

AT A HYBRID MEETING OF THE MIDDLESEX COUNTY BOARD OF  
SUPERVISORS HELD ON TUESDAY, MARCH 2, 2021, BOTH ELECTRONICALLY  
AND IN- PERSON IN THE BOARD ROOM OF THE HISTORIC COURTHOUSE,  
SALUDA, VIRGINIA:

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

Matthew L. Walker, County Administrator  
Betty S. Muncy, Assistant County Administrator  
Ann Marie Ricardi, Assistant County Administrator  
Heather W. Lewis, County Attorney  
Susan C. Traner, Deputy Clerk

**CALL TO ORDER**

Chairman Jessie called the meeting to order at 3:00 p.m.

**DECLARATION OF EMERGENCY**

Ms. Muncy read the Electronic Meeting Provisions allowing the Board of Supervisors to conduct county business by electronic means, pursuant to the Board of Supervisors' Government Continuity Ordinance, #81, adopted on May 5, 2020, and re-adopted on November 4, 2020, extending the ordinance for up to an additional six months.

**ROLL CALL**

Attendance was taken by Ms. Muncy with the following roll call: Supervisor Koontz – Present; Supervisor Mansfield – Present; Supervisor Williams – Present; Supervisor Kimbrough – Not Present; and Chairman Jessie – Present. Four Board members were present; there was a quorum. Supervisor Williams led the group in prayer; Mr. Walker led in the Pledge of Allegiance.

Ms. Muncy introduced Ann Marie Ricardi; she was recently hired as a new Assistant County Administrator.

Supervisor Kimbrough joined the meeting at 3:06 p.m. All five Board members were present; there was a quorum.

**CONSENT AGENDA**

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

The Consent Agenda included approval of minutes from the February 2, 2021 Budget Work Session, February 2, 2021 Regular Meeting; February 5, 2021 Budget Work Session; and the February 9, 2021 Joint Budget Work Session with the School Board; disbursements dated February 3, 2021 – March 2, 2021, numbered 96940 – 96945 and 97018 – 97149, totaling \$303,619.60; and payroll dated February 16, 2021, numbered 96946 – 97017 totaling \$440,870.43.

### **PUBLIC COMMENT**

Chairman Jessie opened the public comment period at 3:07 p.m.

Lynda Muller addressed the Board, saying that every year, the Board accepts the school system's argument that competitive salaries are needed to recruit and retain good teachers. She believes the same exact fact holds true for police officers who work 24 hours a day, seven days a week, 365 days a year protecting the safety and security of every citizen in the county. It is very difficult to recruit officers with such low salaries. When they are able to hire someone, the county trains them to become efficient and effective, and then they leave for a better paying position. The County needs to better support the men and women in blue and she asked the Board to support the Sheriff's Office budget request. She also asked that the Board support the Registrar's budget request, stating that new state laws and regulations will cause a significant increase in expenses. More Election Officers will be needed to run an election and to provide fair and accurate election results.

Chairman Jessie closed the public comment period at 3:11 p.m.

### **CONSTITUTIONAL OFFICERS**

Supervisor Koontz commended both Ms. Kathy Thrift, Treasurer, and Ms. Mae Burke, Commissioner of the Revenue, on the significant improvements seen in both of their offices, noting that even during the transition period, both offices were able to excel in efficiency and collections. He asked why the Personal Property tax collection rate was lower than the collection rate in other categories. Ms. Thrift said that as people begin filing their taxes, Personal Property Tax revenue will go up from debt collection. She said that delinquent letters would be going out this week. After 30 days, DMV holds will be placed on delinquent accounts which will snag people as they try to get their tags. If they want their tags, they will have to pay their delinquent accounts. Supervisor Koontz asked about the status of Meals Tax collections. Ms. Thrift said the collection was at 100% for 2020.

**AGENCY AND STAFF REPORTS**

***VDOT:***

No one was present from the VDOT office to give an update; however, a report was provided for the Board in the Board packet. Supervisor Koontz informed the Board that the lights had been out at the Park and Ride lot in Hartfield, but VDOT was able to address that issue and get the lights back on in a short amount of time. He said that a lot of patching work had been done on Routes 33 and 17 in response to the recent storm damage.

