

Virginia: At a regular scheduled meeting of the Essex County Board of Supervisors held on Tuesday, April 11, 2023 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: April Rounds, Interim County Administrator, Deputy Clerk

### **CALL TO ORDER**

Chairman Akers called the meeting of Tuesday, April 11, 2023 to order at 7:00 p.m.

### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Vice Chairman Gill led the Invocation and the Pledge of Allegiance.

### **ROLL CALL**

The Chairman asked the Interim County Administrator to call out the roll; 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 made the motion. Supervisor Smith seconded. AYES: 5 NAYES: 0 ABSENT: 0

### **RECOGNITION** – Mr. Terry Johnson

Sheriff Holmes had Mr. Terry Johnson, Chief of Emergency Services, repeat the Oath of Office. Chairman Akers presented Mr. Johnson with the Chief's Helmet.

## PUBLIC HEARINGS

### Public Hearing to Amend Zoning Ordinance 36.422 Short Term Rental – Tim Smith

Mr. Smith stated that this was to clarify the language. Supervisor Smith asked about the three violations and if three different people called in would that be three separate violations. Mr. Smith stated that they would count that as one and do the background check to make sure it is valid.

### Public Hearing to Amend County Codes 22-3 and 24-4 – Tim Smith

Mr. Smith stated they adjusted accordingly to and to clarify the language. Supervisor Smith asked if they could add back the section the part that says no part of this ordinance should pertain to any vehicle that is not visible to someone standing at ground level from outside the property on which the subject is located. Mr. Smith stated that it is in the section with the shielded vehicle and does contain that language.

Walter Malloy, Dunnsville, He would like to hear the language that he is going to add.

Mr. Smith stated that under shielded vehicle which is under part A number 3

- 3) **Shielded vehicle** means an inoperable vehicle outside of an enclosed building or structure but otherwise shielded or screened from view, including by means of a vehicle cover manufactured for the use of covering vehicles, such that the inoperable vehicle is not visible by someone standing at ground level from outside of the property on which the subject vehicle is located; however, tarps or any other unfitted material draped or secured over and around an inoperable vehicle is not sufficient to comply with the shielding requirement.

Mr. Malloy stated that he thinks it should stated specifically that the ordinance does not pertain to any vehicle that is shielded according to the state code 15.2-904 any locality may provide it unlawful to keep a vehicle or otherwise shielded or screened from view. It says if it is shielded that is sufficient. Paragraph E states shielded it means 'shielded or screened from view means not visible by someone standing at ground level outside the property in which the subject vehicle is located.' He feels that the ordinance should pertain to any vehicle that fits the State Code and it should state that. It is too restrictive and only allows for one vehicle.

## **PUBLIC COMMENTS**

Joe Bozeman, Butlyo Rd. stated he understands that a second lawsuit has been filed against the County, a former County Administrator and a former County Building official. Will the tax payer be asked to defend the two ex-employees and if so why? Are their actions defensible? Should their actions be allowed to happen again? Never put up with what you don't want to continue to put up with and silence is considered acquiescence. How could this have gone on for so long?

## **COUNTY ADMINISTRATOR'S and AGENCIES' REPORTS**

Administrator Rounds had nothing additional to add.

Supervisor Magruder stated that the 6<sup>th</sup> Grade class with Niki Davis went to the Animal Shelter and gave a donation and helped there for the day.

He also thanked Chuck Huntley for saving the county \$1,380 per year. The PEP Grant with another \$3,000.

With the WAWA coming to town the sheriff's office received \$1,000 with the Hoagie Contest. Administrator Rounds stated that the EMS also received \$1,000 from that.

The Library annual report was outstanding.

Parks and Recreation with Tappahannock Furniture has been out every time there has been a cleanup as a sponsor.

TMS is working on a new mobile app. The farmers market starts Saturday.

Vice Chairman Gill stated that he is pleased with all of the reports.

Supervisor Smith would like to bring up something with VDOT when they come to the next meeting.

Candace Mickelbough asked if this was an appropriate time to discuss the CSA allocation that we will need to finish out the fiscal year. Last month she stated that she would be coming soon to discuss what would be needed for the

remainder of the year. We are projecting to spend in FY23 \$2,142,540 that is \$642,540 over our initial \$1,500,000 allocation. The local match for CSA is 38.53% so the local match for the additional allocation that we project we will need to finish out the fiscal year is \$247,571. The total local match for the whole allocation is \$825,521.

Chairman Akers asked of that additional \$642,000 how is that broken out? Mrs. Mickleborough stated she has it broken up as of March. The \$102,000 that was approved yesterday has not been broken down and will be on next months report. The \$1.9 Million that we have encumbered so far this year \$392,000 for foster care, \$802,000 is for school care and \$145,000 for Chins and prevention cases. We encumbered \$102,000 yesterday, we have a new residential CSB case we have not encumbered that yet but will probably be around \$50,000. That is included in the overall forecast.

Chairman Akers asked when they will need that appropriated? Mrs. Mickleborough stated after they pay their bills in April they will only have \$50,000-\$60,000 remaining. Chairman Akers stated they could look at a supplemental appropriation next month.

