

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS HELD ON  
TUESDAY, FEBRUARY 7, 2023, IN THE BOARD ROOM OF THE HISTORIC COURTHOUSE,  
SALUDA, VIRGINIA:

Present: Wayne H. Jessie, Sr., Jamaica District  
Don R. Harris, Saluda District  
Reginald A. Williams, Sr., Harmony Village District  
Lud H. Kimbrough, III, Pinetop District  
John B. Koontz, Jr., Hartfield District

Matthew L. Walker, County Administrator  
Ann Marie Ricardi, Assistant County Administrator  
Heather W. Lewis, County Attorney  
Tammy-Lynn Gilbert, Deputy Clerk

**CALL TO ORDER**

Chairman Kimbrough called the meeting to order at 3:30 p.m. Supervisor Williams led the group in prayer and Ms. Ricardi led the Pledge of Allegiance.

**ROLL CALL**

Attendance was taken by Ms. Ricardi with the following roll call: Supervisor Williams – Present; Supervisor Koontz – present; Supervisor Harris – Present; Supervisor Jessie – Present; and Chairman Kimbrough – Present. There was a quorum.

**CONSENT AGENDA**

The following change was made to the agenda: Chairman Kimbrough requested the Town of Urbanna Boundary Line Adjustment be moved to the first item under Agency and Staff Reports due to scheduling conflicts.

A motion to approve the Consent Agenda, as amended, was made by Supervisor Harris, seconded by Supervisor Koontz, and carried by the following roll call: Supervisor Koontz – Aye; Supervisor Harris – Aye; Supervisor Williams – Aye, Supervisor Jessie – Aye and Chairman Kimbrough – Aye.

The Consent Agenda included approval of disbursements dated January 3, 2023 through February 2, 2023, numbered 101298-101498 totaling \$1,367,962.51 and payroll dated January 13, 2023, totaling \$455,575.05.

**PUBLIC COMMENT**

Chairman Kimbrough opened the public comment period at 3:32 p.m.

There were no Public Comments.

Chairman Kimbrough closed the public comment period at 3:32 p.m.

**CONSTITUTIONAL OFFICERS**

***Treasurer***

Report only.

**Commissioner of Revenue**

Mrs. Mae Burke, Commissioner of Revenue, discussed Budget Supplement Request FY2023-26 regarding the forest sustainability fund award and said in November she submitted an application on behalf of the County to recoup money that is deferred for the forestry portion of land use. She added that in 2022, the General Assembly introduced legislation allowing localities to restore some of the foregone revenue lost with the program. She said there was \$72.5 million to be distributed between the 68 localities who submitted applications, and Middlesex County received \$1,825.89. She said this will be an annual fund that localities will have to apply for.

Mrs. Burke also provided an update on the elderly and disabled tax relief program. She said the CPI increase was 6.5%, in 2022 the minimum income was \$17,970.00 which will increase to \$19,139.00. She added the maximum income in 2022 was \$34,556.00 and will increase to \$36,804.22. She said there were 93 participants which is down from the 102 participants in 2021.

Mrs. Burke advised the Board according to the 2023 JD Powers book, the personal property values seem to be lower than the 2022 values. She said she performed a comparison on the value of 20 random vehicles from 2021-2023 and said she saw an estimated 20% decrease. She said from the comparison and conversations with other localities, she anticipates a decrease in personal property taxes for 2023.

A motion approving Budget Supplement Request FY2023-26 was made by Supervisor Harris, and seconded by Supervisor Jessie and carried by the following roll call: Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Jessie – Aye, Supervisor Koontz – Aye and Chairman Kimbrough – Aye.

FROM:	AMOUNT:	TO:	AMOUNT:
3-1-024040-0041	(\$1,825.89)	4-1-071010-5418	\$1,825.89

**AGENCY AND STAFF REPORTS**

***The Town of Urbanna, Boundary Line Adjustments***

Ms. Andrea Erard addressed the Board regarding the Town of Urbanna’s request for a boundary line adjustment. She provided a map outlining the affected area and gave a brief explanation. She also explained the draft agreement between the Town and Middlesex County that was included in the presentation.

Mr. Jessie asked what steps would be taken to avoid potential damage to residential property caused by the Town’s water tower to avoid a repeat of a previous incident. Mr. Bill Smith, former Town council member, said there is an emergency shut off valve on the tower from an incident that happened 5-6 years ago, where the water tower overflowed and there was no emergency shut off; however, since that time, an automatic shut off and alarm was added should there be any problems in the future. Mr. Jessie still voiced concerns and said he would like to see extra safety measures to protect the property owner.

