

Virginia: At a regular scheduled meeting of the Essex County Board of Supervisors held on Thursday, June 8, 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 Thursday, June 8, 2023 to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Chairman Akers 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

None

PUBLIC HEARINGS

Rezoning Application R2300002 and Conditional Use permit C2300001 (Darla Orr, Berkley Group for Hodges)

The Board will hear public comments on:

R2300002 - Application to **rezone** a .976-acres parcel from I-1, Light Industrial District to I-2, Industrial District. The parcel is identified as Tax Map Parcel 36_7_12, located in LaGrange Industrial Park fronting LaGrange Industrial Drive. The property is owned by David Stokes. The parcel is located in the Central Magisterial District and designated as a Development Service District by the County's 2015 Comprehensive Plan. The request to rezone the property is to store and hold vehicles waiting processing for recycling.

C2300001 - Application for a **Conditional Use** Permit for Tax Map Parcel 36_7_12, located in LaGrange Industrial Park on LaGrange Industrial Drive. The property is owned by David Stokes. The parcel is located in the Central Magisterial District and designated as a Development Service District by the County's 2015 Comprehensive Plan. The request for a Conditional Use Permit is to store and hold vehicles waiting processing for recycling.

Joe Boseman stated that the LaGrange road issues, the actions and inactions of many Boards of Supervisors for many years has been deplorable find Mt. Clements Rd. and do what hasn't been done before.

Chairman Akers stated that during the work session the board agreed to direct staff to get with the Planning Commission to do a master plan for the industrial park which includes roads, utilities, spurs of the roads and all of the above. So that action will be moving forward.

Randy Whitaker, lives in Mechanicsville and has a home in Dunnsville, VA. He owns property in the industrial park and has for 20+ years. He is in support of the Stokes' request. They run a great operation that is much needed in Essex and surrounding counties. He would like to see this go through and be approved.

Mike Parker Jr., 1533 Sunnyside Rd. On behalf of his late father Raymond M. Parker Sr. and the Parker family he would like to thank Mr. Hodges for discussing the Essex Recycling proposal to be presented to the Essex County Board of Supervisors. While they are not in agreement with everything that Mr. Hodges told us he does understand that his father Mike spent a substantial amount of time trying to correct the mistakes that were created in the development of the LaGrange Industrial Drive. Therefore, he would like to address some of the concerns prior to the Board of Supervisors voting on this project. The first concern

is a statement made to them by Mr. Hodges strip of land located between lots 11 and 12 is right of way owned by Essex County and was previously reported to have been litigated in favor of Essex County. As his father always said a mere opinion provided by an attorney who works for the county does not constitute litigation and declaration of no standing in the court does not apply as the Parkers now own the entire Trek. As his father was preparing to go to court regarding this issue when he passed, since the original subdivision plat approved by Essex County did not contain an area tabulation indicating an amount of right of way which Essex County may have been accepting when they signed the plat the right of way was not set apart nor defined as required by Essex County subdivision ordinances or state code. Further proof of this statement was contained in the boundary line and site plan survey recently prepared by Resource International for the benefit of the current Essex Recycling request. This plat specifically states that the 50ft strip of land between lots 11 & 12 is an easement and not a right of way as stated by Mr. Hodges. His dad always continued for this easement was a resident easement for Mr. Winebrenner which he and his son purchased in its entirety. Therefore in keeping with the wishes of his late father we respectfully request that Essex County cease granting accesses, entrances on to private property owned by the Parkers and require all properties that were a part of section 2 of the LaGrange Industrial Park to access LaGrange Industrial Drive only. This statement was contained in the original development documents for the Industrial Park as it was never the intent of the original subdivider to construct either of the side streets to public standards. However, since neither himself or the boys have ever had any concern over our neighbors and wish them well in the future we will not be opposed to the change in zoning or the use of the property if the easement in question is constructed to state standards and is included in the VDOT secondary roads system for maintenance by an Essex County Board of Supervisors resolution. With the appropriate guarantees and within one year of the date of this letter. After speaking with Mr. Howeth engineering survey, his father worked with for many years, Jeff brought up several more points that he and his dad discussed about the easement claimed by Essex County but owned by the Parker Family. First, section 36.535 of the Essex County code states that major subdivisions of 6 or more lots will have a greater impact on the environment, highways, and surrounding communities. The easement that Essex Recycling wants to use already has 7 lots which it serves prior to any additional entrances being proposed with new developments. Section 36.552B of the Essex County code states that if development results in 6 slots or more being accessed by the

same subdivision roads the subdivision shall be developed along an existing public street or the subject road shall be constructed from such lots or parcels to be a public street in accordance with the subdivision street standards established by the Virginia Department of Transportation. Jeff also noted that several other sections of the Essex County Code regarding obligations to construct such improvements required by Essex County ordinances to ensure that the proposed construction included temporary turn arounds and other features actually get approved and constructed as there was a long time delay in getting LaGrange Industrial Drive into the VDOT secondary road system. As sureties were never maintained by Essex County by original developers. In closing, the Parker family has made a substantial investment in the industrially owned property located west of section 2 of the LaGrange Industrial Park. If the easement referenced above is to be treated like a public right of way fully constructed to stated standards and excepted into the VDOT Secondary Road system for maintenance by the Essex County Board of Supervisor in one year from the date of this letter than the Parker family has no objection to Essex Recycling using the property as they have described on their application and to the Planning Commission. However, if the Essex County Board of Supervisors and/or Essex Recycling desires to use residue property owned by the Parker family without just compensation and without following their own ordinances we are against the development of the property as proposed and site the above referenced code sections of the Essex County Code as justification of the denial of the proposal.

David Stokes, owner of Essex Recycling, stated that Mr. Parker has already carried Essex County and himself to court about that road. A Judge not an attorney told Mr. Parker that it was a County road and could be used by Mr. Parker, Mr. Stokes or customers. He is not sure why the Parker family thinks they owns the industrial road but if you go down and look at the court and what the judge said. This thing has been settled years ago. It's a county road and has already been settled in court. He would like to use that property. He puts back over \$1,000,000 in the economy each year. Last year they cleaned up 6.3 million pounds of unwanted stuff.

Chairman Akers did state again that a directive will be given tonight to form a master plan for the industrial park that will include all of the spur roads. He cannot give an exact time for that until all parties are involved but it will begin with tonight's directive.

Max asked if the public hearing was open for both the rezoning and the conditional use just to give everyone who would like the opportunity to speak to the conditional use portion as well.

Chairman Akers closed this portion of the public hearing.

Proposed ordinance #23-001 Permit Fees for 2023 (Hodges/Rounds)

No comment

Transient Occupancy Tax Ordinance (Blackwell/Hlavin)

Commissioner Blackwell stated that the board has the transient occupancy tax ordinance to be passed. If passed it would go in effect July 1 of this year.

No additional comments.

PUBLIC COMMENTS

Joe Boseman stated that he noticed the parks and recreation wants to spend money on conceptual drawings. This reminds him of a study done in regards to office space and reminds him of a waste. He understands that the alternative is another trail at the poor house track he believes that is tangible and is better. He can't understand what a conceptual drawing is. He also states that closed session you keep using the Berkley Group and it hasn't worked out.

Chairman Akers closed out the public comment section.

COUNTY ADMINISTRATOR'S and AGENCIES' REPORTS

Supervisor Magruder had shout outs for some of the reports:

- Terry Johnson for those that had gone through training and increasing their level of professionalism.
- Tommy Blackwell for his Memorial Day program and the packed house.
- Rotary club for the putting up and taking down the Flags. Especially to Bud Smith who was out there with them.

Chief Johnson stated that in Emergency Services and in the Military we have what is known as Challenge Coins. Challenge coins are given to person who have done outstanding achievements and also given to persons to inspire them to do better. EMS week was in May and during EMS week Deputy Chief Durham and Sara came up with this idea. On the back of the Challenge coin it has dedication, respect, integrity, and empathy. The core of your emergency services. He presents them tonight with a lot of pride and a lot of hope that we can maintain this.

