

Virginia: At a regular scheduled meeting of the Essex County Board of Supervisors held on Tuesday, May 9, 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, May 9, 2023 to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Supervisor Magruder 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. Vice Chairman Gill seconded. AYES: 5 NAYES: 0 ABSENT: 0

RECOGNITION

Announcement

Gayle Ashworth, Circuit Court Clerk, after 47 years of service with the Commonwealth of Virginia I have decided the time has come for me to retire. This decision has been one of the hardest I have ever had to make. I can honestly say I have enjoyed my career very much. I will miss my work, I will miss my employees, I will miss seeing my police agencies on a regular basis, I will miss the attorneys, but most of all I will miss the contact with the Essex County citizens. I am very touched that the citizens have supported me for the past 23.5 years as their clerk. With this said I am leaving July 1st my last day will be June 30th. I am leaving my office in very good hands. My Judge, Judge Hewitt will be appointing my Chief Deputy Clerk, Christina Ambrose, to finish my term which would be the end of this year. She will be running for my position in November. I will be supporting her 100%. She has been with me for approximately 7 years and has been a pure joy to work with and willing to learn and do whatever is asked of her. I would like to thank you very much for your support through my years and I am sure you will do the same for Christina.

PUBLIC HEARINGS

VDOT Secondary Six Year Plan - Akers/McKnight

Lee McKnight of the Virginia Department of Transportation. He is the residency administrator for Saluda residency. The Code of Virginia requires that the Board of Supervisors in conjunction with the Department of Transportation formulate a six-year secondary improvement plan and a priority list for the secondary improvement budget. Today's public hearing is being conducted for the FY24-FY29 plan and the 2024 fiscal year budget. This year's budget follows the first year of the secondary six-year plan. The total amount estimated for the plan at this time is \$376,280 over the six years. This includes \$202,046 for unpaved roads those being roads with 50 vehicles per day or more and \$174,234 in tele fees. In updating the six-year plan we have followed the priorities established last year by the board and working with County staff. The total funds list above will be placed along the projects on the County's prioritized list and no projects will be eligible for addition this year due to funding constraints of the program. This is for new construction not maintenance.

No Comments

PUBLIC COMMENTS

Chairman Akers opened the floor for public comment.

Joe Boseman stated that in looking through the Board Docs he noticed last month that the board passed a bill to transfer the funds from the Ware's Wharf fund to the Poor House Track.

Chairman Akers stated that has not happened. Vice Chairman Gill stated that it is on the agenda for tonight.

Mr. Boseman stated that's good he is here on time. He stated that he believed that when the fund was created it was earmarked for purchase of waterfront property. There is no waterfront property at the Poor House Track he does not feel that the board should do that. It sends a signal that you can't rely on what the Board says one time to hold. When Ware's Wharf was donated to the county it was supposed to be forever. One Board of Supervisors accepted it and another Board of Supervisors sold it. That's not right. The other thing is he noticed the fund is still at \$55,000. Why wasn't this fund invested, shouldn't it have returned something? Unless you just dumped it in the general coffers and if so it should have gotten some return as well. The interest from that is paying for something else. So you are going to vote on this tonight?

Administrator Rounds stated that yes they will vote.

Mr. Boseman stated that it will be interesting to see how the vote goes. There are still two members who were here when Ware's Wharf got sold. He does appreciate Mr. Magruder, he has probably been consistent in this.

Mr. Mike Terry, 1259 Old Creek Lake Dr. He wanted to talk about zoning ordinances in Essex County. Mainly agricultural, mainly accessory buildings on land that does not have a residence on it. The way the code is read or interpreted is if I own 1,000 acres at the North End of the county I can't put an accessory building on it. I can't put a lawnmower shed, garden shed, tractor shed, nothing the way the ordinance was explained to me. If I own 500 acres of timberland at the south end of the County I can't build an accessory building for my tractor, bush hog to take care of my trees because I don't have a home on the property. If I own 24 acres in Dunnsville and I have a \$40,000 tractor but I don't have a home I can't put a building up for my tractor. I can't put a garden shed to put my hoe in to tend my garden and build a playhouse for my nieces and nephews because I don't have a home. I can't buy an accessory building and bring it in. I don't understand it. The explanation I got was we don't want people to buy property