A motion to move forward with the procedural process of the boundary line adjustment between the Town and County to include addressing the berm concerns around the water tower and to schedule a public hearing was made by Supervisor Harris and seconded by Supervisor Koontz and carried by the following roll call: Supervisor Harris – Aye, Supervisor Williams – Nay, Supervisor Jessie – Aye, Supervisor Koontz – Aye and Chairman Kimbrough – Aye.

**VDOT:**

Report only

**Schools:**

Dr. Seitz provided a brief explanation of Budget Supplement Request FY2023-27.

After a brief discussion regarding the request, a motion approving Budget Supplement Request FY2023-27 was made by Supervisor Koontz and seconded by Supervisor Harris and carried by the following roll call: Supervisor Koontz – Aye, Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Jessie – Aye and Chairman Kimbrough – Aye.

FROM:	AMOUNT:	TO:	AMOUNT:
3-072-031055-7000	(\$13,669.20)	4-072-065100-6002-900	\$13,669.20

Dr. Seitz provided an update on the overflow parking project at the elementary school. She said there were some minor obstacles, but the project is still on course to finish by the end of the summer.

Mr. Jessie asked about metal detectors in the schools. Dr. Seitz said an article in the newspaper was inaccurate and she contacted the editor about it. Dr. Seitz then briefly discussed the steps needed before using the metal detectors such as developing a policy, ensuring staff are properly trained and the logistics of placement at the facilities.

**Social Services:**

Report Only.

**Employee Health Insurance:**

Mr. David Rowe spoke about County health insurance options, specifically a high deductible plan, supplemental funding for the plans in the form of health reimbursement and health savings plans and the possibility of combining the School and County plans. He provided an overview of the high deductible plans offered through Local Choice, stating it is a consumer directed plan with a \$2,800.00 deductible for individual and a \$5,600.00 for a family. He explained with the current traditional plans, County employees have a fixed dollar copay for prescription medication. He added if the County switched to the high deductible plan, employees would pay Anthem's allowable charge for medication. He said after the deductible has been met, Anthem pays 80% of the allowed charges, and employees would be responsible for 20% up until the \$5,000.00 out of pocket maximum for individuals and \$10,000.00 for a family plan. He provided a cost comparison with the two traditional plans currently offered to County employees. He said currently with less than 100 employees enrolled in the program, only two plans can be offered; however, if combined with the school division, a third option could be added. Mr. Walker stated if the high deductible plan was implemented, there would need to be robust employee training to help them with the transition.

Mr. Rowe compared a health savings account and a health reimbursement account. He said that a health savings account is pretax. He said there is no federal income tax going in and if the money is used for a qualifying medical need, no Federal income tax will be taken. He also said,

if an employee is close to retirement, they could use the money to help pay for their Medicare Part B premium; however, it can not be used for Medicare supplement payments and once the employee reaches 65, the money could be used for non-medical purchases but income tax must be paid if it is used for these purposes. Mr. Rowe explained this money did not have a use it or lose it provision. He stated the health reimbursement account was similar to a flexible spending account and said a disadvantage to employees would be, this money goes away if it is not used by a certain date and the account resets for a new plan year.

Mr. Rowe then discussed the County and Schools combining health care plans. He explained how the rating process worked and what is considered when the State and Anthem review the groups. Mr. Rowe said once he receives approval to move forward, he can then explore options and put all the information together for the Board's review.

There was a consensus from the Board for Mr. Rowe to proceed and develop an alternative for their review.

***Middlesex County Museum:***

Ms. Marilyn South, President of the County Museum introduced Ms. Holly Horton, Executive Director of the County Museum, to speak on behalf of the museum. Ms. Horton provided a brief history of the museum and spoke of the County's diverse history. She spoke about the significant figures throughout history that are from Middlesex County and expressed the importance of preserving the past to enrich the future. She said that lack of usable space was problematic and prevented them from having events. Ms. South said they are made up of volunteers and would benefit from hiring a professional to assist with the work for the museum.

Chairman Kimbrough called a 10-minute recess.

Chairman Kimbrough reconvened at 5:50 p.m.

***Airport Update – Resolution R-2023-02***

Mr. Flynn provided a brief explanation of Resolution R-2023-02. He said this resolution was for the County to take over the financial responsibility of two matters that were originally Mr. Barber's under the Comprehensive Agreement. He said one was the \$30,000.00 for the navigation easements paid to the Putz and the other was landscaping for the Perkinson property for approximately \$10,000.00 to \$12,000.00. He added, there was an increase in expenses due to unforeseen issues during construction and Mr. Barber has requested the County to take on the responsibility of these two items.