SCHOOL SUPERINTENDENT'S AND CONSTITUTIONAL OFFICERS' REPORTS

Commissioner Blackwell there were a few errors in the initial report. We are reporting refunds that we have processed or like to process for the 2nd quarter of the calendar year, for the period of April-June. There is one refund in real estate for \$1,357. There is one other refund that should have been \$175.28 not \$0.38. They have process 5 not 4 personal property refunds and that total is \$941.98. In the revised report the total refunds for April-June are \$2,474.56. In addition he attended one other meeting for the Chesapeake Bay Region Cigarette Tax board virtually. Where they discussed ongoing compliance efforts within the region. Under decisions needed he would like to present to the board a budget action form for a supplemental request. At the beginning of the fiscal year the board allocated \$15,000 for refunds. In order to process these last refunds we need an additional \$1,188.27 and we have requested a \$1,500 or 10% increase to the line item for refund. He is requesting that the Board move \$1,500 from the reserve fund into the tax refund. These would be the final refunds for FY23.

Treasurer Davis stated that she had some collection information. They still have some coming in from postmarked mail. Real Estate is 90.47% compared to last year we were at 91.09%. Personal property was at 72.40% compared to last year they were at 73.09%. We are right on track with last year.

BOARDS AND COMMITTEES' MINUTES

None

CONSENT AGENDA

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

NEW BUSINESS

Rezoning Application R2300002 and Conditional Use Permit C2300001

**ESSEX COUNTY BOARD OF SUPERVISORS
AGENDA ITEM**

Meeting Date: June 8, 2023

Case Numbers: R2300002 & C2300001

SUBJECT:

Rezoning Request for Tax Map Parcel 36_7_12 from I-1, Light Industrial District to I-2, Industrial District and Conditional Use Permit for Tax Map Parcel 36_7_12, located in LaGrange Industrial Park on LaGrange Industrial Drive for David Stokes

BOARD OF SUPERVISORS ACTION REQUESTED:

Staff Concurs with Planning Commission recommendation to approve Rezoning and the Conditional Use Permit application and recommends that the Board Of Supervisors APPROVE SUBJECT TO THE CONDITIONS IN THE STAFF REPORT the rezoning request for Tax Map Parcel 36_7_12 from I-1, Light Industrial District to I-2, Industrial District and for the Conditional Use Permit for Tax Map Parcel 36_7_12, located in LaGrange Industrial Park on LaGrange Industrial Drive for the following reasons:

- Parcel 36_7_12 is directly across the street from Parcel 36_7_11, the Essex County Recycling, Inc., and will provide short-term storage capability/capacity, as a junkyard, per conditions, contained in the Site Plan.
- The Conditions of Use, listed in the Site Plan, are the minimum necessary to provide short-term storage capability to Essex County Recycling, Inc., and meet the requirements of the Ordinance.
- The attached boundary and site plan meets the minimum Ordinance requirements for site plan approval.

ZONING AND LOCATION:

Within the Central Magisterial District, the subject property is zoned I-1, Light Industrial District as part of the LaGrange Industrial Park that front LaGrange Industrial Drive. The property is .976 acres in size.



SUMMARY OF PROPOSAL

David Stokes requests rezoning approval, in accordance with Subdivision Ordinance Sections 36.110 and 36.111 and a Conditional Use Permit approval, in accordance with Subdivision Ordinance Sections 36.387.

BACKGROUND

R2300002 – Is an application to rezone a .976-acres parcel from I-1, Light Industrial District to I-2, Industrial District. The parcel is identified as Tax Map Parcel 36_7_12, located in LaGrange Industrial Park fronting LaGrange Industrial Drive. The property is owned by David Stokes. The parcel is located in the Central Magisterial District and designated as a Development Service District by the County's 2015 Comprehensive Plan. The request to rezone the property is to store and hold vehicles waiting processing for recycling. No proffers are proposed as part of the rezoning application.

C2300001 – Is an application for a Conditional Use Permit for Tax Map Parcel 36_7_12, located in LaGrange Industrial Park on LaGrange Industrial Drive. The property is owned by David Stokes. The parcel is located in the Central Magisterial District and designated as a Development Service District by the County's 2015 Comprehensive Plan. The request for a Conditional Use Permit is to store and hold vehicles waiting processing for recycling per conditions listed as Conditions of Use in the Site Plan.

VIRGINIA DEPARTMENT OF TRANSPORTATION

- No actions require VDOT review.

VIRGINIA DEPARTMENT OF HEALTH

- Septic and water are not required for the intended use as a Junkyard, per Section 36.387. No actions require VDH review.

ENVIRONMENTAL

- The parcel is less than 1 acre. There is no land disturbance required. No actions require DEQ review.

Staff Analysis

Planning staff finds the request for a rezoning for I-1 to I-2 and Conditional Use Permit, with the following Conditions of Use:

1. Owner will obtain any and all required local, state and federal permits.
2. A slatted chain-link privacy fence will be erected no less 1' within the boundaries of the property.
3. Vehicles will be placed on the lot within the bounds of the fence. All vehicles will be cleaned and/or drained of any environmentally harmful chemicals and properly disposed of before being

placed on the lot. All chemicals will be disposed of as currently standard practices of Essex Recycling Inc.

4. Vehicles will be stored on the site for a period of no longer than 48 hours and no more than five vehicles at a time.
5. Vehicles leaving the lot will be processed, prepared, and hauled away to be shredded.
6. All county requirements as shown in the Essex County Ordinance, Sec 36.387 shall be abided by. Any deviation from the ordinance will first require a Variance granted by the Essex County Board of Zoning Appeals.

of the subject parcel is a reasonable request that is consistent with overall growth and land use policies identified in the County's 2015 Comprehensive Plan. The rezoning is in harmony with the surrounding development and uses. And the rezoning should not require any new support services from the County. The parcel will require a Board of Zoning Appeals variance per Section 36.387 (a) of the Zoning Ordinance that have previously approved for similar uses of adjacent properties.

CONCLUSION

Staff recommend the Board of Supervisors APPROVE the request as outlined herein.

Enclosure:

-Boundary & Site Plan Survey for Tax Map Parcel 12, LaGrange Industrial Park

Supervisor Johnson made the motion to adopt an ordinance rezoning 0.976 acre parcel identified as Tax Map Parcel 36_7_12 from I-1, Light Industrial District to I-2, Industrial District as described in Rezoning Application #R2300002. Supervisor Magruder seconded the motion.

Supervisor Johnson asked if the board had approved this a couple of years ago for the same thing and if so what are we doing now?

Administrator Rounds stated that it is a different parcel that they are asking to rezone.

Supervisor Magruder stated that the Planning Commission review this and voted to support this rezoning.

AYES: 5 NAYES: 0 ABSENT: 0

ORDINANCE #23-_____

An Ordinance Rezoning Property in Essex County, Virginia Identified as Tax Map Parcel 36_7_12 From I-1, Light Industrial District to I-2, Industrial District.

WHEREAS, the owner of property located in Essex County, Virginia consisting of approximately 0.976 acre and identified as Tax Map Parcel 36_7_12 (the "Property") has petitioned the Board of Supervisors to rezone the Property from I-1, Light Industrial District to I-2, Industrial District as described in Case Number R2300002; and

WHEREAS, the Property is located in the County's Central Magisterial District and is designated as a Development Service District by the County's 2015 Comprehensive Plan; and

WHEREAS, after a duly advertised and held public hearing, the Planning Commission of Essex County, Virginia recommended that the Property be rezoned as requested; and

WHEREAS, after a duly advertised and held public hearing on the 8th of June, 2023, the Board of Supervisors of Essex County, Virginia finds the rezoning of the

Property as described in Case Number R2300002 to be required by the public necessity, convenience, general welfare, and good zoning practice.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Essex County, Virginia that approximately 0.976 acre of property identified as Tax Map Parcel 36_7_12 is rezoned from I-1, Light Industrial District to I-2, Industrial District as described in Case Number R2300002.