with no home, building a shed and living in it. I don't know if that is the mentality behind the ordinance. It doesn't make sense. It puts the Zoning Administrator in the position to explain it to guys like me who don't like it that they can't do it. They can't put a building on my property. You make him the messenger and everyone wants to kill the messenger and he's just the puppet. There needs to be a mechanism, if a guy wants to build a garden shed to put my hoe and my seeds in so I can have a garden on my 24 acres and raise vegetables for my mom. I can put a stable on there that increases the set back to 400'. I can put a sportsman club there, private or commercial, according to zoning but I don't want to put a sportsman club on there. I want to put a garden shed on it. I want to build a tractor shed to put my \$40,000 tractor in. I can get a farm bureau exemption for my tractor if I claim to be in agriculture, which I am, but that's not what tax payers should have to do to get a work around.

COUNTY ADMINISTRATOR'S and AGENCIES' REPORTS

Kyle Durham just wanted to add to his report for the transition that Terry has received so far. It is going very well. The last part of that will be tonight with the appointment of Terry as the Emergency Coordinator and Tommy leaving. The last thing we need to do is thank Tommy. Kyle made a presentation and stated a lot of people are going to ask 'why a brick?' This brick represents a lot of Tommy's PowerPoints. His number one slide was that he was here to build a stronger foundation and he did just that. The brick also represents one of the top historic incidents in this County that he helped coordinate during and after and we probably couldn't have done it without him.

Tommy Hicks stated it has been an honor to serve for the past year. I have been embraced by the community and the staff.

Supervisor Johnson stated that, this was for Terry. He received a phone call from one of his constituents that was very complimentary. It was in regards to Cameron and Lisa the comments that they made not only in the professionalism of the two individuals but in regards to the equipment that was there and the timeliness.

Supervisor Magruder had some shoutouts.

- Facilities are doing a Virginia Department of Health upgrade on their building so hopefully the public will see that. Most of that work is being

done in-house to save money. They went to a Pro account at Lowes and saved almost \$1,000.00 and are continuing to look for savings. The scanning of the building plans that Gina has been doing a lot of is almost complete and they will start scanning some of the older board minutes. They will hopefully be searchable one day. They are also continuing their training.

- The extension service will be offering well water testing kits for \$65.00. They are also involved in the 4-H livestock show and sale this past Saturday. They had 26 project animals and 2 participants in particular Taylor Mitchell, who this is her last year showing, received Reserved Champion Feeder Heifer and Grand Champion Market Heifer. Her younger brother was the Reserved Champion Market Goat.
- Tappahannock Main Street is doing a great job receiving Grants. They are also looking at a farmer's market update plan.

Supervisor Smith wanted to thank the Essex County Administrator, acting on behalf of Essex County citizens, to send a lovely basket of flowers to my wife who is at home. She had open heart surgery Tuesday a week ago and is home and recuperating well.

Supervisor Smith stated he received a call from Blakely Smith with Hometown Realty, on May 25th Hometown Realty is having an open house at Hobbs Hole in their newly opened section of homes. From 2-5 there will be the open house with food and drinks provided by Prince Street Café Hobbs Hole. Administration and Board of Supervisor members are invited to attend.

Administrator Rounds stated they received an email from Valent Lassitor with Department of Environmental Quality. She acts as our Chesapeake Bay Preservation Act Locality Liaison. She sent the email in regards to our compliance review that we go through every year where they identify deficiencies and vulnerabilities with compliance to the Act. She thanked Mr. Hodges who is extremely forthcoming and proactive. At the beginning of the process he gave the commitment to address the deficiencies that were identified. She stated much to her surprise that was exactly what he delivered. In her 15 years in that role the only one who has done so. She went on to say that as a result the County does not have any conditions or compliance issues to correct and the county is lucky to have him and Ernie Sadler, they make a good team.