***Schools:***

Dr. Gretz addressed the Board, saying that some CARES Act funding had been reassessed and redistributed to all receiving agencies/divisions. Budget Supplement Request FY2021-54 reflects the school's portion of that reassessment in the amount of \$10.80. Budget Supplement Request FY2021-55, in the amount of \$5,057.71, appropriates money from an insurance reimbursement for catalytic converters stolen from two county vehicles. Budget Transfer Request FY2021-07, in the amount of \$17,200, would transfer funds within the CARES Act money that had already been received to support the purchase of a cloud-based solution for maintenance employees to be able to respond to traffic safety light concerns remotely.

A motion to approve Budget Supplement Requests FY2021-54 and 55 and Budget Transfer Request FY2021-07 was made by Supervisor Koontz, seconded by Supervisor Kimbrough, and carried by the following roll call: Supervisor Koontz – Aye; Supervisor Mansfield – Aye; Supervisor Williams – Aye; Supervisor Kimbrough – Aye; and Chairman Jessie – Aye.

From:	To:	Amount:
3-071-038439-6000	4-071-068200-6000-900	\$10.80
3-071-018991-0001 (\$5,057.71)	4-071-063200-3000-900	\$251.70
	4-071-063200-6009-900	\$4,806.01
3-071-038439-6000	3-072-038442-5000	\$17,200.00
4-071-061100-1520-230-100 (\$2,800.00)		
4-072-065100-1191-900 (\$17,200.00)	4-071-064200-6007-900	\$20,000.00

Dr. Gretz reviewed the proposal from Honeywell for the HVAC replacement at the elementary school. He said the School Board met last month and unanimously voted to move forward with a design build solution. The School Board procured through the General Services Agreement, vetted at the federal level, to make sure the best deal was obtained. The proposal was favorable for three reasons. First, the design build solution prevents escalating costs that are seen with traditional solicit bids. The cost is firm and cannot be changed by change orders. Second, Honeywell is familiar with the buildings and the units and the school has a long-lasting relationship with them. Third, because of the performance contract with Honeywell, they have a

vested interest in making sure the work is done correctly according to the specifications of the contract or they will be on the hook financially to make up the difference. He asked the Board to fund moving forward with the project, based on Honeywell's proposal, in the amount of \$1,695,023.89.

Mr. Walker said that he was notified by Ted Cole and Davenport Associates that the RFP had been delayed to give the banks more time to get their submittals and responses together. The new due date is March 18, 2021. It was requested that the HVAC project at the elementary school be included as part of the overall financing being sought for the Cooks Corner renovation. Mr. Walker recommended tabling the matter of financing until the RFP comes in on March 18, 2021. He said the Board may want to vote today to authorize moving ahead with the project. The best financing package can be selected after the RFP is received.

A motion to authorize the School Board to proceed with the HVAC project at the elementary school with Honeywell, for the amount of \$1,695,023.89, with the intention of completing the project this year, contingent on financing coming through on March 18, 2021, was made by Supervisor Koontz, seconded by Supervisor Mansfield, and carried by the following roll call: Supervisor Koontz – Aye; Supervisor Mansfield – Aye; Supervisor Williams – Aye; Supervisor Kimbrough – Aye; and Chairman Jessie – Aye.

***Planning Department Update:***

David Kretz, Planning and Zoning Director, reviewed the five-year update to the Hazard Mitigation Plan (HMP) with the Board. He said that he and David Layman had been working with the Planning District Commission (PDC) and had submitted the required information. The HMP is required by FEMA, and it supports many of the county programs. It is also required by FEMA for certain funding, including the Flood Insurance Program. He said he would continue to update the Board periodically as the HMP moves through the meeting schedules toward closeout and ultimate approval.

Mr. Kretz said that two bids were received for the Whiting Creek project. One bid was for \$70,392 and the other was for approximately \$73,000, and the bid was for site work in the construction of the physical bulkhead and site improvements, including some drainage improvements. Mr. Walker stated that since the amount is over the \$50,000 threshold, it should be treated as a capital improvement. He said that it is funded in the county's capital improvement projects for the next budget year (FY2022) and the Board could give it consideration as early as July 2021.