ADOPTED: This _____ day of _____ 2023.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

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

Supervisor Johnson made the motion to adopt a resolution approving a Conditional Use Permit for Tax Map Parcel 36_7_12 as described in Case Number 2300001, to store and hold vehicles waiting processing for recycling, subject to the conditions in the resolution. Supervisor Smith seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

RESOLUTION #23-_____

A Resolution Approving a Conditional Use Permit on Property in Essex County,
Virginia Identified as Tax Map Parcel 36_7_12
(Case Number C2300001)

WHEREAS, the owner of property located in Essex County, Virginia consisting of approximately 0.976 acre and identified as Tax Map Parcel 36_7_12 (the “Property”) has petitioned the Board of Supervisors for a Conditional Use Permit for the Property to be used as a junkyard as described in Case Number C2300001; and

WHEREAS, the Conditional Use Permit as described in Case Number C2300001 would permit the Property to be used for the storage and holding of vehicles waiting processing for recycling; and

WHEREAS, on June 8, 2023 the Property was rezoned by the Board of Supervisors from I-1, Light Industrial District to I-2, Industrial District as described in Case Number R2300002; and

WHEREAS, after a duly advertised and held public hearing, the Planning Commission of Essex County, Virginia recommended that the Property be issued a Conditional Use Permit as requested subject to certain conditions; and

WHEREAS, after a duly advertised and held public hearing on the 8th of June, 2023, the Board of Supervisors of Essex County, Virginia finds the Conditional Use Permit requested for the Property as described in Case Number C2300001 to be required by the public necessity, convenience, general welfare, and good zoning practice.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Essex County, Virginia hereby grants a Conditional Use Permit for a junkyard as described in Case Number C2300001 for Tax Map Parcel 36_7_12 (the “Property”) and subject to the following conditions:

1. Owner will obtain any and all required local, state and federal permits.
2. A slatted chain-link privacy fence will be erected no less than one foot within the boundaries of the Property.

3. Vehicles will be placed on the Property within the bounds of the fence. All vehicles will be cleaned and/or drained of any environmentally harmful chemicals and properly disposed of before being placed on the Property. All chemicals will be disposed of as currently standard practices of Essex Recycling Inc.
4. Vehicles will be stored on the Property for a period of no longer than 48 hours and no more than five vehicles at a time.
5. Vehicles leaving the Property will be processed, prepared, and hauled away to be shredded.
6. All requirements as shown in the Essex County Ordinance Sec. 36.387 shall be abided by. Any deviation from the ordinance will first require a Variance granted by the Essex County Board of Zoning Appeals.

ADOPTED: This _____ day of _____ 2023.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

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

Ordinance #23-001: Permit Fees

Vice Chairman Gill made the motion to adopt Ordinance #23-001 as presented.
Supervisor Magruder seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

**ESSEX COUNTY
NOTICE OF PUBLIC HEARING**

THE ESSEX COUNTY BOARD OF SUPERVISORS WILL HOLD A PUBLIC HEARING ON THURSDAY, JUNE 8, 2023, BEGINNING AT 7:00 P.M. IN THE SCHOOL BOARD MEETING ROOM OF THE SCHOOL BOARD BUILDING AT 109 CROSS STREET, TAPPAHANNOCK, VIRGINIA, TO CONSIDER ADOPTON OF AN ORDINANCE PROPOSING CHANGES AND ADDITIONS TO THE ESSEX COUNTY PERMIT FEE SCHEDULE AS PROVIDED BELOW:

PERMIT FEE SCHEDULE	2023	
Minimum Building Permit	\$50.00	
Residential Structures		
Plan Review Fee	\$50.00	
New Construction Primary Bldg. per sq. ft.	\$0.12	
Repair, Remodel & Alterations per sq. ft.	\$0.12	
Accessory Structures per sq. ft.	\$0.12	
Electric Permit	\$50.00	
Plumbing Permit	\$50.00	
Mechanical Permit	\$50.00	
Manufactured / Mobile homes	\$200 Single / \$300 Double	
Land Disturbance Permit	\$50.00	
Land Disturbance Permit Renewal	\$50.00	
Commercial Structures		
Plan Review Fee	\$150.00	
New Construction per sq. ft.	\$0.20	
Repair, Remodel & Alterations per sq. ft.	\$0.15	
Accessory Structures per sq. ft.	\$0.15	
Electric Permit	\$40 + \$5/\$1K value	
Plumbing Permit	\$40 + \$5/\$1K value	
Mechanical Permit	\$40 + \$5/\$1K value	
Land Disturbing Permit	\$50 / acre or portion thereof (\$50 min)	
Land Disturbance Renewal	\$50 / acre or portion thereof (\$50 min)	
Erosion & Sediment Control Plans	\$200 per plan + \$50 / acre or portion thereof	
Other Permits		
Solar - Residential roof mount array [requires building and electrical permits]	\$100	new
Solar - Residential ground mount array [requires building and electrical permits, may also require LD]	\$100	new
Solar Farm	\$1.50/kilowatt generated	new
Pool (Above or Below grade)	\$50 Above / \$100 In ground	
Generator	\$50	
Electrical Service	\$50.00	
Underground Storage Tank removal	\$50.00	
Demolition	\$40.00	
Marine - Piers, etc. per sq. ft.	\$6 / \$1K value	
Marine Other (Bulkheads, Jetty's, Rip Rap, etc.) per \$1K cost	\$6 / \$1K value	
Towers & Antennas	\$6 / \$1k value	
Reinspection (after failed attempt)	\$50.00	
	\$35.00	
Permit Renewal (> 6 months w/out inspection)		
Working prior to Permit ADD	Permit fee doubled	
Appeals - Board of Building Code Appeals	\$400.00	change from \$250
ADD 2% Levy to Total Permit Fee	Yes	
Zoning & Planning		

**ESSEX COUNTY
NOTICE OF PUBLIC HEARING**

Residential Zoning Permit	\$30	modified
Commercial Zoning Permit	\$150	new
Zoning Amendment Request - Planning Commission	\$400	
Rezoning Request - Planning Commission	\$400	
Code Amendment Request - Planning Commission	\$400	new
Conditional Use Permit - Planning Commission	\$400	change from \$300
Planning Commission Appeal	\$400	new
Zoning Variance or Exception - Board Zoning Appeals	\$400	
BZA Appeal	\$400	new
Plat/Site Plan Review for single, family or minor subdivision (1 to 5 lots)	\$100/plat + \$25/lot	
Plat/Site Plan Review for major subdivision (6+ lots)	\$300/plat + \$25/lot	
PUD/MHP/Multi-family Site Plan	\$300/plat + \$25/building	new
Residential WQIA Review < 2500 sf	\$50	new
Residential WQIA Review > 2500 sf	\$100	new
Commercial WQIA Review	\$150	new
Code Administrative Compliance Fee	\$100	new
Short-term Term Rental (STR) Registration	\$50	new
Conservation Easement Review	\$100	new
Covered Vehicle Cover Permit (per vehicle; limit 2)	\$25	new

The legal authority for the proposed fees, levies, or increases can be found in Sections 15.2-2204(B), 15.2-2241(A)(9), 15.2-2286(A)(6), 28.2-1302, 36-105, 36-137, and 62.1-44.15:54 of the Code of Virginia (1950), as amended, and 13 Va. Admin. Code 5-63-70, as amended. This hearing is open to the public. Handicapped accommodation is available. All persons desiring to speak will be given the opportunity to present oral testimony. The full text of the ordinance, including the proposed Permit Fee Schedule, and information concerning the fees, levies, and increases is available for public review and examination Monday through Friday between 8:30 a.m. and 4:30 p.m. in the Planning and Zoning Office located in the Essex County Administration Building, 202 South Church Street, Tappahannock, Virginia. The proposed ordinance can also be viewed online at www.essex-virginia.org. Any questions may be directed to the Essex County Building and Zoning Office at 804-443-3256.

By Authority of April L. Rounds, Interim County Administrator

ORDINANCE #23-001

An Ordinance Adopting a Fee Schedule for Development Activities and Amending Essex County Code, Chapter 8, Building Regulations, Article II, Building Code, Division 2, Permit Fees.

WHEREAS, the Board of Supervisors of Essex County, Virginia adopts fees to defray the costs incurred by the County to administer development-related ordinances including the filing and processing of applications, permits, amendments, and appeals related to Building Code, Erosion and Sediment Control, Wetlands, Chesapeake Bay Preservation, Planning, and Zoning; and

WHEREAS, the legal authority for the proposed fees are §§ 15.2-2204(B), 15.2-2241(A)(9), 15.2-2286(A)(6), 28.2-1302, 36-105, 36-137, 62.1-44.15:54; and of the Code of Virginia (1950), as amended, and 13 Va. Admin. Code 5-63-70, as amended; and

WHEREAS, after duly advertised and held public hearings on the 10th of January, 2023, the 14th of February, 2023, and the 8th of June, 2023, the Board of Supervisors of Essex County, Virginia believes it is appropriate and in the best interests of the citizens and businesses of the County to adopt a single schedule of fees for development-related ordinances and amend the Essex County Code accordingly; and

WHEREAS, existing sections of the Essex County Code are inconsistent with the fee schedule adopted herein.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of Essex County, Virginia hereby adopts Ordinance 23-001, with the attached Fee Schedule for Development Activities, incorporated herein by reference.