SCHOOL SUPERINTENDENT'S AND CONSTITUTIONAL OFFICERS' REPORTS

Commissioner Blackwell read from a letter that was sent to Judge Hewitt and copies to the Board and to the Town.



THOMAS M. BLACKWELL
Commissioner
May 4, 2023

Commissioner of the Revenue
County of Essex
317 PRINCE STREET
POST OFFICE BOX 879
TAPPAHANNOCK, VIRGINIA 22560



Telephone: (804) 443-4737
Facsimile: (804) 443-0387
E-mail: cor@essex-virginia.org

The Honorable Herbert M. Hewitt
Presiding Judge, Essex Circuit Court
15th Judicial Circuit of Virginia
305 Prince Street
Tappahannock, VA 22560

Dear Judge Hewitt:

On behalf of a group of local veterans and citizens, including the Essex County Woman's Club, American Legion Post 64, American Legion Post 401, the Potomac Chapter of the Military Officers Association of America (MOAA), and NAACP Veterans Affairs Committee, I would like to inform you that we are planning on remembering our fallen heroes at a Memorial Day ceremony at **10:00 a.m. on Monday, May 29, 2023** in the vicinity of the Essex County War Memorial. This year's ceremony will honor Essex County native son Lance Corporal Richard Everett Barrett, USMC, who was killed 40 years ago when Marine Barracks Beirut was blown up on October 23, 1983. We plan to lay several wreaths at the memorial at the conclusion of the ceremony.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Blackwell".

Thomas M. Blackwell
CDR, USNR (Ret.)

cc: **The Honorable Rob Akers**
Chair, Essex County Board of Supervisors

The Honorable Roy M. Gladding
Mayor, Town of Tappahannock

Sheriff Holmes stated that a couple of board members asked about a speed sign. That speed sign has been purchased and paid for. This speed sign is to be used for

the county although it is under the control of the Sheriff's Office. The public paid for it. If the Fire Department needs it they can get it, If the Rescue Squad needs it they can get it, Main Street. This sign will not only have the speed but there are red and blue lights that were put on it to flash if you are speeding. If the public is hearing this, no we don't write a ticket from the sign. He wanted to thank Chief Ashworth because he let him store the sign in his building. The speed sign will be in different subdivision. The first day it will be used is with the Fire department for the street dance. This sign will hold six pages of notes. He stated he found the money but he won't tell you how. It is built like the VDOT sign.

Kyle Durham stated that the sign stores a lot of information and will be easy to manage.

Chairman Akers asked if it would actually track the speeds of vehicles coming through and store that information. Kyle stated that it will do that.

Supervisor Magruder asked if a subdivision wanted it in their community do we have a process set up for how they can request that? Sheriff Holmes stated that they just need to call the Sheriff's office, there will be a sign up sheet and that way they will know who had it last if there are any damages.

Chairman Akers asked if there was a camera that you could give a ticket if you wanted. Sheriff Holmes stated we can but we basically just want the public to slow down.

Vice Chairman Gill asked how it was powered. Sheriff Holmes stated that it is solar powered and while it is stored in the building it is plugged up. Kyle Durham stated it also has GPS tracking incase someone tries to steal it.

Lee McKnight, VDOT, there are three pipe jobs on 17 on the Northern End and those are nearing completion. Two of them are complete and the Guardrails for the third should be installed on Thursday and then it will be complete. We are nearing paving season so if you see them out there just slow down. He has already witnessed a lot of near misses with crew members getting hit so please be mindful when going through work zones.

Supervisor Johnson asked if they could get a copy of the schedule for resurfacing? Mr. McKnight stated that he could get that to Ms. Rounds.

Supervisor Smith stated that there is a gigantic hole on Richmond Beach Rd.