Mr. Koontz asked if the contract wasn't clear. Mr. Flynn stated that Mr. Barber was made aware of his responsibilities as was set out in the contract; however, Mr. Barber said he did not agree to be responsible for those items and was not included when negotiating the prices.

Mr. Harris asked who will be responsible for the improved LED lighting. Mr. Flynn stated that was Mr. Barber's responsibility and it is already in the works. He added that a request for reimbursement was submitted with the Department of Aviation.

A motion approving Resolution R-2023-02 was made by Supervisor Jessie and seconded by Supervisor Williams and carried by the following roll call: Supervisor Williams – Aye, Supervisor Jessie – Aye, Supervisor Koontz – Nay, Supervisor Harris – Aye and Chairman Kimbrough – Aye.

**Middlesex County  
Board of Supervisors  
RESOLUTION R-2023-02**

**At a meeting of the Middlesex County Board of Supervisors held on February 7, 2023, at 3:00 p.m.: On a motion duly made by Supervisor Jessie, and seconded by Supervisor Williams, the following Resolution was adopted by the following vote:**

Don R. Harris	Aye
Reginald A. Williams, Sr.	Aye
Wayne H. Jessie, Sr.	Aye
John B. Koontz, Jr.	Nay
Lud H. Kimbrough, III	Aye

**RESOLUTION AMENDING COMPREHENSIVE AGREEMENT DATED  
JUNE 1, 2021 BETWEEN MIDDLESEX COUNTY AND  
DELAWARE CORPORATION**

**WHEREAS**, by action of the Board of Supervisors at its meeting held June 1, 2021, the Board entered into a comprehensive agreement (the Agreement), dated June 1, 2021, between Middlesex County (the County) and Delaware Corporation for certain improvements at Hummel Field; and

**WHEREAS**, under the agreement, Delaware Corporation undertook responsibility for the acquisition of all necessary easements and the obtention of all necessary permits; and

**WHEREAS**, the County has paid the amount needed to acquire an avigation easement from Christopher and Kathryn Putt, (Putt easement), which easement was required by the Department of Aviation; and

**WHEREAS**, the Department of Environmental Quality set as a condition of approval of the new runway, a planting plan along adjacent property owned by the Herbert R. Perkinson, Jr., Trust, (planting plan); and

**WHEREAS**, Delaware Corporation expended significant amounts to complete the construction of the runway in excess of the amounts originally calculated by Delaware Corporation, due to unforeseen soil conditions, without reimbursement from the County or the Commonwealth;

**NOW THEREFORE BE IT RESOLVED** by the Middlesex County Board of Supervisors, that the County hereby releases Delaware Corporation from its obligations to provide funding for the Putt easement and from the obligation to fund and implement the planting plan, in consideration of Delaware Corporation's agreement to be solely responsible for the unexpected costs of the runway construction portion of the project. The County will fund and implement the planting plan. In all other respects, the Comprehensive Agreement, as amended, shall remain in effect.

Further, the County will retain any reimbursements from the Department of Aviation for the costs of the Putt easement and the planting plan.

This Resolution shall become effective only upon the acceptance by the Delaware Corporation and, further, this Resolution shall be incorporated into the Agreement.

Done on this 7th day of February 2023.

A Copy Teste:



Matt Walker, County Administrator

**Planning Director Update:**

Report only.

***County Engineer Update:***

Mr. Beam said he had received the revised planting plan and would be reviewing it with Mr. Perkinson. He said he will submit the plan to the Department of Aviation as per the Memorandum of Understanding and if Mr. Perkinson approves of the plan, work could begin sometime in the spring.

Mr. Beam said on December 7<sup>th</sup> a structural analysis was performed on the Puller Center. He said according to the executive summary, the building meets the risk assessment category, and he is hoping to receive the full report in a week or two.

***Timmons – Contract Addendum***

Mr. Ken Turner, Timmons representative, explained originally, the force main was to be moved to the other side of the road; however, HRSD and the County discussed extending the force main from Locust Grove Road up to General Puller Highway. He said there will be additional costs for the survey and design. He provided a summary of estimated project costs for the Board's review which includes the costs he is requesting that has increased the Topping design budget, including an allocation for easements within the Topping project, there are an estimated 12 easements that are required. He added \$35,000.00 was allocated for appraisal negotiations, bars, reports, title searches; however, he said this does not include any compensation for the property. Mr. Turner is requesting an additional \$98,000.00 for the additional services for the Topping project.

He briefly discussed the Clean Water revolving loan funds and the ARPA applications that were submitted and said the total requested funds was approximately \$44 million and thought the DEQ had tentatively approved the Hartfield, Saluda and Topping applications submitted last year.