BE IT FURTHER ORDAINED AND ENACTED, that the Board of Supervisors of Essex County, Virginia does hereby amend the Essex County Code by amending Chapter 8, Building Regulations, Article II, Building Code, Division 2, Permit Fees by amending Sec. 8-53, Application of division, and by deleting and reserving Secs. 8-54 through 8-60 as follows:

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CHAPTER 8 - BUILDING REGULATIONS

ARTICLE II. BUILDING CODE

DIVISION 2. PERMIT FEES

Sec. 8-53. Application of division.

This division and the fees prescribed by schedule adopted by ordinance herein shall apply to the permits required by the Virginia Uniform Statewide Building Code, ~~and~~ the Essex County Code, and other work as may be required by the board of supervisors.

~~Sec. 8-54. Building permits.~~

~~(a) The permit fee for work requiring a permit as defined by the Virginia Uniform Statewide Building Code and other work as may be required by the board of supervisors shall be as established by schedule adopted by ordinance approved by the board of supervisors.~~

~~(b) For new buildings, additions, unattached garages and finished basements the building permit fee shall be as follows:~~

~~(1) \$0.10 per sq. ft. on living area.~~

~~(2) \$0.08 per sq. ft. on porches, decks, garages, sheds, mobile homes.~~

~~(c) The building permit fee for foundations, mobile homes, modular homes, moved structures (relocations), unfinished basements, attached garages, equipment storage sheds, farm buildings not used for residential purposes, porches, carports and other nonliving areas attached to the exterior of a structure shall be as established from time to time.~~

~~(d) The building permit fee for repairs, remodeling and alterations shall be based on the valuation of labor and materials under standards and amounts as follows:~~

~~(1) \$6.00 per \$1,000.00 to \$100,000.00.~~

~~(2) \$600.00 plus \$2.00 to \$1,000,000.00.~~

~~(3) \$2,300.00 plus \$0.75 over \$1,000,000.00.~~

~~(e) For commercial and industrial structures and structures not otherwise provided for in this section, the building permit fee shall be the same as that prescribed in subsection (d) of this section, as established from time to time.~~

~~Sec. 8-55. Moving permits.~~

~~The fee for a building permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be as established from time to time.~~

~~Sec. 8-56. Demolition permits.~~

~~A permit must be obtained for the demolition of a building or structure, but there shall be no fee for the issuance of such permit.~~

~~Sec. 8-57. Sign, billboard, etc., permits.~~

~~The fee for signs, billboards and other display structures for which permits are required under the provisions of the Virginia Uniform Statewide Building Code shall be based on the estimated square feet of surface area and shall be at the rate and according to criteria as established from time to time.~~

~~Sec. 8-58. Electrical permits.~~

~~The fee for electrical permits shall be as follows:~~

~~Outlets:~~

~~1 to 50 \$6.00~~

~~51 to 100 12.00~~

~~101 and over 24.00~~

~~Fixtures:~~

~~1 to 50 3.00~~

~~51 to 100 6.00~~

~~101 and over 12.00~~

~~Electrical service entrances:~~

~~Up to 60 amps 22.00~~

~~100 amps 22.00~~

~~125 amps 25.00~~

~~150 amps 28.00~~

~~200 amps 35.00~~

~~400 amps 60.00~~

~~Sec. 8-59. Plumbing permits.~~

~~The fee and criteria for plumbing permits shall be as established from time to time, with a minimum fee of \$30.00, then it goes by cost.~~

~~Sec. 8-60. Mechanical permits.~~

~~(a) The fees and relevant criteria for mechanical permits shall be as follows, with a minimum fee of \$30.00, then it goes by cost:~~

~~Same schedule as building permits, section 8-54(d).~~

~~(b) For the installation or replacement of all other mechanical systems or equipment, the fee shall be as established from time to time, plus all applicable electrical and plumbing permit fees.~~

Secs. 8-54 – 8-60. Reserved.

BE IT FURTHER ORDAINED AND ENACTED, that this ordinance shall take effect on , 2023;

AND, BE IT FURTHER ORDAINED AND ENACTED, that the fee schedule adopted and incorporated herein may be amended from time to time by ordinance adopted by the Board of Supervisors.

ADOPTED: This 8th day of June, 2023.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

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

Transient Occupancy Tax Ordinance #23-03

Supervisor Johnson made the motion to adopt Transient Occupancy Tax Ordinance #23-03, as presented. Supervisor Magruder seconded the motion.
AYES: 5 NAYES: 0 ABSENT: 0

ORDINANCE #23-03

TRANSIENT OCCUPANCY TAX

WHEREAS, after a duly advertised and held public hearing on the 8th day of June 2023, the Board of Supervisors of Essex County believes it is appropriate to adopt ARTICLE XIV – Transient Occupancy Tax.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, that the Board of Supervisors of Essex County does hereby adopt Article XIV – Transient Occupancy Tax.

=====

ARTICLE XIV. – TRANSIENT OCCUPANCY TAX

Sec. 28-321. - Purpose.

This article requires Lodging Facilities, including Accommodations Intermediaries, operating in Essex County, Virginia to collect and remit a Transient Occupancy Tax (TOT).

Sec. 28-322. - Authority.

This article is adopted pursuant to the authority granted by Code of Virginia, Title 58.1, Chapter 38, Article 6, as amended.

Sec. 28-323. - Definitions.

The following words and phrases when used in this Article, for the purposes of this Article, have the meanings respectively ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

Accommodations means any room or rooms, lodgings, accommodations, or space at a Lodging Facility for which tax is imposed on the retail sale of the same pursuant to this Article.

Accommodations fee means the room charge less the discount room charge, if any, provided that the accommodations fee must not be less than **\$0**.

Accommodations intermediary means any person other than an accommodations provider that (i) facilitates the sale of an accommodation and (ii) either (a) charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale; (b) collects a room charge from the customer; or (c) charges a fee, other than an accommodations fee, to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, “facilitates the sale” includes brokering, coordinating, or in any other way arranging for

ORDINANCE #23-03

TRANSIENT OCCUPANCY TAX

the purchase of the right to use accommodations via a transaction directly, including one or more payment processors, between a customer and an accommodations provider.

Accommodations intermediary does not include a person:

- (1) If the accommodations are provided by an accommodation provider operating under a trademark, trade name, or service mark belonging to that person;
- (2) Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodation provider to such person; or
- (3) Who is licensed as a real estate licensee pursuant to Article 1 (§ 54.1-2100 et seq.) of Chapter 21 of Title 54.1 of the Virginia Code, when acting within the scope of such license.

Accommodations provider means any person that furnishes accommodations to the general public for compensation. The term “furnishes” includes the sale of use or possession or the sale of the right to use or possess.

County means the County of Essex, Virginia.

Commissioner shall mean the Commissioner of the Revenue of the County of Essex, Virginia, or any of his/her duly authorized deputies or agents.

Discount room charge means the full amount charged by the accommodation provider to the accommodation intermediary, or an affiliate thereof, for furnishing the accommodations.

Lodging Facility means any public or private hotel, lodge, inn, apartment hotel, hostelry, tourist camp, tourist cabin, tourist home or house, camping grounds, club, motel, rooming house, any place that offers Short-Term Lodging, or other place within the County offering accommodations for one or more persons at any one time, and the owner and operator thereof, who, for compensation, furnishes accommodations to any transients as hereinafter defined.

Person means individuals, firms, partnerships, associations, corporations, persons acting in representative capacity and combinations of individuals of whatever form and character.

Room charge means the total charge made to, or total price paid by or for, a transient in a retail sale for the use or possession of accommodations at any such Lodging Facility before taxes. “Room charge” includes any fee charged to the customer and

ORDINANCE #23-03

TRANSIENT OCCUPANCY TAX

retained as compensation for facilitating the sale, whether described as an accommodations fee, facilitation fee, or any other name.

Retail Sale means a sale to any person for any purpose other than for resale.

Transient means any person who, for any period of less than thirty consecutive days either at his/her own expense or at the expense of another, obtains accommodations in any Lodging Facility as hereinabove defined, for which a charge is made.

Treasurer shall mean the Treasurer of the County of Essex, Virginia, or any of his/her duly authorized deputies or agents.

Sec. 28-324. - Levy; amount of tax.