Administrator Rounds stated that she read that there was going to be some new traffic counting equipment installed in our area that VDOT was involved in? Mr. McKnight stated that the town has a permit to install speed display signs like the one on Hoskins Creek and believes they will install another on the other end of town. Administrator Rounds stated that she read it in a report and wasn't sure if something would be sent out to let people know with the traffic counts. Mr. McKnight thinks that the sign does have traffic counts but he will double check.

Supervisor Johnson wanted to thank Mr. McKnight in relationship to Mrs. Reynolds. She had some drainage issues and didn't have money for the culvert. She is at a point where she can do that and VDOT is willing to come and fulfil that obligation.

Vice Chairman Gill asked what the schedule is for pothole repair. Mr. McKnight stated as soon as they are alerted they should be out there within 24-48 hours.

Vice Chairman Gill asked what the best way to notify them would be. Mr. McKnight stated that they should call 1-800-FOR-ROAD or use the online portal. It creates an automatic ticket.

BOARDS AND COMMITTEES' MINUTES

None

CONSENT AGENDA

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

NEW BUSINESS

Coordinator of Emergency Management for Essex County Appointment – Rounds

Administrator Rounds stated that Supervisor Smith, being the Director of Emergency Management for Essex County needs to make the motion to appoint Terry.

Supervisor Smith stated 'As Director of Emergency Management for Essex County, I move to appoint Terry Johnson as the Coordinator of Emergency Management pursuant to Code of Virginia Section 44-146.19 and as Chief of Emergency Services for the County of Essex. Further, I move to appoint Kyle Durham as the Deputy Coordinator of Emergency Management, PSAP Manager, and as Deputy Chief of Emergency Services for the County of Essex. Supervisor Johnson seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

VDOT Secondary Six Year Plan – Akers/VDOT Rep

Supervisor Magruder made the motion to approve resolution #23-012, as presented; and to approve and adopt the VDOT Secondary Six Year Plan FY24 and Construction Program Estimated Allocations as presented. Vice Chairman Gill seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

RESOLUTION #23-012

WHEREAS, Sections 33.2-331 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2024 through 2029) as well as the Construction Priority List (FY2024) on May 9, 2023 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List.

WHEREAS, the Residency Administrator of the Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan and budget for Secondary Roads (2024 through 2029) and the Construction Priority List (FY2024) for Essex County,

NOW, THEREFORE, BE IT RESOLVED that since said Plan and budget appears to be in the best interests of the Secondary Road System in Essex County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2024 through 2029) and Construction Priority List (FY2024) are hereby approved as presented at the public hearing.

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 9th of May 2023 by a majority of the members of the Essex County of Board of Supervisors with the following votes:

AYE:

NAY:

ABSTENTION:

ABSENT:

Signed this 9th of May 2023.

ATTEST:

April L. Rounds, Clerk
Board of Supervisors of the County of Essex, Virginia

BAF Parks & Recreation: Forest Funds – Carlton/Rounds

Supervisor Johnson made the motion to appropriate \$7,622.23 from the Forest Sustainable Fund Grant to Parks and Recreation for the sole use for Poor House Park Improvements. Supervisor Magruder seconded the motion.

Vice Chairman Gill stated that on the form that at the meeting on April 18th the Board of Supervisors approved the use of the monies. The April 18th meeting was a public hearing meeting for our budget. To my knowledge we had no motions on anything I think the wording in the document is incorrect and would be incorrect in the next document as well.

Supervisor Magruder stated that by state statute the Forest Sustainability Fund has to be used for certain things and that Parks and Recreation is one of those. I think it was my suggestion that we use it for that. But Supervisor Gill is correct I don't think we ever made that motion. Vice-Chairman Gill stated that we couldn't make a motion in a public hearing.

Administrator Rounds stated that is what prompted Mrs. Carlton to proffer the form. Because there was no vote she had the assumption that it had been officially motioned and approved.

Supervisor Magruder stated that it is one of the acceptable uses for that funding and we don't know if or when this year's budget is going to be approved, if there is any allotment in there at all. This may not be something that is sustainable, which is why I recommended that be a place to put those funds as it can vary from year to year. It can be used at the Poor House Rotary Park to walk the trails.