Supervisor Magruder asked how does this effect the use of unassigned fund balance that we were going to balance our budget? Does this tip us over the 12%? Chairman Akers stated that this is for this years budget so we will need to see what the impact is for this years budget.

### **SCHOOL SUPERINTENDENT'S AND CONSTITUTIONAL OFFICERS' REPORTS**

Commissioner Blackwell stated that the PPTR rate will have to be determined at the time of the adoption of the budget. We have done a lot of work to date and it looks like we can get it to 33% to fully allocate the money we will get from the state.

Supervisor Magruder asked if the 33% leaves us a little shy or a little over? Commissioner Blackwell stated that it leaves us \$910.00.

### **BOARDS AND COMMITTEES' MINUTES**

None

### **CONSENT AGENDA**

Supervisor Johnson made the motion to approve all three as presented. Supervisor Smith seconded. AYES: 5 NAYES: 0 ABSENT: 0

## **NEW BUSINESS**

### **ECPS BAF Request: 2022 School Security Equipment Grant Program**

Chairman Akers stated that this is a grant awarded to the schools for the door locks similar to what we have at the offices. The Request is for \$210,281.

Supervisor Johnson made the motion to approve ECPS' budget supplement transfer request in the amount of \$210,281.00 from 205-024020-0070 to 205-064200-8114-900, as requested. Vice Chairman Gill seconded.

Supervisor Magruder asked if we knew where these funds are coming from, going to? It seems that the request is lacking detail. Is this ESSR funds, ARPA funds? Chairman Akers stated it is a separate grant all together. The work is almost complete.

Supervisor Magruder asked if this was the total amount for the grant as well as the total amount of expenditures? Do we have any accounting on this?

Vice Chairman Gill stated that they need to revise the form so there is more information. AYES: 5 NAYES: 0 ABSENT: 0

### **Proposed Zoning Ordinance 36.422 Short Term Rental Amendment**

Supervisor Johnson made the motion to approve the zoning ordinance 36.422 short term rental. Supervisor Smith seconded. AYES: 5 NAYES: 0 ABSENT: 0

### **Proposed County Codes 22-3 and 24-4 Amendments**

Max stated there could be some clarification on the inoperable vehicles of 22-3 could be amended some and he asks that we postpone until May. However, you could still act on the trash and grass amendment of 24-4.

Supervisor Johnson made the motion to approve county code 24-4 as amended. Vice Chairman Gill seconded. AYES: 5 NAYES: 0 ABSENT: 0

Administrator Rounds asked if they would need to readvertise for 22-3? Max stated they would not.

## **CLOSED SESSION**

Supervisor Johnson In accordance with Section 2.2-3711(A)(29) of the Code of Virginia, I move that the Essex County Board of Supervisors convene in closed session to discuss bids and/or quotes received for the selection of an Executive Search Service for the County Administrator vacancy, and in accordance with Section 2.2-3711(A)(1) of the Code of Virginia, the appointment of individuals to the following Ag & Forestry Board, Airport Authority, Economic Development Authority, Planning Commission, Trash Clean-Up Committee, Wetlands Board, Community Services Board, Bay Aging, CPMT, Fort A.P. Hill, Middle Peninsula Juvenile Detention Center, Middle Peninsula Regional Jail Authority, Peninsula Public Access Authority, River Basin Committee, Workforce Development, VPPSA, Parks and Recreation Authority, school Budget Subcommittee, and the Middle Peninsula Planning District Committee; and in accordance with Section 2.2-3711 (A) (7) of the Code of Virginia, consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the County, related to a filed complaint. AYES: 5 NAYES: 0 ABSENT: 0

## **RECONVENE IN OPEN SESSION**

Vice Chairman Gill 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 affirmation 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 11th day of April 2023, 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 stated Any member who believes that there was a departure from the requirements of clauses (i) and (ii) shall state the substance of the departure that, in his judgment, has taken place.

Chairman Akers stated the clerk will poll the members and certify.

Chairman Akers - Certifies

Vice Chairman Gill – Certifies

Supervisor Johnson – Certifies

Supervisor Magruder – Certifies

Supervisor Smith – Certifies

Chairman Akers stated that no action was taken and will be pushed back to the April 25<sup>th</sup> meeting.

### **BOARD REQUESTS AND DIRECTIVES**

April 18, 2023 at 7:00 PM, Budget Public Hearing for FY23-24 Proposed Budget and Tax Rate Session, School Board Meeting Room, 109 S. Cross Street, Tappahannock, VA 22560

April 25, 2023 at 7:00 PM, Adopt FY23-24 Budget Resolution, Appropriate FY23-24 Budget Session, School Board Meeting Room, 109 S. Cross Street, Tappahannock, VA 22560 Davenport will be invited to attend as well.

May 9, 2023 at 5:00 PM, BoS May Work Session, School Board Meeting Room, 109 S. Cross Street, Tappahannock, VA 22560

May 9, 2023 at 7:00 PM, BoS May Regular Meeting, School Board Meeting Room, 109 S. Cross Street, Tappahannock, VA 22560

**ADJOURN**

Chairman Akers Adjourned the meeting.

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Chairman

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Clerk of the Board