- (a) Pursuant to Virginia Code § 58.1-3819, in addition to all other taxes, there is hereby imposed and levied a tax equivalent to **six (6) percent** of the total room charge paid by or for any such transient for the use or possession of accommodations; provided however, that the tax imposed by this subsection will not be imposed on any transient occupancy in any Lodging Facility that is located within any town that has imposed a tax on transient occupancy.
- (b) Any excess from a rate over two percent but not exceeding five percent shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality.
- (c) Any excess over five percent, combining the rates of all taxes imposed pursuant to this article, shall not be restricted in its use, and may be spent in the same manner as general revenues.

Sec. 28-325. - Exemptions.

No tax is payable hereunder on the total room charge paid for accommodations to any hospital, medical clinic, convalescent home, or home for the aged.

Sec. 28-326. - Collection of tax.

- (a) For any retail sale of accommodations facilitated by an accommodation intermediary, the accommodations intermediary will be deemed a facility making a retail sale of an accommodation. The accommodations intermediary must collect the tax imposed pursuant to this Article, computed on the total room charge, from the person paying for the accommodations at the time payment for such accommodations is made and shall be liable for the same. The accommodations

ORDINANCE #23-03

TRANSIENT OCCUPANCY TAX

intermediary shall separately state the amount of the tax on the bill, invoice, or similar documentation and shall add the tax to the room charge; thereafter, such tax shall be a debt from the customer to the accommodations intermediary, recoverable at law in the same manner as other debts.

(b) For any retail sale of accommodations not facilitated by an accommodation intermediary, the accommodations provider must collect the tax imposed pursuant to this Article, computed on the total room charge, from the person paying for the accommodations at the time payment for such accommodations is made and shall be liable for the same. The accommodations provider shall separately state the amount of the tax in the bill, invoice, or similar documentation and shall add the tax to the total price paid for the use or possession of the accommodations.

Sec. 28-327. - Report and remittance of tax.

(a) For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary must remit the tax imposed pursuant to this Article to the Commissioner.

(b) For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider must remit the tax imposed pursuant to this Article to the Commissioner.

(c) For any transaction for the retail sale of accommodations involving two or more parties that meet the definition of accommodations intermediary, nothing in this Article prohibits such parties from making an agreement regarding which party will be responsible for collecting and remitting the tax, so long as the party so responsible is registered with the Commissioner for purposes of remitting the tax. In such event, the party that agrees to collect and remit the tax will be the sole party liable for the tax, and the other parties to such agreement will not be liable for such tax.

(d) The person collecting any such tax required pursuant to this Article must make out a report on such forms and setting forth such information as the Commissioner may prescribe and require, showing the amount of total room charges collected, and the tax required to be collected, and must sign and deliver the same to the Commissioner with a remittance of such tax.

(e) Such reports and remittances must be made monthly on or before the 20th day of the month and covering the amount of tax collected during the preceding month. If the remittance is by check or money order; it must be payable to the County and all remittances received hereunder by the Commissioner must be promptly delivered to the Treasurer.

ORDINANCE #23-03

TRANSIENT OCCUPANCY TAX

(f) Each accommodations intermediary must submit to the Commissioner the property addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in the County on a monthly basis.

Sec. 28-328. - Discount.

For the purpose of compensating the owner of any Lodging Facility collecting the tax imposed by this article, such owner shall be allowed **three (3) percent** of the amount of the tax due and accounted for in the form of a deduction on his/her monthly return, provided that the amount due is not delinquent at the time of payment.

Sec. 28-329. - Interest and penalties upon failure or refusal to remit tax.

If any accommodations provider or accommodations intermediary fails or refuses to remit to the Commissioner, the tax required to be collected and paid under this Article within the time and in the amount specified in this Article, the Commissioner will add a penalty of **ten (10) percent**, and if the tax remains delinquent and unpaid for a period of one month from the date the same is due and payable, interest will be charged on the unpaid balance at the applicable interest rate for unpaid taxes under Section 28-2, as amended. Such interest will accrue from the date on which the tax was due and payable.

Sec. 28-330. - When the Commissioner to determine the amount of tax due.

If any person required to collect and remit the tax imposed by this Article fails to file a statement and a remittance, or if the Commissioner has reasonable cause to believe that an erroneous statement has been filed; the Commissioner may proceed to determine the amount due to the County pursuant to Va. Code § 58.1-3903.

Sec. 28-331. - Tax immediately due and payable upon cessation of business.

Whenever any person required to collect and pay to the County a tax under Section 28-326 et seq. quits or otherwise disposes of the business, any tax payable under the provisions of this Article to the County becomes immediately due and payable, and such person must immediately make a report and pay the tax due.

Sec. 28-332. - Powers and duties of Commissioner generally; rules and regulations.

The Commissioner will ascertain the name of every person operating a Lodging Facility in the County liable for the collection of the tax levied by this Article. The Commissioner or Treasurer has the power to adopt rules and regulations not inconsistent with the provisions of this Article and the Code of Virginia for the purpose of carrying out and enforcing the payment, collection and remittance of the tax herein levied; and a copy of such rules and regulations will be on file and available for public examination in the

ORDINANCE #23-03

TRANSIENT OCCUPANCY TAX

Commissioner’s office during regular office hours. Failure or refusal to comply with any rules and regulations promulgated under this Section is a violation of this Article.

Sec. 28-333. - Penalty for violation of Article.

Any person convicted of willful failure or refusal to file a tax return at the times required by this Article will be subject to criminal penalties. If the tax lawfully assessed in connection with the return that was not filed is **\$1,000 or less**, then such failure or refusal to file will be punishable as a Class 3 misdemeanor. If the tax lawfully assessed in connection with the return that was not filed is **more than \$1,000**, then such failure or refusal to file will be punishable as a Class 1 misdemeanor. In determining the penalty to be applied in the event that a person has not filed a tax return as required by this Article, the penalty will be based on the amount due to the County as determined by the Commissioner. Each such failure or refusal will constitute a separate offense. Such conviction will not relieve any such person from the payment, collection, or remittance of such tax, plus penalties and interests, as provided in this Article.

=====

ADOPTED: this 8th day of June 2023.

CERTIFICATION of ADOPTION RESOLUTION

The undersigned Clerk of the Board of Supervisors of the County of Essex, Virginia certifies that the Ordinance set forth above was duly adopted during an open public meeting on the 8th day of June 2023 by a majority of the members of the Essex County Board of Supervisors with the following votes:

AYE:

NAY:

ABSTENTION:

ABSENT:

Signed this 9th day of June 2023.

ATTEST:

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

Social Services Pay Scales (Mickelborough/Hlavin)

Candace Mickelborough is requesting the Board remove the maximum salaries. A few years ago there was a salary study done for social services and the County set minimum and maximum salaries based on tier rates that are set by the state. What is in front of you is the state occupation titles and pay bands and what the county has in place currently. There is also an email from Mr. Lombardo did some formula to give them a salary for a position that was not previously assigned a salary. When they hire someone they use the compensation plan a formula that the state came up with. This formula takes the experience, which gives points, and they start with the base salary for the County and with the experience it gives them a salary. A lot of the folks they are hiring do not have a lot of experience so they are starting off very low. We do have a couple of folks that have been with the agency for a while and when the 5% increase comes in July at least with one position they will be over the County maximum. The County would be responsible for paying the difference in the county maximum and the salary. Currently the County is getting an 84.5% reimbursement from the state for the salaries but the county would have to cover 100% of the county maximum and the salary. We are requesting that the Board keep the minimum salary as it helps to recruit and retain staff but are requesting to remove the maximum salary and adopt the state maximum salary.