AYES: 5 NAYES: 0 ABSENT: 0

BAF Parks & Recreation: Wares Wharf Funds – Carlton

Chairman Akers stated you can see by the form that it is not being recommended by the County Administrator and I agree with her.

Supervisor Johnson stated he would also not recommend this because those funds were earmarked for water access period. I will admit that I made a mistake when we voted to sell this parcel. We should not have sold it. Because we did this money needs to be used for waterfront access.

Supervisor Magruder wanted to add that we have this Grant that we are doing with the Town of Tappahannock to study waterfront access possibilities. I think it would be extremely premature to allocate this money to Parks and Recreation without having that study or at all. I fully agree with Supervisor Johnson that it was earmarked and that was the intention of it.

Vice Chairman Gill stated he was not around at that time but agrees with the statements that have been made. It brings a funding issue when we reserve these funds and when we appropriate them do we account for the interest that has accrued on them? Administrator Rounds stated that the treasurer is here I know that these funds from the sale were put into a cash account but I don't know the further portion about interest. Treasurer Penny Davis stated that they are not kept in a separate cash account. They are accounted for separately with the fund. It does accrue interest with all our other money that is with LGIP.

Vice Chairman Gill asked if it is our policy not to attach the interest? Treasurer Davis we usually do not.

Chairman Akers stated that we have this appropriation request and it seems that the board is in agreement not to approve this request?

Supervisor Johnson asked if we need to make a motion no to?

BAF CSA: Additional Funding Request – Mickelborough

Candace Mickelborough stated that 5 of the foster care cases by the end of this month will be 100% federal adoption subsidy money and no longer utilizing CSA money. 2 of the five have already switched and the other 3 will be switched by the end of the month. So in two months that has saved the County almost \$42,000. Looking forward to Foster care we will be saving hundreds of thousands of dollars next fiscal year.

Chairman Akers asked if a majority of this was for the Private Day School placement? Mrs. Mickelborough stated that is correct.

Chairman Akers stated that as of March 31 for Private Day School placements alone \$938,735 projections through the end of the fiscal year is 1.1 million dollars.

Supervisor Magruder stated that with the Foster care its not a matter of saving money it is these kids are either being placed back home or being adopted so these kids are being taken care of.

Vice Chairman Gill made the motion to approve a budget supplement in the amount of \$650,00 to CSA to finish out FY23, as requested. Supervisor Smith seconded the motion.

Supervisor Magruder stated we need to factor this into our policy guidelines to make adjustments.

AYES: 5 NAYES: 0 ABSENT: 0

Chesapeake Bay Region Cigarette Tax Board Appointment – Rounds

Chairman Akers stated that currently don't have any representation on there now. The recommendation is to appoint the Essex County Commissioner of the Revenue to the Tax Board which is not uncommon.

Supervisor Johnson made the motion to appoint the Essex County Commissioner of the Revenue to the Chesapeake Bay Region Cigarette Tax Board (as provided for in Ordinance #21-06), which was adopted by this Board on November 9, 2021. Supervisor Smith seconded the motion.

Supervisor Smith asked if Mr. Blackwell was ok with this. Administrator Rounds stated that Mr. Blackwell was the one that brought it to their attention.

Mr. Blackwell stated that he talked with his colleagues and if we have a local tax we should have some representation and in many localities it is the Commissioner of the Revenue.

AYES: 5 NAYES: 0 ABSENT: 0

Proposed Resolution #23-011: VRS Enhanced Hazardous Duty Benefits – Rounds/Durham

Supervisor Smith made the motion to adopt resolution #23-011 as presented. Supervisor Magruder seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

NOTE: The language in this resolution has been approved by VRS Benefits Counsel and is not subject to modification.