***Parks and Recreation Department Update:***

Heather Lewis, County Attorney, reviewed the agreement that the Board asked her to prepare between the County and the Triangle Skateboard Alliance (TSA). The only stipulation that TSA had for the agreement was that, if the County should ever stop using the equipment that TSA was donating, then TSA would have first right of

refusal to take the equipment back in its current condition. She said that TSA had outlined a valuation of the equipment being donated by them at \$2,545. Karen Reed, Parks and Recreation Director, informed the Board that she had spoken with a representative from TSA and they were in agreement with the Memorandum of Understanding (MOU). Supervisor Mansfield asked what type of liability the county would have if they approved the skateboard park. Ms. Lewis replied that it would be better to discuss that in a closed session under advice of legal counsel. She added, however, that the immunity of the county was quite broad being a political subdivision of the Commonwealth. She said the County would ensure that the equipment was installed correctly and would inspect it periodically.

A motion to approve the Memorandum of Understanding with TSA as written was made by Supervisor Koontz, seconded by Supervisor Williams, and carried by the following roll call: Supervisor Koontz – Aye; Supervisor Mansfield – Aye; Supervisor Williams – Aye; Supervisor Kimbrough – Aye; and Chairman Jessie – Aye.

Karen Reed informed the Board that the basketball court project was still being designed, with some debate on where to put it and in which direction. She said she was working on obtaining signage, one for the basketball court and another for the skatepark. She said that the type of equipment for the playground had not been decided on yet. She said that once the playground had a firm location, that would determine what type and size of equipment would be used.

***Electoral Board:***

Barbara Cockrell, Chairman of the Board of Elections, addressed the Board, saying she would like to answer any questions the Board may have regarding the budget request they had submitted. She said the replacement of the poll books is mandated because the current equipment had been decertified and could not be used again. She said there would be a primary on June 8, 2021 and the equipment would need to be in place by then. She stated that there are also ever-increasing security issues that need to be factored in. She said that even though the equipment is mandated by the state, the state does not contribute any funds to pay for the equipment. She stated that the actual voting machines have a lifespan of about 10 years, and there is a set-aside fund already in place to offset the costs of replacing those machines when the time comes. Ms. Muncy said that the requested funds could come from the general fund or the set-aside account, whichever the Board prefers.

A motion was made to fund the election poll books from the set-aside reserve fund by Supervisor Koontz, seconded by Supervisor Mansfield, and carried by the following roll call: Supervisor Koontz – Aye; Supervisor Mansfield – Aye; Supervisor Williams – Aye; Supervisor Kimbrough – Aye; and Chairman Jessie – Aye.

***Sewer Project Update:***

Ken Turner, Timmons Group, gave an update on the sewer system, showing a presentation for the Topping area sewer system engineering design. He reviewed the HRSD parameters for the county system and also the gravity system and low-pressure collection system that will convey flow to HRSD. He also reviewed the county-constructed, HRSD-operated, terminal pump station and force main and the homeowner-constructed and maintained grinder pumps. He said that Phase One of the system deployment would serve Grey's Point Campground. They are planning on abandoning their 90 or so septic tanks and pump flow to a gravity main on county property next to the campground. The flow in the gravity system will flow down to a county-constructed, HRSD-owned, operated and maintained pump station. Two miles of force main will be designed and constructed by Middlesex County and turned over to HRSD for ownership, operation and maintenance. HRSD currently has a project to abandon the Saluda and Urbanna wastewater treatment plants, install pump stations there, and run a pipe down General Puller Highway and over to Gloucester to convey the flow from Urbanna and Saluda. Homeowners will have a house connection that will include a grinder pump installation. The County may supply that, but those details have not been worked out yet. HRSD will require a sewer customer to be connected to a municipal water system with a metered consumption. The generated sewer system bills will be based on metered water consumption. The most desirable location for the resident's grinder pump is close to the right-of-way. HRSD will require an isolation valve to be located at the property line or the right-of-way to indicate a line of demarcation between private ownership and County ownership. The property owner will be responsible for the line from the house to the property line or the county-owned main. HRSD has a facility charge for a 5/8" water meter of \$1,920 but that rate could change before the system is deployed in 2024. HRSD has a provision that says if a private property previously served by a septic tank is connected to the sewer system, the applicable facility charge may be waived for equivalent flow. In the current financial model, the County sewer connection fees have been set at \$10,000 for a 5/8" meter, but that is a financial model amount only. The Board has yet to set an official connection fee. In comparing costs for the vacuum system versus the low-pressure system for Phase One deployment, the low-pressure system is about \$2.5 million, and the vacuum system is approximately \$4 million.