**STATE CLASSIFICATION PLAN
OCCUPATIONAL TITLE AND PAY BAND STRUCTURE
FOR LOCAL DEPARTMENTS OF SOCIAL SERVICES
EFFECTIVE JULY 1, 2021 - JUNE 30, 2022**

OCCUPATIONAL CODE	OCCUPATIONAL TITLE (OT)	PAY BAND	TIER	MINIMUM	MIDPOINT	MAXIMUM	EEO CODE
0013002	Accountant	5	2	\$33,397	\$62,867	\$92,336	B
0013051	Administrative Analyst	7	1	\$39,948	\$76,872	\$113,796	B
0043031	Administrative Coordinator I	4	3	\$30,842	\$53,636	\$76,430	E
0043032	Administrative Coordinator II	4	4	\$34,065	\$55,248	\$76,430	E
0011071	Administrative Office Manager	6	1	\$35,452	\$68,219	\$100,986	A
0043051	Administrative Program Assistant I	4	1	\$26,831	\$51,631	\$76,430	F
0043052	Administrative Program Assistant II	4	2	\$28,764	\$52,597	\$76,430	F
0011072	Administrative Services Manager	8	2	\$44,129	\$84,437	\$124,746	A
0011041	Assistant Facility Manager	5	4	\$38,009	\$65,173	\$92,336	A
0011061	Benefit Programs Manager	9	1	\$49,233	\$94,737	\$140,241	A
0021051	Benefit Programs Specialist I	5	1	\$32,415	\$62,376	\$92,336	C
0021052	Benefit Programs Specialist II	5	1	\$32,415	\$62,376	\$92,336	C
0021053	Benefit Programs Specialist III	5	3	\$34,752	\$63,544	\$92,336	C
0021055	Benefit Programs Supervisor	7	1	\$39,948	\$76,872	\$113,796	A
0021064	Benefits Programs Specialist IV	5	4	\$38,009	\$65,173	\$92,336	C
0015011	Computer Programmer	7	1	\$39,948	\$76,872	\$113,796	C
0037011	Custodian	1	1	\$19,760	\$35,320	\$50,881	H
0011042	Facility Manager I	6	1	\$35,452	\$68,219	\$100,986	A
0011043	Facility Manager II	6	2	\$38,009	\$69,498	\$100,986	A
0011031	Family Services Manager	9	1	\$51,373	\$95,807	\$140,241	A
0021011	Family Services Specialist I	6	1	\$36,993	\$68,990	\$100,986	B
0021012	Family Services Specialist II	6	1	\$36,993	\$68,990	\$100,986	B
0021013	Family Services Specialist III	6	2	\$39,662	\$70,324	\$100,986	B
0021014	Family Services Specialist IV	6	4	\$45,591	\$73,289	\$100,986	B
0021015	Family Services Supervisor	8	1	\$45,591	\$85,169	\$124,746	A
0043011	Fiscal Assistant I	3	1	\$23,111	\$44,471	\$65,831	F
0043012	Fiscal Assistant II	3	2	\$26,565	\$46,198	\$65,831	F
0043013	Fiscal Assistant III	3	3	\$28,480	\$47,156	\$65,831	F
0043014	Fiscal Assistant Supervisor	5	3	\$34,752	\$63,544	\$92,336	A
0011081	Fiscal Manager	6	1	\$35,452	\$68,219	\$100,986	A
0013021	Fraud Investigator I	5	3	\$34,752	\$63,544	\$92,336	C
0013022	Fraud Investigator II	5	3	\$34,752	\$63,544	\$92,336	C
0013023	Fraud Investigator Supervisor	7	2	\$42,830	\$78,313	\$113,796	A
0021042	Group Home Child Care Supervisor	5	3	\$34,752	\$63,544	\$92,336	A
0021041	Group Home Child Specialist	3	2	\$26,565	\$46,198	\$65,831	E
0013011	Housing Specialist	6	1	\$35,452	\$68,219	\$100,986	C
0013012	Housing Supervisor	8	1	\$43,691	\$84,219	\$124,746	A
0013041	Human Resource Specialist	5	2	\$33,397	\$62,867	\$92,336	B
0021021	Human Services Assistant I	3	1	\$23,111	\$44,471	\$65,831	E
0021022	Human Services Assistant II	3	2	\$26,565	\$46,198	\$65,831	E
0021023	Human Services Assistant III	3	3	\$28,480	\$47,156	\$65,831	E

OCCUPATIONAL CODE	OCCUPATIONAL TITLE (OT)	PAY BAND	TIER	MINIMUM	MIDPOINT	MAXIMUM	EEO CODE
0015021	Information Systems Support Specialist I	6	1	\$35,452	\$68,219	\$100,986	C
0015022	Information Systems Support Specialist II	6	3	\$40,752	\$70,869	\$100,986	C
0015023	Information Systems Support Specialist Supervisor	8	3	\$46,841	\$85,794	\$124,746	C
0043041	Office Associate I	2	1	\$20,307	\$39,076	\$57,846	F
0043042	Office Associate II	2	2	\$23,343	\$40,594	\$57,846	F
0043043	Office Associate III	2	3	\$25,025	\$41,435	\$57,846	F
0043044	Office Supervisor	5	1	\$32,415	\$62,376	\$92,336	F
0021031	Program Coordinator	6	3	\$40,752	\$70,869	\$100,986	B
0021032	Program Coordinator Supervisor	8	1	\$43,691	\$84,219	\$124,746	A
0043021	Secretary I	4	2	\$28,764	\$52,597	\$76,430	F
0043022	Secretary II	4	3	\$30,842	\$53,636	\$76,430	F
0039011	Security Guard	1	1	\$19,760	\$35,320	\$50,881	D
0011051	Self-Sufficiency Manager	9	1	\$49,233	\$94,737	\$140,241	A
0021061	Self-Sufficiency Specialist I	6	1	\$35,452	\$68,219	\$100,986	C
0021062	Self-Sufficiency Specialist II	8	1	\$35,452	\$68,219	\$100,986	C
0021063	Self-Sufficiency Specialist III	6	2	\$38,009	\$69,498	\$100,986	C
0021064	Self-Sufficiency Specialist IV	6	4	\$43,691	\$72,339	\$100,986	C
0021085	Self-Sufficiency Supervisor	8	1	\$43,691	\$84,219	\$124,746	A
0011021	Social Services Assistant Director I	9	1	\$49,233	\$94,737	\$140,241	A
0011022	Social Services Assistant Director II	9	2	\$52,781	\$96,511	\$140,241	A
0011023	Social Services Assistant Director III	9	3	\$65,048	\$102,644	\$140,241	A
0023011	Social Services Attorney	12	1	\$69,732	\$134,182	\$198,632	B
0011011	Social Services Director I	9	1	\$49,233	\$94,737	\$140,241	A
0011012	Social Services Director II	10	1	\$60,671	\$116,748	\$172,825	A
0011013	Social Services Director III	11	1	\$65,048	\$125,170	\$185,292	A
0021021	Teacher Assistant-Child Care	3	1	\$23,111	\$44,471	\$65,831	E
0025012	Teacher Supervisor-Child Care	5	3	\$34,752	\$63,544	\$92,336	A
0025011	Teacher-Child Care	5	2	\$33,397	\$62,867	\$92,336	B
0013032	Training & Development Supervisor	7	2	\$42,830	\$78,313	\$113,796	A
0013031	Training Specialist	6	2	\$38,009	\$69,498	\$100,986	B

Range Revision 0 - 17%

Title	State		State Min	State Max	Current Min	Current Max	State Min 7/1/2021	Final Essex Min	Final Essex Max
	PB	Tier							
Office Associate III	2	3	\$ 21,761	\$ 57,846	\$ 23,855	\$ 38,167	\$ 25,025	\$ 22,464	\$ 33,696
Fiscal Assistant III	3	3	\$ 24,765	\$ 65,831	\$ 25,405	\$ 40,648	\$ 28,480	\$ 27,872	\$ 41,808
Human Services Asst III	3	3	\$ 24,765	\$ 65,831	\$ 24,765	\$ 65,831	\$ 28,480	\$ 31,616	\$ 47,424
Administrative Program Assistant II	4	1	\$ 25,013	\$ 76,430	\$ 34,807	\$ 55,692	\$ 28,764	\$ 31,616	\$ 47,424
Benefit Programs Specialist I	5	1	\$ 28,187	\$ 92,336	\$ 28,815	\$ 46,104	\$ 32,415	\$ 34,528	\$ 51,792
Benefit Programs Specialist II	5	1	\$ 28,187	\$ 92,336	\$ 32,683	\$ 52,293	\$ 32,415	\$ 37,856	\$ 56,784
Benefit Programs Specialist III	5	3	\$ 30,219	\$ 92,336			\$ 34,752	\$ 39,520	\$ 59,280
Admin Office Manager	6	1	\$ 30,828	\$ 65,907			\$ 35,452	\$ 36,192	\$ 54,288
Self-Sufficiency Specialist II	6	1	\$ 30,828	\$ 100,986	\$ 30,828	\$ 89,790	\$ 35,452	\$ 39,520	\$ 59,280
Family Services Specialist II	6	1	\$ 30,828	\$ 100,986	\$ 34,807	\$ 55,692	\$ 36,993	\$ 41,184	\$ 61,776
Family Services Specialist III	6	2	\$ 33,052	\$ 100,968	\$ 33,052	\$ 100,968	\$ 39,662	\$ 44,928	\$ 67,392
Program Coordinator	6	3	\$ 35,436	\$ 100,986	\$ 34,807	\$ 55,692	\$ 40,752	\$ 41,184	\$ 61,776
Benefit Programs Supervisor	7	1	\$ 34,738	\$ 113,796	\$ 39,479	\$ 63,167	\$ 39,948	\$ 51,652	\$ 82,508
Family Services Supervisor	8	1	\$ 37,993	\$ 100,986	\$ 44,778	\$ 71,645	\$ 45,591	\$ 54,855	\$ 87,625
Social Services Director I	9	1	\$ 42,811	\$ 140,241	\$ 50,312	\$ 85,530	\$ 49,233	\$ 64,064	\$ 102,336