Mr. Turner stated the project's estimated timeframe is 15 months for each phase which will be an approximate completion in the second quarter of 2026. He said he was notified by DEQ that an environmental assessment for Topping and Deltaville would be required and added some of the water system information could be utilized for this.

Mr. Koontz asked for clarification on the timeline for the Deltaville phases. Mr. Turner stated he was asked to show the schedule to start concurrently and added they will start with the survey and then move forward with the design for phase one and work concurrently with the critical path approvals. He said he believed the hope was to get all the bids close to the same time to have a better idea of costs per phase. Mr. Koontz said the only downside to this would be traffic congestion and suggested starting the planning regarding traffic control that will have the least disruption to travel.

Mr. Turner presented the Board with a revised phasing map and explained the three phases of the project. He said there is a need for 164 easements in phase one, 168 in phase two and 84 in phase three for a total project easements of 416. He added this would be dependent on what VDOT determines about their right-of-way. He said the estimated cost is between \$2-\$3 million.

He provided a summary for Topping, Hartfield, Saluda and Deltaville for the overall construction cost, easement acquisition and design costs and said the total project cost would be approximately \$41 million. Mr. Beam added, this includes 1000 grinder pumps and assistance to the property owner for decommissioning existing septic systems which will help alleviate some of the financial impact for the property owners.

Mr. Kimbrough asked if the additional costs Mr. Turner discussed was included in the cost summary. Mr. Turner said no. He said the design costs excludes the environmental assessments. Mr. Turner said the design and additional costs were approximately \$3.4 million and added this was subject to VDOT's approval of utilizing their right-of-way, as well as how many property owners are willing to negotiate in good faith or donate easements. He said current projections are 550 customers will hook up to the sewer system and added initially, the total system capacity was 700 customers.

Mr. Harris asked for clarification on the costs for the three phases running concurrently. Mr. Walker said there is \$2 million from the fund balance for this capital project to be used to pay some of the soft costs upfront and avoid having to finance and pay interest on those monies.

The Board discussed the project and the project funding. Mr. Koontz requested the presentation slides be dated and make note when updated. Mrs. Lewis asked for clarification that the easement proposals did not include the actual proposal pot of money for easement payments. Mr. Turner said it does not include compensation for the property owners. Mrs. Lewis asked if the current proposal was for one inspector per phase of the Deltaville project. Mr. Turner said the proposal is for one inspector at \$2,080.00 per year.

Mr. Walker spoke about the estimated portion the County is responsible for after negotiations with HRSD. He said all numbers are estimates and once bids go out, he will have more concrete numbers. He also said that the Saluda portion will cost more than Hartfield, adding the reason is HRSD is pumping almost everything from Middlesex County through that pump station over to Mathews County. Mr. Walker said that Mr. Jeremiah Burford will provide a quarterly report at the March Board of Supervisors meeting. The Board had further discussions on the sewer project.

A motion approving the costs for Topping and the three phases in Deltaville was made by Supervisor Koontz and seconded by Supervisor Jessie and carried by the following roll call: Supervisor Williams – Aye, Supervisor Jessie – Aye, Supervisor Koontz – Aye, Supervisor Harris – Aye and Chairman Kimbrough – Aye.

### ***HRSD – Cost Sharing Agreement***

Mr. Jeremiah Burford, HRSD Representative, introduced two cost sharing agreements, for the Hartfield and Saluda sites and provided a brief explanation. He said the County and HRSD decided on one pump station due to the overall cost of having to install and maintain two facilities. He stated the Saluda pump station will be 49% Middlesex County and 51% HRSD split. He said the costs in the agreement are only estimates based off flow projections. He said the Hartfield pump station was based on Middlesex County having a need for a pump station and HRSD had a need for a hydraulic brake in the system. He said HRSD will build a wet well and will accommodate Middlesex County's flow going into that station from phase one Hartfield. He said HRSD would work as a partner to Middlesex County for these two facilities and felt the percentage share presented is a fair value of what the compensation should be.

Mr. Walker added the cost split for Hartfield is 3% County responsibility and the estimated total to have access to the Hartfield site is approximately \$160,000.00 and added the Saluda site does have a higher split in the design cost. Mr. Williams asked for clarification on the cost split. Mr. Walker said HRSD had existing flow that would need to be handled, regardless of whether the County participates or not. He said the County is responsible for the collection system in Saluda

and some of the collection system in Cooks Corner. Mr. Walker reiterated the costs were only estimates.

Mr. Koontz left the meeting.