Supervisor Kimbrough said he wanted to acknowledge the economic benefits, saying that Phase Two would enable the campground to increase their campsites by 250, which would mean that for six to eight months a year, that would allow for approximately another 1,000 visitors, which would have an economic impact and be positive for economic development.

***Middlesex Water Authority:***

Greg Chambers, Water Authority Chairman, informed the Board that pipe had been put in the ground from the wells down past the new John Deere store and they were moving toward Locust Hill. He said that the weather had hindered their progress

some and the pump station progress had been slow. They are taking extra precaution to make sure everything is built correctly. Mr. Chambers said that easement work was still an issue, but staff was working diligently on it. He said that there are currently approximately 680 subscribers. He said that the Authority was beginning to think ahead toward the organizational structure and staffing plan to operate the business. He believes it is essential for the County, the Authority, and possibly even the Sewer Team to work together as the resource plan is developed to be creative and have an efficient operation for all concerned.

**Bay Aging:**

Kathy Vesley, President and CEO of Bay Aging, asked the Board to enact a proclamation proclaiming March 2021 as the 19<sup>th</sup> Annual March for Meals month in Middlesex County. She said that Bay Aging had delivered over 18,000 meals to approximately 220 older adults and chronically ill individuals at high-risk. The cost of the meals is ever-increasing and will trend like that into the future. She said they are always looking for volunteers. Ms. Vesley said not only do the delivered meals contribute to good health, but the simple gesture relieves social isolation for these individuals. She said that 44% of the Middlesex population will be over the age of 60 by 2030. She said the proclamation would show the County's support for the Meals on Wheels program in the county, and Bay Aging will in turn ask citizens for support in the way of donations and volunteering.

A motion to support the 19<sup>th</sup> Annual March for Meals month proclamation was made by Supervisor Kimbrough, seconded by Supervisor Williams, and carried by the following roll call: Supervisor Koontz – Aye; Supervisor Mansfield – Aye; Supervisor Williams – Aye; Supervisor Kimbrough – Aye; and Chairman Jessie – Aye.

**PROCLAMATION  
PROCLAIMING MARCH 2021 AS THE 19<sup>TH</sup> ANNUAL  
MARCH FOR MEALS MONTH**

**WHEREAS**, on March 22, 1972, President Richard Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for older adults 60 years and older; and

**WHEREAS**, Meals on Wheels America established March for Meals campaign in March 2002 to recognize the historic month, the importance of the Older Americans Act Nutrition Programs – home delivered and congregate, and raise awareness about the escalating problem of hunger in older adult populations in America; and

**WHEREAS**, the 2021 observance of March for Meals celebrates 19 years of providing an opportunity to support Meals on Wheels programs that deliver vital and critical services by donating, volunteering and raising awareness about hunger and isolation in older adult populations; and

**WHEREAS**, Meals on Wheels programs – home delivered and congregate, in Middlesex County have served our older adults and people living with disabilities admirably for over 43 years; and

**WHEREAS**, volunteers for Meals on Wheels programs in Middlesex County are the backbone of the program and they not only deliver nutritious meals to older adults and people living with disabilities who are at significant risk of hunger and isolation, but also caring concern and attention to their welfare; and

**WHEREAS**, the Meals on Wheels program in Middlesex County provides nutritious meals to older adults and people living with disabilities throughout the county that help them maintain their health and independence, thereby preventing unnecessary falls, hospitalizations and/or premature institutionalization; and

**WHEREAS**, the Meals on Wheels program in Middlesex County provides a powerful opportunity for social connection for hundreds of older adults and people living with disabilities to combat the negative effects and economic consequences of loneliness and isolation; and

**WHEREAS**, the Meals on Wheels program in Middlesex County deserves recognition for the heroic contributions and essential services they have provided amid the COVID19 pandemic and will continue to provide to local communities, our Commonwealth and our Nation long after it is over.

