manage the garden.

Vice Chairman Gill asked how Just Harvest was organized to see if what an LLC. Dr. Roane stated that they are a non-profit organization.

Vice Chairman Gill asked if they had refrigeration units? Dr. Roane stated that they have some being donated and will purchase some through the grant. Vice Chairman Gill asked if they would need storage facilities? Dr. Roane stated they have some potential partners here as well as across the Rappahannock.

Vice Chairman Gill asked if this would be regional or just Essex County? Dr. Roane stated it would be primarily Essex County but they would do workshops in other areas.

Supervisor Magruder gave some additional ideas on potential contacts.

Chairman Akers stated that the board could certainly come together to have someone serve on that group.

#### Budget Overview: Final Prep for 2/21 Presentation – Bobbie Tassinari

Mrs. Tassinari wanted to complement the staff on how professional they have been.

While review the requests from the departments the departments made minimal increase requests. Meeting with department heads they expressed being as efficient with the funds given. Where the increases are they are standard increases for postage, advertising and fuel costs. Some increases are in software maintenance where there is not a lot of control.

The Revenue projections - She is going to build in a 2% increase for real estate revenue. With Personal Property they are looking at a 5-20% decrease specifically vehicles. Looking at the historical I think a 10% decrease is reasonable. If looking to help save cost you could look at the vehicle tax.

County Offices and outside agencies – one of the primary concerns that department heads has was their staff getting some sort of increase whether it be a COLA, or a merit driven raise or tying something back to the salary study. Setting aside some funding for step increase. When a great number of staff are talking about it to keep the salaries competitive as well as to retain the excellent employees.

CIP – Vehicle Replacement for sheriff, additional funding for communications

County Comprehensive plan in the BOS funding as well as a reassessment. Land Reevaluation will be going on as well.

The largest request is for the CSA budget.

The superintendent would be requesting level funding as of now.

Constitutional officers – the last of the increase will be included.

Registrar – increase in salaries due to the three elections

Staffing requests – extension office part time 4-H youth educator would like to make it full-time they have reached out to Middlesex as well it will be an additional \$4,000-\$5,000. If Middlesex does not fund their 50% then Essex will stay part-time.

- Additional dispatch position – there is talk of this but also talking to the town to help.
- FY24 will be the final year with the sheriff on the additional deputy.

VATI Grant and ARPA funds – the ARPA funds must be obligated by December 31, 2024 and must be expended by December 31, 2026. If the VATI Grant doesn't work out it would be best to have something else in mind for those funds.

Chairman Akers asked about the schools budget based off their calc tool, with the state giving less and the required local match is giving less is significantly lower by about \$500,000. Are they asking for that much more over or are you thinking they are wanting to meet whatever the state threshold is. Mrs. Tassinari stated that the superintendent discussed that they could take a \$1.2 million dollar hit. With what he has put in place the funding from this year is the same as next year.

Supervisor Magruder asked with the personal property decrease of 10% as an estimate. At the time with the used vehicle price skyrocketing it was projected to us that we would have a surplus. We initiated a \$0.25 reduction and talked about reducing it another \$0.25? Are you seeing this windfall in this budget? Mrs. Tassinari stated looking at the projection which was a little over \$4 million and the collections and the timing of the collections it looks like we are pretty much on target. Supervisor Magruder asked if it was included in the projections. Mrs. Tassinari stated that it was included in the projections.

Vice Chairman Gill asked if the format was the same excel format as the previous year? Mrs. Tassinari stated the presentation will be powerpoint and graphs. The binders will be the same format.

#### IT Presentation: CyberSecurity Requirements

Chuck Huntley stated that the updated election standards. The leadership has changed in the program over the past couple of years. They were called the minimum security standards and now they are called the local election security standards. There are 14 control families and they are now in three security tiers. There is a timeline to meet the baseline for compliance. We have to show what we are compliant and not compliant with by March 1. If a locality does not meet all of the baseline requirements they have to submit a remediation plan to the department of elections.

We need clarification on some of the items. In the first pass of looking at it we are 67% compliant with but need to get to the full 100%.

Chairman Akers asked if there were any other localities where the town is helping to absorb a portion of this? How much of it should be on us.

Mr. Huntley is not sure the cost of what this may be.

Vice Chairman Gill asked if we would be 100% compliant by March 1? Mr. Huntley stated we would not be and would question if any locality would be 100% compliant. The remediation plan is to help us get to 100% compliant but there are not specific dates on when we have to 100% complaint.

Vice Chairman Gill asked if we would have any of the numbers for the cost to become compliant for this years budget. Mr. Huntley was unsure as we are not sure what will be required to become compliant.

Supervisor Johnson asked what are the issues of not allowing you to know if we are compliant or not? Mr. Huntley stated that the issues on the scope of the requirement. If the scope is just the election office there are only 3 computers, 3 staff members and would be relatively easy to comply. The electoral board as approved all the required policies and procedures. If the county has to be compliant than there are policies and procedures that would need to be adopted.

Supervisor Magruder asked if there was an audit that would need to be done? Mr. Huntley stated that there are self audits but he has not seen where a third-party audit has to be done. We do have to complete the NCSR Self-Audit.

Supervisor Johnson asked if from the Richmond Department of elections if there was a list to check our operations. Mr. Huntley stated that yes we do have one of those lists.

#### Proposed Amendments to County Codes 22-3 and 24-4 – Tim Smith

22-3

Mr. Tim Smith stated that both of the codes are predated to 2000.

Supervisor Johnson asked what we are trying to accomplish with density areas and A1 areas. Should the standard be the same for someone in town and someone with 100 acres. For the purpose of inoperable vehicles it is the same for everyone except commercial and industrial.