RE: Salary Range Revision

BPS III

Michael Lombardo <mlombardo@essex-virginia.org>

Wed 8/3/2022 1:35 PM

To: Mickelborough, Candace (VDSS) <Candace.Mickelborough@dss.virginia.gov>

I was afraid of that! The State pay ban 4/3 falls between the County's Grade 8 and 9. What I would suggest is that you bring the person in at a Grade 8 and adjust the starting salary to be somewhere between the entry level and midpoint. Let me know if that will work for you

Prof/Tech/indiv	8	\$ 18.20	\$ 37,856	\$ 22.75	\$ 47,320	\$ 27.30	\$ 56,784
Prof/Tech/indiv	9	\$ 19.00	\$ 39,520	\$ 23.75	\$ 49,400	\$ 28.50	\$ 59,280

- Michael

Michael A. Lombardo
 Essex County Administrator
 202 So. Church Lane
 P.O. Box 1079
 Tappahannock, VA 22560

804-443-4311

From: Mickelborough, Candace <candace.mickelborough@dss.virginia.gov>
Sent: Wednesday, August 3, 2022 11:15 AM
To: Michael Lombardo <mlombardo@essex-virginia.org>
Subject: Re: Salary Range Revision

BPS III is a Pay Band 5/Tier 3.

On Wed, Aug 3, 2022 at 10:13 AM Michael Lombardo <mlombardo@essex-virginia.org> wrote:

What is the pay band for Benefits Specialist III?

- Michael

Michael A. Lombardo
 Essex County Administrator
 202 So. Church Lane
 P.O. Box 1079
 Tappahannock, VA 22560

804-443-4311

From: Mickelborough, Candace <candace.mickelborough@dss.virginia.gov>
Sent: Tuesday, August 2, 2022 3:38 PM
To: Michael Lombardo <mlombardo@essex-virginia.org>
Subject: Re: Salary Range Revision

Vice Chairman Gill asked what the rationale was to use the County maximum as opposed to the State maximum?

Mrs. Mickelborough was not sure as that had occurred before she came in.

Chairman Akers stated he does not remember this coming before the board since he has been on it. It was probably adopted at some scale before that.

Vice Chairman Gill stated since we have the state reimbursement we should use the state maximum.

Supervisor Magruder made the motion that the Board of Supervisors, in accordance with Section 5.2(C) of the County's Personnel Manual, amend the County's Compensation Plan by amending the pay grade salary ranges for employees of the County's Department of Social Services such that the maximum salary equals that adopted for such positions in the Commonwealth of Virginia's Compensation Plan. Vice Chairman Gill seconded the motion.

Supervisor Johnson asked if this motion affected the minimum since she wanted that to stay the same.

Chairman Akers stated that it specifies that it would be the maximum that is changed.

AYES: 5 NAYES: 0 ABSENT: 0

Essex County Department of Social Services

Candace Mickelborough, MSW

Director

(804) 443-3561

Fax (804) 443-8254



**772 Richmond Beach Road
P.O. Box 1004
Tappahannock, Virginia 22560**

June 6, 2023

Dear Members of the Board of Supervisors,

A salary study was conducted under previous County Administration. As a result, each position was assigned a minimum and maximum salary according to the Tier and Rate. Please consider removing the maximum salary, as it is significantly lower than the state maximum for many of the positions. We respectfully request that you maintain the previously assigned minimum salaries and adopt the State maximum salaries. Adopting the State maximum salaries will prevent any issues of receiving maximum State reimbursement. Thank you for your consideration.

Robert Akers

Social Services Board Chair

Parks & Recreation Grant Funds Request (Carlton)

Kay Carlton, Director of Parks and Recreation, seeks consensus and approval by vote on how to proceed with additional grant funds (\$9,000.00) which have been approved for deadline extension by Go Virginia.

Options:

- 1 - Funds can be used for concept drawings (estimated cost \$6,000 to \$7,000) or
- 2 - Funds can be used to develop additional trails at the Rotary Poor House Park (\$9,000)

Director Carlton's recommendation is to obtain concept drawings.

Supervisor Magruder stated that this is some Go Virginia Funding that we received by Grant that we applied for.

Chairman Akers asked if this was with the town as well?

Administrator Rounds stated that this is just for the County that was awarded for the Poor House Track Park.

Supervisor Magruder stated they had not spent the money yet and Go Virginia wants it back so we have to put it into a category of use or what's the rush?

Administrator Rounds stated that the Grant was for \$25,000 and that is what has been used recently to develop some of the trails and some of the other work you have seen with the gates. The cost was based on using figures that were common to industry. Kay was able to get deals and do a lot of the work herself. The Grant rep went through the receipts she was really impressed that they had done a lot of the work in house, using County staff and local small business. They saw that the \$9,000 was still on the table and instead of taking it back they wanted to see them use it since they were such good stewards with what was awarded. They supported that as long as the Board supports this additional action.

Supervisor Magruder asked if Go Virginia had stipulations?

Administrator Rounds stated that they gave those two options. What is not clear is if you do the conceptual drawings they don't know who would do it and at what cost but the difference up to \$9,000 could still be used to start the other trails. So its not one or the other.

Chairman Akers stated that the do have this RAISE Grant that we have been awarded. Part of that RAISE Grant is for design and planning of water access points including the Poor House Park trail. His recommendation is to use this money more for the trails than a conceptual drawing. Where we can use the RAISE Grant for more of the master plan of development of the Poor House park.

Vice Chairman Gill asked if we had a deadline on when we had to spend the money.

Administrator Rounds stated she believes there is one but does not remember the date.

Vice Chairman Gill asked if by accepting it are there any other restrictions put on by this grant that we are unaware of?

Administrator Rounds stated that the money was awarded and because of cost savings they allowed the extension to use the money.

Vice Chairman Gill asked if it tied back to the original grant.

Administrator Rounds stated that was correct.

Vice Chairman Gill stated he would like to see dirt moved and would be happy with the trails.

Supervisor Magruder stated he is concerned that without a master plan he does not know what the conceptual drawing would add to us. At some point we need to initiate the master plan. He doesn't want to do a conceptual drawing and then that get changed he would support the money being used for the trails.

Administrator Rounds stated that Kay's recommendation is for the drawings for the fact that this was talked about years ago and nothing has been done. So at the minimum she could get the drawings.

Supervisor Johnson stated that his question had been answered with what Kay's recommendation was. Here is a situation of a responsible individual who has maximized the use of the money to the point that the people who offered us the grant were impressed with it. If her recommendation is to do the drawings and continue moving forward like she is moving he feels very strongly that we should support her in that effort. Lets not stifle the enthusiasm, and the aggression, and the responsiveness, and the stewardship of the money. Her recommendation is the drawing and he supports that.

Supervisor Magruder asked what the conceptual drawings will bring to us and could we get that answered before we make this decision.

Administrator Rounds stated that we would miss the window at that point.

Chairman Akers stated to keep in mind that we do have the RAISE Grant and that the Poor House is included which there is a lot of money to put into master plans and drawings.

Administrator Rounds stated that working with Director Carlton she is sure she will be happy with any activity happening at the parks.

Chairman Akers stated he would hate to design something and get changed as part of a Master Plan.

Supervisor Johnson stated that this is for what she wants to do now. That won't change what the overall plan is for the park.

Administrator Rounds stated that maybe there could be a combination. You could consider using the funds for the trails and make a commitment to make the park plan part of the RAISE Grant.

Supervisor Magruder asked if this was something that Gene Reams could look into.

Administrator Rounds stated no.