**NOW, THEREFORE**, I, Wayne H. Jessie, Sr., as Chairman of the Middlesex County Board of Supervisors do hereby proclaim March 2021 as the 19<sup>th</sup> Annual March for Meals Month and urge every citizen to take this month to honor the Bay Aging Meals on Wheels program, the older adults and people living with disabilities they serve and the volunteers who care for them. Our recognition of, and involvement in, the 2021 Bay Aging March for Meals can enrich our entire community and help combat hunger and isolation in these populations in Middlesex County, Virginia.

Dated this 2<sup>nd</sup> day of March 2021.

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Wayne H. Jessie, Sr., Chairman, Middlesex County Board of Supervisors

### **YMCA Update:**

Buzz Lambert, District Executive Director of the Middlesex and Mathews Family YMCA, said the YMCA is mainly focused on youth development, healthy living, and social responsibility. He said during the initial phase of the pandemic, the YMCA had to close their doors for 12 weeks. After reopening, the dedicated Board, staff and multiple community partners worked together to provide critical services, such as a clean and safe licensed childcare program for all working families in need of this service. There were roughly 30 children in attendance on a daily basis that lived throughout the county. Two meals and a snack were served every day at no cost to their families. The Board also provided a temporary 30-foot by 40-foot outdoor shelter for the children to play, read, participate in arts and crafts, and to work on various STEM projects throughout the summer in the fresh air. They also served 30 children through the annual Bright Beginnings program, providing each child the necessary school supplies for online learning. They also received brand new clothes prior to the beginning of the hybrid learning experience. Outdoor group exercise classes were offered. Virtual group exercise classes served over 200 participants. They also made over 400 wellness calls on senior members. Last summer, they conducted a food drive at the YMCA and collected over 1,700 pounds of food which went to the Healthy Harvest Food Bank. All of that food was kept within Middlesex County. Mr. Lambert said that, last year, they had over 60 volunteers that provided over 1,000 hours of community service. He said that as they continue operating, they strictly adhere to the guidelines of the CDC and the Health Department. He said he is confident that outdoor youth soccer could be offered this spring and hopefully swim classes can be offered this summer. He said they are looking to secure a permanent outdoor structure on the YMCA campus.

Supervisor Kimbrough said he would like to recognize and offer credit to the YMCA for enabling parents to be able to continue to work and not have to withdraw from the workforce during the COVID pandemic.

**REGULAR AGENDA ITEMS**

***Budget Supplement Requests:***

Ms. Muncy reviewed several Budget Supplement Requests. Budget Supplement Request FY2021-50, in the amount of \$13,226.97, was to appropriate CARES money from the miscellaneous revenues back into the regular fund to reimburse the county for additional services during the past election. Budget Supplement Request FY2021-53, in the amount of \$20,000, was a request from the general fund balance for appropriation of funds for additional professional services for the County Attorney. Budget Supplement Request FY2021-56, in the amount of \$10,039.11, was to appropriate funds that were received for the Town of Urbanna that came into the county’s general fund. These were CARES Act monies that the Town of Urbanna had applied for to implement the Municipal Utility Assistance Program. Budget Supplement Request FY2021-57, in the amount of \$2,815.70, was to appropriate a refund received from the Lower Middlesex Volunteer Fire Department for replacement of a portable radio. Budget Supplement Request FY2021-58, in the amount of \$3,100.00, was for the appropriation of a refund from the Department of Forestry who had a 50/50 cost share for the removal of several dead ash trees and the replacement of those.

