

Virginia: At the regular work session meeting of the Essex County Board of Supervisors held on Tuesday, October 10, 2023 at 5:00 p.m. in the School Board Meeting Room, at 109 S. Cross St., Tappahannock, Virginia:

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

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

CALL TO ORDER

Chairman Akers called the Regular Board of Supervisors Work Session of October 10, 2023, to order.

ROLL CALL

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

AGENDA

None

DISCUSSION

MPPDC Request from Localities (Smith/Rounds) and MPPDC Update from 9/27 Session: Shared Grant Writer Opportunity (Smith)

Supervisor Smith stated that in the last PDC meeting it was brought up that there was a lot of federal and state dollars that we are missing because we don't have grant writers to go out and look for it, write the grants and present it back to the county. What they are asking is that they send the CIP projects to Louie Lawrance at the PDC and he will examine them and use everyone's input to apply for the grants that are applicable to us. Right now he thinks all the Counties are in and maybe two or three towns will be joining.

Chairman Akers asked if that would be roughly \$14,000?

Administrator Rounds stated that she has everything if they look in the detailed agenda it has a breakdown of the cost that they expect. She reached out to Louie Lawrance and item 1 was kind of catch of anything and everything you want to request so if you have any CIP needs for any big projects they would throw it all the wall and see what sticks. She thought they would include the ones that the know about, the maintenance facility etc. If there are other initiatives you want to include we can do so.

Supervisor Magruder asked if she wanted that list now or later?

Administrator Rounds stated that it is due to him on the 13th so she would rather have it in an email so that she can send him one list.

Supervisor Johnson asked why wouldn't Gene Reams be able to do this?

Administrator Rounds stated she is not sure when that changed but the last few years he has just been contracted for public safety grants for us. So he takes care of the Sheriff's office, Emergency Services that kind of thing. But he doesn't go out and look for all grant opportunities.

Chairman Akers stated that they tried that before and it didn't really go anywhere. It is his understanding that for this there might be grants that multiple localities can go in together and by allowing the MPPDC to oversee that they can look at all the other CIPS and the other counties and towns have and go in with more aggressive approach to that.

Supervisor Smith stated that the project is to gain access to the funds. They are not going to run the project.

Chairman Akers stated it would be similar to what they did with the raise grant. It would help facilitate the paperwork.

Supervisor Magruder stated that they are two key factor differences. 1) These grant writers would report to the LGA they are not to be reporting to the director. 2) They are also really targeting the Federal Infrastructure Money. There are billions of dollars out there right now waiting for people to apply for.

Administrator Rounds stated that what he provided, she included in the detail, if you want to participate it is not a one stop shop where you pay all of your money and get all of your grants the first year. It is a commitment and a trust that it may take time.

Supervisor Smith stated that there will be state grants as well as Federal.

Supervisor Johnson stated this is Gloucester, Mathews, Middlesex, King and Queen, West Point, Tappahannock. He does not see Essex anywhere on there.

Administrator Rounds stated they need to decide if they want to participate.

Supervisor Magruder stated that Tappahannock has already agreed to it.

Vice Chairman Gill stated that he is not sure why you wouldn't participate.

Supervisor Magruder stated it is the commitment and the cost. The way he took notes it was \$30,000 if everyone participates and he thinks they are the only ones right now that has not made that decision.

Administrator Rounds stated yes the last one.

Supervisor Magruder stated that you are looking at a \$30,000-\$31,000 commitment. Which if you think about it and you get one grant your investment has been paid for.

Administrator Rounds stated she is not sure why the board wouldn't want to participate in the initiative.

Supervisor Johnson stated that it is an excellent idea to have a regional approach in grants.

Chairman Akers asked if they need anything from them or just a verbal commitment that we are willing to participate? Do we need a formal?

Administrator Rounds stated that she can answer back and put a place holder in the budget that you have committed to it.

Chairman Akers stated that at some point he is sure there would be a formal agreement.

Administrator Rounds stated she is sure there is they are just waiting to hear from us.

Chairman Akers asked the board if they were in agreement with that.

MPPDC Update from 9/27 Session: Gloucester County's Regional Assessment Findings (Magruder)

Supervisor Magruder stated that there was a really good presentation from the Assessor down in Gloucester. His recommendation is to not do a six County regional approach. He says the diversity of the County's, the systems they use, the number of parcels that they have to look over, there are a lot of differences. Gloucester doesn't fit with a lot of the other Counties. There is possibility of some synergy where like Gloucester and Essex both use Vision that might be a good pairing but at the same time Gloucester has a 25,000 parcel count and we only have a little less than 10,000. When you look at that you kind of say it is not a good fit. But if you look at some of the other counties like King William there are a lot of similarities between them and Essex. They have 11,800 where we have 9,900, we both use vision, they like to do theirs every 4 years and might be switching to every 2. We might do that or do it on the 4th year. There are possibilities. King and Queen still uses the Bright BAI system that we moved away from but they are on a 4 year rotation. Middlesex is doing an 6 year rotation not that he is recommending that they go to that. Maybe we could ask April in cooperation with the Commissioner of Revenue's Office at some point to reach out to some of these and see if there is some synergy there and if not that's fine. The bottom line is that the 6 county regional approach the guy said no. All he wanted was to investigate it and that answered his question.