Virginia Retirement System

RESOLUTION #23-011
Essex County Board of Supervisors

VIRGINIA RETIREMENT SYSTEM
P.O. Box 2500
Richmond, VA 23218-2500

Enhanced Hazardous Duty Benefits

WHEREAS, subject to the approval of the Virginia Retirement System ("VRS") Board of Trustees, *Code of Virginia* § 51.1-138 permits a political subdivision of the Commonwealth of Virginia currently participating in VRS to make an irrevocable election to provide enhanced hazardous duty retirement benefits for its eligible employees as outlined in § 51.1-138; and

NOW, THEREFORE, BE IT RESOLVED, that the [insert locality or other political subdivision name] County of Essex, Virginia (the "Employer") does hereby elect to have such employees of Employer who are employed in positions as full time [circle all that apply] Law Enforcement Officers, Firefighters, Emergency Medical Technicians, ~~XXXXXX~~ and whose tenure is not restricted as to temporary or provisional appointment, become eligible, effective the first day of [insert month and year] July 1, 2023, for VRS benefits equivalent to those provided for state police officers of the Department of State Police, as set out in § 51.1-138 including the retirement multiplier of [circle elected multiplier] 1.70% ~~XXXX~~, in lieu of the benefits that would otherwise be provided to such employees, and Employer agrees to pay the employer cost for providing such benefits; and

NOW, THEREFORE, the officers of Employer are hereby authorized and directed in the name of Employer to carry out the provisions of this resolution and to pay to the Treasurer of Virginia from time to time such sums as are due to be paid by Employer for this purpose.

Robert L. Akers, Jr.
Governing Body Chair

CERTIFICATE

I, [insert name] April L. Rounds, [insert title] Interim County Administrator of the Employer, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Employer held at [insert county] ~~XXXXXX~~ Tappahannock, Virginia at [insert time] 7:00 PM on [insert date] May 9th, 2023 Given under my hand and seal of the Employer this 9th day of May, 2023

April L. Rounds, Clerk of the Board
Signature

VPPSA Mutual Aid Agreement

Supervisor Johnson made the motion to authorize Interim County Administrator April Rounds to execute the VPPSA Mutual Aid Agreement, as presented. Vice Chairman Gill seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

Inoperable Vehicle Amendment Request – Smith

Supervisor Johnson made the motion to adopt County Code 22-3: Open storage of inoperable vehicles on property zoned for certain purposes with amended language to define covered vehicles and shielded vehicles. Supervisor Smith seconded the motion.

Supervisor Magruder just wanted to verify that these were the changes they discussed last month.

AYES: 5 NAYES: 0 ABSENT: 0

**Robert Hodges
Planning & Zoning Administrator
Plats Officer/Subdivision Agent**

202 South Church Lane
P.O. Box 549
Tappahannock, Virginia 22560
(804) 443-4329
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Established 1692

Essex County
Virginia

Board of Supervisors

Rob Akers, Chairman
Greater Tappahannock Election District

Ronnie Gill, Vice-Chairman
South Election District

Sidney N. Johnson
North Election District

John C. Magruder
Central Election District

Edwin E. "Bud" Smith Jr.
At Large Election District

TO: Board of Supervisors
FROM: Tim Smith, Zoning Compliance Officer
DATE: April 27, 2023
RE: Added clarification by legal counsel to the proposed amendment to County Codes 22-3 Open storage of inoperable vehicles on property zoned for certain purposes

Background

At the Board of Supervisors public hearing held on April 11, 2023 staff requested amending County Code 22-3 Open storage of inoperable vehicles on property zoned for certain purposes. At the public hearing a citizen questioned the term "shielded" and its meaning. Prior to being voted on, legal counsel requested that the term "shielded vehicle" be further defined noting that the changes were for clarification purposes; not to change the intent of the proposed amendment to the County Code. Legal counsel has since added to the definitions "covered vehicle."

Discussion

Per legal counsel, covered vehicle replaces what was initially proposed as "shielded vehicle." Shielded vehicle has been redefined as described below.

2) Covered vehicle means an inoperable vehicle shielded or screened from view 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 to be considered a covered vehicle.

4) Shielded vehicle means an inoperable vehicle outside of an enclosed building or structure but otherwise shielded or screened from view without the use of a cover 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.