A motion to approve Budget Supplement Requests FY2021-50, 53, 56, 57, and 58 was made by Supervisor Williams, seconded by Supervisor Kimbrough, and carried by the following roll call: Supervisor Koontz – Aye; Supervisor Mansfield – Aye; Supervisor Williams – Aye; Supervisor Kimbrough – Aye; and Chairman Jessie – Aye.

From:	To:	Amount:
3-1-018030-0001 (\$13,226.97)	4-1-013010-1003	\$12,287.01
	4-1-013010-2001	\$939.96
3-1-041060-0001	4-1-012040-3002	\$20,000.00
3-1-024040-1090	4-1-099010-0030	\$10,039.11
3-058-030000-0102	4-058-010010-7001	\$10,039.11
3-1-018030-0001	4-1-36050-7001	\$2,815.70
3-1-18030-0001	4-1-43020-3002	\$3,100.00

**COUNTY ADMINISTRATOR REPORT**

Mr. Walker advised the Board that the Economic Development Authority (EDA) had requested that the Economic Development and Tourism Department be placed under their management and care. He said that the Board of Supervisors Chairman and Vice-Chairman, along with Mr. Walker, met with the Chairman and Vice-Chairman of the EDA, and also with Michelle Brown, to discuss some of the logistics of that

transfer. The EDA is working with Ms. Brown and the County Attorney on a resolution to address the details. He said that more on this matter would potentially be brought before the Board in April.

## **COUNTY ATTORNEY UPDATE**

### ***Removal of Unsafe Structure:***

Ms. Lewis reviewed the status of the unsafe structure removal at 1884 Old Virginia Street in Urbanna. She said that the removal had been advertised for two consecutive weeks, and she said she had confirmed with the Building Official and support staff that they had not received any contact or communication from the property owner that the structure had been removed. The county must wait the statutory 30 days, and at the end of the 30 days, the county can move forward with removal and placing a lien on the property.

### ***Clerk of Circuit Court:***

Ms. Lewis said that the Clerk of the Circuit Court, Lynn Dunlevy, had announced that she was retiring at the end of March. Therefore, the Board needs to petition the court for a writ of special election. This position would be on the election ballot in November. Ms. Lewis stated that she had prepared a resolution that would authorize her to prepare those legal pleadings and to file them. She said she had 15 days to file the documents from the date of Ms. Dunlevy's retirement.

A motion to approve the resolution authorizing Ms. Lewis to petition the court for a writ of special election and to prepare and file the legal proceedings was made by Supervisor Mansfield, seconded by Supervisor Kimbrough, and carried by the following roll call: Supervisor Koontz – Aye; Supervisor Mansfield – Aye; Supervisor Williams – Aye; Supervisor Kimbrough – Aye; and Chairman Jessie – Aye.

## **RESOLUTION**

**At a meeting of the Middlesex County Board of Supervisors held electronically on March 2, 2021 at 3:00 p.m.: On a motion duly made by Supervisor Mansfield, and seconded by Supervisor Kimbrough, the following Resolution was adopted by the following vote:**

Wayne H. Jessie, Sr.	Aye
Peter W. Mansfield	Aye
John B. Koontz, Jr.	Aye
Lud H. Kimbrough, III	Aye
Reginald A. Williams, Sr.	Aye

## **RESOLUTION DIRECTING THE FILING OF A PETITION WITH THE CIRCUIT COURT FOR A WRIT OF SPECIAL ELECTION TO FILL THE VACANCY OF CLERK OF THE CIRCUIT COURT**

**WHEREAS**, on March 31, 2021, Lynn L. Dunlevy will retire from her office as Clerk of the Circuit Court for Middlesex County; and

**WHEREAS**, due to the resignation of the Clerk of the Circuit Court, the Board is required by law to petition the Circuit Court within 15 days of the vacancy, for a Writ of Special Election to fill the vacancy of Clerk of the Circuit Court.

**NOW THEREFORE BE IT RESOLVED** that the Middlesex County Board of Supervisors hereby directs the County Attorney to Petition the Circuit Court for a Writ of Special Election.