Vice Chairman Gill asked if this occurred during the Planning District Commission.

Supervisor Magruder stated that this is the PDC update we did not initiate any of this. This is something that the PDC has been working with.

MPPDC Update from 9/27 Session: Ashley Chriscoe's Wetland Board Discussion (Magruder)

Supervisor Magruder stated that Ashley Chriscoe gave a very passionate discussion on the wetlands boards and some of the difficulties they have been having down in Gloucester County. Some of the statements that they made for instance was they had a case that had a wetlands delay that caused loss of some grant funding for an individual who couldn't get a living shoreline. They didn't hear the case soon enough and it got delayed for various reasons. They went through a lot of different benefits and detriments to having a wetlands board. King and Queen does not have a wetlands board. Gloucester is seriously considering removing theirs. He thinks that although we are stable now a few years ago we had trouble getting people to be on the wetlands board. That was one of the pluses. Some of the bad things about getting rid of the wetlands board is that the individual would have to go to Hampton to do their case. In a nutshell VMRC is supposed to be doing this and for some reason counties decided to start doing it for the convenience. It is getting to a point where a lot of people on the wetlands boards don't have the expertise, unlike the planning commission that has to go through training. No one on the wetlands boards have to go through training. There can be anyone on the wetlands board that they choose to put on there. Hopefully we put good people on there who have knowledge but sometimes you can't get volunteers that have that knowledge. There is a lot of expertise and knowledge that is going into these wetlands decisions now with shoreline erosion, living shorelines, etc. He is not asking for a decision tonight he is just saying that it is a possibility. What has happened several times is the wetlands boards have delayed things, they said about 70% of the wetlands cases are pretty cut through and straight but the wetlands boards because they do not have the knowledge want to investigate more and causing unnecessary delays is what Ashly Chriscoe was reporting. Only 30% of the time does it really get technical. They think they can speed up the process for people where they can get their permits quicker. What happened in Gloucester was they had a contractor lined up, the wetlands board delayed it and the contractor walked.

Chairman Akers stated that Gloucester is a little more convenient to Hampton than Essex County. They had brief discussions about it before and in talking with Mr. Howeth, the wetlands board chair, one of the advantages of a local wetlands board is they can handle certain things internally without making the property owner go to Hampton. It is certainly always worth looking at the consideration to look at the pros and cons. They may be able to get some of that from King and Queen with what they went through. Certainly can request the wetlands board to do the same thing. So they can get a good idea and make a good decision.

Supervisor Magruder stated that another advantage is there is no legal issue for the County. So if VMRC decides it we are out of it. So there is some legal protection not having a wetlands board as well. There are pros and cons to each and the board should consider them to see if that is something they would like to do or not like to do.

Vice Chairman Gill asked if the PDC made a recommendation?

Supervisor Magruder stated no and they do not have the jurisdiction to do it as a group. It was just a big problem down in Gloucester and King and Queen and they had Tom Shwartz for why and how they did it.

CLOSED SESSION

Supervisor Johnson read In accordance with the Virginia Freedom of Information Act, I move that the Essex County Board of Supervisors convene in closed session in accordance with (1) Section 2.2-3711(A)(1) of the Code of Virginia for discussion and consideration of prospective candidates for employment to discuss candidates for the position of County Administrator; and (2) Section 2.2-3711(A)(3) for discussion and 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 related to access rights; and (3) Section 2.2-3711(A)(7) for 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 public body; and (4) Section 2.2-3711(A)(8) for consultation with legal counsel retained by the Board regarding specific legal

matters requiring the provision of legal advice by such counsel including items related to zoning, state code amendments, and recent rulings related to FOIA.

AYES: 5 NAYES: 0 ABSENT: 0

RECONVENE IN OPEN SESSION

Supervisor Smith made a motion to come back to open session. Supervisor Magruder seconded. AYES: 5 NAYES: 0 ABSENT: 0

RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

Supervisor Johnson read. Whereas, the Essex County Board of Supervisors has convened a closed session 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 Board that such closed session was conducted in conformity with Virginia law;

Now, there, be it resolved that the Board hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirement of requirement of Virginia law were discussed in closed session to which this certification resolution applies and (ii) only such public business matters as were identified in the motion by which the closed session was convened were heard, discussed or considered in the meeting by the Board.

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.

(if any member cites a departure, his statement shall be recorded in the minutes).

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

Chairman Akers - Certifies

Vice Chairman Gill – Certifies to 4.02, 4.03, and 4.05

County Attorney Hlavin asked Mr. Gill if that was because he stepped out and was not in the meeting.

Vice Chairman Gill stated that is correct.

Supervisor Johnson – Certifies

Supervisor Magruder – Certifies

Supervisor Smith – Certifies

ADJOURN

Supervisor Johnson made a motion to adjourn the work session. Supervisor Smith seconded the motion. AYES: 5 NAYES: 0 ABSENT: 0

Chairman

Clerk of the Board