Vice Chairman Gill asked about the shielded vehicle and how is it defined? If someone reports it it would be something that is seen.

Supervisor Magruder asked about the removal. What if the property owner and the owner of the vehicle are different who is this code tied to?

Supervisor Magruder also asked about the shielded vehicle permit. What is the purpose of paying a fee to shield a vehicle and who would take care of that? Mr. Smith stated that they are hoping that this would cut down on the number of inoperable vehicles. This would be a zoning permit. The fee would be a \$25 fee per year. The hope is that it becomes a vehicle you are working on not making a junkyard. We are also working on a list for the removal of the vehicles.

24-4

The changes involve the clarifying of the language.

The penalty for inoperable vehicles is a zoning penalty is a civil penalty in the range of \$50 - \$500.

Supervisor Magruder would like to take County Administrator out and just have it as a code enforcer. The M1 needs to be changed to I2. In the farming exemption add Forestry.

Supervisor Johnson asked if when they talk about exception F is that pertaining only to grass or trash as well. Max stated that it is part of the state statute language.

Vice Chairman Gill asked in regards to the civil penalties he would like to see what other counties are doing for that.

Chairman Akers stated that the County Administrator provided a couple of actions to consider Is under 22-3 is allowing up to 2 vehicles being shielded with a vehicle manufactured cover.

Supervisor Johnson stated that the car is in a certain state and sometimes takes 2 and 3 tears to fix. Do we charge them \$25 per year and fine them on top of that? When you find these antique cars it takes time to get all of the parts.

Chairman Akers asked if the board was amenable to allowing up to 2 vehicles being shielded. Everyone said yes.

Chairman Akers said that the second action is that if this is allowable than we should set up a permit and fee for the shielded vehicles.

Supervisor Johnson asked if they have a project in mind that that be considered since sometimes you have to buy 3-4 cars to make 1. If they have a plan then that should be told to the code enforcement officer. Then it become a project and not considered a junkyard.

Max stated that there is an allowance for a flex 1 to allow for the extra vehicle.

Chairman Akers asked if the fee at \$25 is ok with the board and all agreed.

Chairman Akers asked on what the civil penalties could be. Max stated that with the inoperable vehicles it could go back to the zoning penalty. With the Solid waste the board would need to decide on if they would like civil penalties and if so what would that amount be.

Mr. Smith asked if they just wanted to keep it as a level playing field and keep with the same as the inoperable vehicles.

Chairman Akers asked if we could change it at a later time? Max stated that they would need to see if what is listed in the zoning falls within the range for the solid waste.

Chairman Akers asked if they would like to proceed with this in an advertisement for public comment? Vice Chairman Gill would like to see a final draft would be before advertising. Chairman Akers stated that lets get those changes in before next weeks meeting and then we could have it advertised for the March 14<sup>th</sup> meeting.

#### Amendment to Zoning Ordinance 36.244 Short Term Rentals Presentation – Tim Smith

Mr. Smith stated that the Short Term Rentals are supposed to register and there are several exemptions. The ordinance would change it so that there will be a short term rental permit this will go with everyone and there would be no exemptions. Max stated that there was a zoning permit for a short term rental and these changes reflect that.

Supervisor Magruder stated that in subsection K number 4 that the principal age of a primary guest is 18. Could we change that age to 21. Mr. Smith stated that as being an adult is 18 and that the person running the short term rental could make that age requirement. Supervisor Magruder asked if there was any reason why we couldn't change it as you have to be 21 to get a credit card without a parent's signature.

Supervisor Magruder stated that in number 5 limiting the number of guests to 2 persons per bedroom or the septic permit limit. If we make it to restrictive I just don't see it as enforceable. Mr. Smith stated that enforcing it we would be looking at the log book and should see now more than what you allocated. Chairman Akers asked if we should remove the bedroom portion and just use the septic permit. Mr. Smith stated that in some of these older homes there is no septic permit available. We have had to define a bathroom as what is listed in the commissioner of revenues office.

Supervisor Magruder asked if this was something that we could require an Air B&B to pump out their septic system more often like every 3 years as opposed to every 5 years? Rob Hodges came forward and stated that limiting the number of occupants to the septic permit or the bedrooms helps those that are next door to an air B&B.

Ernest Sadler stated that the fire safety is rated for the number of bedrooms not the septic. If they start using other rooms as bedrooms they are not rated for that so you do have to be careful of that.

Mr. Smith stated it needs to go to the planning commission and to the board for public comment we would like to do this simultaneously.

#### VATI Grant Update – Rob Hodges

Mr. Rob Hodges stated he reached out last week to the DHCD about the VATI Grant and federal funds. The reason the Governor has not announced the 2023 VATI Grant is because there was mark put against the 2023 budget where a county wanted to add \$23 million to the \$49 billion to that individual county.

The committee took that dollar amount out and said that county would be prioritized over all other applicants for the 2023 grant. Until the budget is resolved the VATI Grants won't be released.

The National Telecommunications Information Association which is the administrator of the BEAD Funds. They will announce available funding per state by June 30 of this year. If we are not successful with the VATI Grant we can use the application to submit for the BEAD Fund which is the federal funding.

Chairman Akers asked if we get notified in June that we did get the VATI Grant when would we be able to disperse the funds that we have allocated to them. Mr. Hodges stated that yes, we would spend our money before they spent their money with the match. Breezeline believes it will take three years for the project to be completed.

Vice Chairman Gill asked about the funds that were switched around. Mr. Hodges stated that there was not much information given on it.

**ADJOURN**

Having no further discussion, Chairman Akers adjourned the Work Session meeting of the Board of Supervisors.

---

Chairman

---

Clerk of the Board