Action Requested

To adopt County County Codes 22-3 Open storage of inoperable vehicles on property zoned for certain purposes with the newly added language defining covered vehicle and shielded vehicle.

Sec. 22-3. - Open storage of inoperable vehicles on property zoned for certain purposes.

(a) *For the purposes of this section, the following definitions shall apply:*

- 1) **Vehicle** means any motor vehicle, trailer or semitrailer, or parts thereof, as such are defined in the Code of Virginia, § 46.2-100.
- 2) **Covered vehicle** means an inoperable vehicle shielded or screened from view 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 to be considered a covered vehicle.
- 2)3) **Inoperable vehicle** means any one or more of the following: (i) any vehicle which is not in operating condition; (ii) any vehicle which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or (iii) any vehicle on which there are displayed neither valid license plates nor a valid inspection decal.
- 3)4) **Shielded vehicle** means an inoperable vehicle outside of an enclosed building or structure but otherwise shielded or screened from view without the use of a cover, 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.

~~(b) Except as permitted under subsection (c), it shall be unlawful for any person to keep, except within a fully enclosed building or structure, on any property in the county zoned for residential, commercial or agricultural purposes, any inoperable vehicle. The provisions of this section shall not apply to a licensed business which is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.~~

~~(e)~~ Except as authorized herein, it shall be unlawful for any person to keep, except within a fully enclosed building or structure, on any property in the county, any inoperable vehicle that is not a shielded vehicle. No more than one One shielded covered vehicle is may be is permitted on a property under this section unless otherwise approved in accordance with this subsection. Upon the request of an owner there may be allowed, ~~by the county administrator or by~~ the zoning administrator, for salvage and parts, one additional inoperable vehicle, when the owner of such inoperable vehicles can demonstrate that (i) they are actively restoring or repairing one inoperable vehicle,

(ii) the second inoperable vehicle is being used for the restoration or repair, and (iii) both inoperable vehicles are a shielded-covered vehicle. Shielded-Covered vehicles shall only be permitted upon application for and issuance of a permit from the County's zoning department.

~~(dc)~~ When, in the opinion of ~~the county administrator or~~ the zoning administrator, there is a violation of this section on any property, the owner of such property shall remove the motor inoperable vehicle, trailer or semitrailer, or parts thereof, within 30 days after notice to do so.

~~(de)~~ In the event the owner of the property fails to remove any such inoperable vehicle, or parts thereof, after having been given the 30-day notice, the county ~~may~~ have such inoperable vehicle, or parts thereof, removed. After removal, the County may dispose of the inoperable vehicle after giving additional notice to the owner of the vehicle. The costs of any such removal and disposal shall be chargeable to the owner of the vehicle or the property from which the vehicle was removed and may be collected by the county as taxes and levies are collected. All costs assessed against the owner of the property shall constitute a lien against the property from which the vehicle was removed, and the lien ~~shall~~ continue until actual payment of such costs have been made to the county.

~~(e)~~ Exceptions: The provisions of this section shall not apply to (i) a licensed business which is regularly engaged in business as an automobile dealer, salvage dealer, or scrap processor.

~~(f)~~ ShieldedCovered Vehicle Permit. A shieldedcovered vehicle permit (SCVP) shall be required for each shieldedcovered vehicle on a property. Prior to issuance, or renewal, of a CSVP, the applicant shall provide the zoning administrator with information sufficient to demonstrate that the shieldedcovered vehicle complies with the requirements of this section and the zoning ordinance. CSVPs shall be valid for a period of twelve months; however, any SCVP issued for an additional shieldedcovered vehicle in accordance with subsection (b) shall only be renewed upon an applicant demonstrating that the additional shieldedcovered vehicle is still part of an active restoration or repair. Fees for the issuance of a CSVP may be established by ordinance adopted by the Board of Supervisors.

~~(fg)~~ Civil Penalties. Violations of this sSection shall be subject to a civil penalty, which shall be in accordance with Sec. 36.57 of the zoning ordinance.