Vice Chairman Gill stated we have the idea of where we want the trails to be.

Supervisor Johnson made the motion to accept the option that Kay is requesting and that is to do the Conceptual drawing and the remainder for the trails. There is no second and the motion does not carry.

Vice Chairman Gill made the motion that the additional grant fund of \$9,000 be used to develop additional trails at Rotary Poor House park. Supervisor Magruder seconded the motion.

Supervisor Smith stated he would rather see it go to the trails as opposed to drawings.

AYES: 4 NAYES: 1 ABSENT: 0

Supervisor Magruder wanted to thank Kay for all the work that she is doing and especially for being able to get the \$9,000 extended.

Financial Policies for Adoption (Cole/Akers)

Supervisor Magruder made the motion to accept the draft policy with the following changes: that we strike under Budget Policy 1-H, and change the debt policy number 4 target to 3% instead of 3.5%. Vice Chairman Gill seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

BAF Commission of the Revenue

Supervisor Johnson made the motion to approve \$1,500 from reserves to tax refund account to cover pending tax refunds for June 2023, as presented. Supervisor Smith seconded the motion.

Supervisor Magruder asked if the need is only for \$1,188.27 why are we appropriating \$1,500.

Commissioner Blackwell stated that it was just incase we had a couple other refunds come in he would not need to come back to the board. We would not exceed the \$1,500.

AYES: 5 NAYES: 0 ABSENT: 0



ESSEX COUNTY VIRGINIA

BUDGET ACTION FORM

BAF# (Assigned by Finance Dept)

Requesting Dept./Organization: Commissioner of the Revenue FY 2023

Explanation of Request (please attach second page of form if additional space is required):
Transfer funds:
from Account 3-100-92000-4999 (Transfer from Reserve)
to Account 4-100-10100-9001 (Tax Refund)
Additional funds needed to cover pending tax refunds for June 2023.

Budget Supplement: [checked] Budget Transfer: [] Journal Entry: []

Funding Details (for additional space, please go to second page of form)
Table with columns: From (Source, Budget Code, Amount), To (Budget Code, Amount). Row 1: Transfer from Reserve, 3-100-92000-4999, \$ 1,500.00, 4-100-10100-9001, \$ 1,500.00

Total \$ 1,500.00 Total \$ 1,500.00
Department Head Signature: [Signature] Date: 06/08/2023

Finance Office Recommendation:

Approve: Yes [checked] No [] Signature: [Signature] Date: 6/8/2023

County Administration Recommendation (if required):

Approve: Yes [checked] No [] Signature: [Signature] Date: 6/8/23

Board of Supervisors Action (if required):

Approval: Yes [] No [] Signature: Date:
Yes [] Administrator granted approval authority, Resolution #15-018

Account No: 100-010100-9001-000-000
 Description: TAX REFUND
 Starting Date: 0
 Type: Sub Account
 Ending Date: 05/24/23
 Po Transactions: Summarized
 * Transaction is included in Previous and/or Opening Balance ** Transaction is not included in Balance
 En = PO Line Item First Encumbrance Date BC = Blanket Control BS = Blanket Sub

Date	Description	Trans Amount	Balance
06/30/22	Add Acct New: 0.00 Adopted Budget	0.00	0.00
07/01/22	Change To Acct Old: 0.00 New: 15000.00 Adopted Budget Post Ref: B 247 31	15,000.00	15,000.00
08/31/22	Expenditure REFUNDS/COR Post Ref: G 2137 37	4,996.93-	10,003.07
10/31/22	Expenditure REFUNDS/COR Post Ref: G 2225 37	3,216.91-	6,786.16
11/30/22	Expenditure REFUNDS/COR Post Ref: G 2279 37	1,352.72-	5,433.44
12/31/22	Expenditure REFUNDS/COR Post Ref: G 2306 37	1,710.32-	3,723.12
01/31/23	Expenditure REFUNDS/COR Post Ref: G 2444 37	400.23-	3,322.89
02/28/23	Expenditure REFUNDS/COR Post Ref: G 2464 37	2,036.60-	1,286.29
04/30/23	Expenditure REFUNDS/COR Post Ref: G 2552 37	175.28 216.03- 40.75✓	1,070.26

May not yet recorded.
To date

Pending

1796.49- 126.23-

462.04- 1188.27-

Chairman Akers stated that before they go into closed section he would like to go ahead and give the direction if it is ok with the board since people are patiently waiting.

Chairman Akers gave the directive for the staff to work with the Planning Commission to create the Master Plan to develop the utilities and roadways for LaGrange Industrial Park.

CLOSED SESSION

Chairman Akers read In accordance with Section 2.2-3711(A)(7) of the Code of Virginia, I move that the Essex County Board of Supervisors convene in closed session to consult 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, and in accordance with Section 2.2-3711(A)(1) to discuss the resignation and/or appointment of an individual to a board or commission, specifically the Economic Development Authority; discuss candidate(s) for the County Administrator Vacancy, 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 made that into a motion. Supervisor Smith seconded the motion. 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 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

BOARD REQUESTS AND DIRECTIVES

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

County Offices Closed in Observance of the Juneteenth Holiday, June 19, 2023 -
Offices reopen on June 20, 2023, regular business hours

July 11, 2023 at 5:00 PM, BoS Work Session, School Board Meeting Room, 109 S.
Cross Street, Tappahannock, VA 22560

July 11, 2023 at 7:00 PM, BoS Regular Meeting, School Board Meeting Room, 109
S. Cross Street, Tappahannock, VA 22560

July 12, 2023, at 4:30 PM, Middle Peninsula Producer Conference, Tappahannock
Vol Fire Department, Airport Road

July 22, 2023, Special Joint Session/Retreat of the Board of Supervisors and Town
Council, Hampton Inn Conference Center, Additional details TBD

Chairman Akers stated they would probably want to have some discussion at the work session regarding that joint session. Maybe have some outlines of what we will be discussing. Do we request that from the Town?

Administrator Rounds stated that she and Eric are in conversations with Suzette at the Weldon Cooper Center. They will provide the board with drafts and get their input. Suzette will reach out to each member individually to see if there is anything in particular you would like to or not like to address that day. We will then prepare a final scope of the meeting.

Supervisor Magruder asked if there was a time for that meeting yet?

Administrator Rounds said there is not a time right now.

Supervisor Johnson asked if it was all day?

Administrator Round stated that she was not sure she has it blocked all day but they may decide to end early if it gets heated.

Vice Chairman Gill stated that the Rappahannock River Basin Committee meeting is here in Tappahannock on June 28, 2023 at the Fire House at 1:00 PM. After the agenda projects they will go down to the Hoskins Creek Project to see a tour of what they are doing and the drawings will be there of what the project is. If you are coming and want a box lunch just let him know. He will send a copy of the agenda to the board.

Supervisor Magruder stated that April had sent out information on the Producers Conference for the Middle Peninsula and may want to put it on the list as well.

Supervisor Johnson asked the board to look at there Calendars for August 25, 2023 at 10:00AM. A.P. Hill will have the renaming and that will be a nice celebration. If you would like to attend let him know and he will add them to the list.

Supervisor Johnson stated that last Tuesday he knew of the Ag and Forestry Advisory Board and asked Supervisor Magruder if he could give an update.

Supervisor Magruder stated that there should be minute notes that discuss that but they went over the effects of the PUD requests on Ag and Forestry. They also had other issues that they covered but minutes will be forthcoming.

Chairman Akers stated he just got notified yesterday from Ashley Crisco that the MPA is getting its act back together to meet again. He has been on it before but if someone else would like to do it. That is the Middle Peninsula Alliance. It normally has a member of our Board as well as a member from Tappahannock.

Supervisor Johnson stated that Mark Warner is having a meeting with folks in Topping, VA on Sunday afternoon and one of the topics is Broadband. He is kind of disappointed that Rob Hodges is on vacation and will not be in attendance.

Chairman Akers stated that the office had contacted his business to let them know that they would be in Topping to discuss Broadband if he would like to attend. He told them that Essex just got awarded a VATI Grant for broadband and he would very much like them to come to Essex to discuss it.

Supervisor Smith stated that the workforce development board is in need of someone from Essex to serve on the board.

Vice Chairman Gill stated that if he gets the information to him he could ask any members of the Chamber of Commerce.

Administrator Rounds stated that she could add the Producers Conference to the BoardDocs so that the public will be able to see the information.

ADJOURN

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

Chairman

Clerk of the Board