A motion to execute the two HRSD cost sharing agreements was made by Supervisor Jessie and seconded by Supervisor Williams and carried by the following roll call: Supervisor Koontz – Absent, Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Jessie – Aye and Chairman Kimbrough – Aye.

**REGULAR AGENDA ITEMS:**

***Citizen Appointments***

Ms. Ricardi said there were vacant positions on the Board of Zoning Appeals and the Wetlands Board but no applications were received. She said there was one vacant position on the Economic Development Authority and four applications were received. Mr. Reed applied for reappointment and Mr. Carlton Revere, Mr. Joshua Griffin and Mr. Anton Webre submitted applications for appointment.

A motion to reappoint Mr. Reed to the Economic Development Authority was made by Supervisor Jessie and seconded by Supervisor Williams and carried by the following roll call: Supervisor Koontz – Absent, Supervisor Jessie – Aye, Supervisor Harris – Aye, Supervisor Williams – Aye and Chairman Kimbrough – Aye.

***Budget Transfer Request FY2023-02 &  
Budget Supplement Request FY2023-25***

Ms. Ricardi presented Budget Transfer Request FY2023-02 stating that this was not an increase in cost but creating a new department of facilities for custodial services. She explained a portion of funds currently under facility maintenance would be used to create the custodial services department.

Ms. Ricardi explained Budget Supplement Request FY2023-25 stating this was a grant for the Circuit Court Clerk’s office.

A motion approving Budget Transfer Request FY2023-02 and Budget Supplement Request FY2023-25 was made by Supervisor Williams and seconded by Supervisor Jessie and carried by the following roll call: Supervisor Koontz – Absent, Supervisor Williams – Aye, Supervisor Jessie – Aye, Supervisor Harris – Aye and Chairman Kimbrough – Aye.

FROM:	AMOUNT:	TO:	AMOUNT:
4-1-043020	(\$60,000.00)	4-1-043040	\$60,000.00

FROM:	AMOUNT:	TO:	AMOUNT:
3-1-023080-002	(\$34,775.00)	4-1-021060-5420	\$34,775.00



***Heritage Committee Agreement with the Fairfield Foundation Update***

Ms. Ricardi explained this was for clarification and said during the December meeting the Board approved \$36,000.00 to the Heritage Committee for signage; however, the Heritage Committee prefers the County pay the Fairfield Foundation directly. Ms. Ricardi was notifying the Board of the change.

**ADMINISTRATOR UPDATES**

Cigarette Tax – Report Only

Staff Report – Report Only

***RFP for PR services***

Mr. Walker said one RFP was received for PR services. He requested moving forward with the process of interview, negotiations, and contract. He recommends one or two Board members participate in the interview along with Mr. Kevin Gentry and Mr. Trent Funkhouser.

Mr. Kimbrough volunteered to participate in the interview.

**COUNTY ATTORNEY UPDATE**

Mrs. Lewis had nothing to report to the Board.

**UNFINISHED/NEW BUSINESS**

***Unfinished Business***

No unfinished business was discussed by the Board.

***New Business***

No new business was discussed by the Board.

**MATTERS PRESENTED BY THE BOARD**

The Board members reported on their activities since the last Board of Supervisors meeting on January 3, 2023.

**CLOSED SESSION**

A motion pursuant to Virginia Code Section 2.2-3711 (A)(3) and (A)(8) for the discussion or consideration of acquisition of real property related to the public airport, where a discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body and for consultation with legal counsel retained by the Board regarding the specific legal questions about set acquisition of real property involving the airport was made by Supervisor Jessie and seconded by Supervisor Harris and carried by the following roll call: Supervisor Harris – Aye, Supervisor Jessie – Aye, Supervisor Williams – Aye, Supervisor Koontz – Absent and Chairman Kimbrough – Aye.

**RETURN TO OPEN SESSION**

A motion to return from closed session with the following statement was made by Supervisor Jessie and seconded by Supervisor Williams and carried by the following roll call: Supervisor Williams – Aye, Supervisor Harris – Aye, Supervisor Jessie – Aye, Supervisor Koontz – Absent and Chairman Kimbrough – Aye.

To the best of the members' knowledge, only public business matters lawfully exempted in the motion by which the closed session was called was considered or discussed in said closed session.

**PUBLIC COMMENT**

Chairman Kimbrough opened the public comment session at 8:30 p.m.

There were no public comments.

Chairman Kimbrough closed the public comment session at 8:30 p.m.

**ADJOURN**

The Board unanimously agreed to adjourn until the Budget Work Session scheduled for February 10, 2023, at 9:30 a.m.

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Lud H. Kimbrough, III  
Chairman, Board of Supervisors