~~(g)~~ Shielded Vehicle Permit. b

~~(h)~~ Violations of this section shall constitute a Class 3 misdemeanor if three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period.

Prosecution of such violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

(Prior Code, § 12-3; Ord. of 11-10-1981)

State Law reference— Authority for above section, Code of Virginia, § 15.2-904.

Rev. 4/13/23 – per BOS direction further defined covered vehicle

BOS Adopted

CLOSED SESSION

Supervisor Magruder 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, CMPT, 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; and Section 2.2-3711(A)(3) of the Code of Virginia, for discussion or consideration of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Vice Chairman Gill seconded the motion.

AYES: 5 NAYES: 0 ABSENT: 0

RECONVENE IN OPEN SESSION

Supervisor Smith 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 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 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

Vice Chairman Gill made the motion to appoint Jay Mitchell to the Middle Peninsula Northern Neck Community Services Board to fulfil the unexpired term of Travis Martin with an appointment being July 1, 2023 and ending December 31, 2024. Supervisor Magruder seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

Vice Chairman Gill made the motion to appoint Supervisor Johnson to the joint Board of Supervisors and School Board budget committee. Supervisor Smith Seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

Supervisor Johnson made the motion to appoint Ronnie Gill to the CPMT board. Supervisor Smith seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

Chairman Akers stated that they have reviewed the various search firms for the County Administrator and have selected Baker Tilley as the County Administrator Search Firm.

Supervisor Smith made a motion to affirm Baker Tilly as the County Administrator Search Firm. Supervisor Johnson seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

BOARD REQUESTS AND DIRECTIVES

Hometown Realty open house at Hobbs Hole. May 25, 2023 2:00PM to 5:00 PM

Blood Drive, May 16 2023 from 1:00 PM to 7:00 PM, 620 Airport Road, Tappahannock, VA 22560.

Farmer's Market, May 20, 2023, Prince Street

June 13, 2023 at 5:00 PM, BoS June Work Session, School Board Meeting Room, 109 S. Cross Street, Tappahannock, VA 22560

June 13, 2023 at 7:00 PM, BoS June Regular Meeting, School Board Meeting Room, 109 S. Cross Street, Tappahannock, VA 22560

Farmer's Market, June 17, 2023, Prince Street

Supervisor Magruder asked Administrator Rounds to follow up with the Town manager through email for the request of the copy of the master plans for the old airport and downtown.

Supervisor Magruder also asked to look into Mr. Mike Terry and his accessory building. Administrator Rounds asked if the board is wanting to know the zoning ordinance related to his request or if he had submitted something and was denied?

Supervisor Magruder stated that is where he would start. Vice Chairman Gill stated he had been to the planning commission and the zoning office. Chairman Akers is wondering if it just needed a conditional use permit.

Supervisor Johnson asked why that wasn't offered to him? Supervisor Magruder stated that he didn't want a work around and so maybe it was offered but he may see it as a work around and just wants a zoning ordinance to allow him to do it.

Supervisor Magruder stated they need an update on the school consolidation report.

Chairman Akers stated that the pre-report came back from the DOE and are now doing a cost analysis.

Supervisor Johnson asked about the retreat with the town and the board.

Administrator Rounds stated that our two dates were confirmed that Eric had given those to the Council. He had a consensus but not a quorum and was going to follow up on which date would work. We did set up a lunch on Thursday at 11 so I will follow up with him then.

Chairman Akers stated that there is a conflict with the June board meeting.

Administrator Rounds will not be there and Chuck is also unavailable. Would the board be available another night the week before. The dates would be either the 7th or the 8th of June depending on the meeting room availability.

Chairman Akers stated that by the 31st of May they should have any questions for the Financial policy review.

The meeting for June will be June 8, 2023.

Supervisor Johnson made the motion to give Administrator Rounds the authority to carry out the directives in the closed session. Vice Chairman Gill seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

ADJOURN

Supervisor Smith made the motion to adjourn the meeting. Vice Chairman Gill Seconded. Chairman Akers Adjourned the meeting.

Chairman

Clerk of the Board