A Copy Teste:



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Matt Walker, County Administrator

## **UNFINISHED/NEW BUSINESS**

### ***Unfinished Business:***

Chairman Jessie discussed with the Board that he was reconsidering his vote in a motion made last month regarding the window replacements in the Cooks Corner Office Complex. He said he went and looked at the building, examined the windows and checked the gym floor. He does not believe the windows need replacing but the gym floor needs some work. He believes the money spent would better serve fixing the floor. He said it would cost a lot of money to uncover and replace the windows after the taxpayers had already paid to cover them up.

Supervisor Williams said he had visited the Kidd Building last week to inspect it to see about housing about 100 kids in a Special Education program there. He said it would be great for Middlesex County and he is waiting to hear back from the interested parties.

Supervisor Williams said, in regard to the Cooks Corner Office Complex, that the Board needed to stop spending money on top of money. He said that the gym at the old St. Clare Walker school needed to be fixed. He believes that it would be abusing taxpayers' money to uncover and replace windows that taxpayers had already paid to cover up. He believes that one project needs to be finished before jumping to another one. He does not believe that anything needs to be done with the windows. He said that last month when the Board voted, he believes that the Board should have approved the Base Bid and Bid A only and not Bid B for the windows. He does not believe that the Board should rush into make snap decisions.

Supervisor Koontz said he certainly would not say that the Board had rushed into anything. The Board had first started talking about the Cooks Corner and window projects four years ago and voted over a year go to approve the HVAC project there. He said that the RCE building, because of neglect and deferred maintenance, had almost become a tear-down. He said that earlier today, the Board approved the HVAC system for the elementary school that the Board has known was an issue for 10 years. He does not believe that the Board rushes into projects at all. He said that last month,

the Board decided to try a couple of windows to see if the expense suggested by Bay Design was accurate or not before deciding to do any more windows. He believes the Board has been fiscally responsible. He feels that jumping from the windows project that was already agreed upon to a floor project is what he would consider rushing. The windows project will create a better work environment. He said the building in its current condition looks like a prison, and that is what this project is trying to address. He believes saying that the project was rushed was confusing, at least to him. The county does not have a history of rushing any project. The examples would be the RCE building, the HVAC at the middle school, and the high school expansion in the east wing that should have been done 20 years ago. Items on the Capital Improvement Plan are constantly getting kicked down the road. There are many things that have been getting deferred maintenance treatment for decades.

Chairman Jessie said it was a historical building and he did not think any more taxpayer money should be spent putting windows in.

Supervisor Koontz said that the county is in the middle of doing a Cooks Corner Revitalization Project. He is on the Board of the Middlesex Foundation and they are working with the Historical Committee. He believes the revitalization could be affected because, right now, that building looks like a jail facility.

Supervisor Kimbrough said that in light of the very tough budget situation the Board is facing now, he feels compelled to change his support. Since it has been established that the gym floor needs work and will take more funds than originally anticipated, he does not feel that the windows rise to the level of something that he would want to fund right now.

Supervisor Mansfield suggested that this issue be postponed a month. He said he would like to go and look at the building before making his decision.

Supervisor Koontz said that he believes the Board needs to find out how much the gym floor is going to cost before any decision is made to spend any more money on that building.

Chairman Jessie said that it was saddening to hear Supervisor Koontz say that a historical building looks like a prison. He suggested that the Middlesex Foundation could have some murals painted to make it more attractive and add value to the historical trail.

A motion to rescind the award that was approved on June 2, 2021 for the project renovation to Trinity USA in the amount of \$958,098.04 for the Base Bid, Bid A and Bid B and to approve instead an award to Trinity USA in the amount of \$935,471 for the Base Bid and Bid A only was made by Supervisor Williams, seconded by Supervisor Kimbrough, and carried 3-1-1 by the following roll call: Supervisor Koontz – Nay; Supervisor Mansfield – Abstain; Supervisor Williams – Aye; Supervisor Kimbrough – Aye; and Chairman Jessie – Aye.

At 5:18, with the two-hour time limit having passed, attendance was taken by Ms. Muncy with the following roll call: Supervisor Koontz – Present; Supervisor Mansfield – Present; Supervisor Williams – Present; Supervisor Kimbrough – Present; and Chairman Jessie – Present. All five Board members were present; there was a quorum.

The Board took a five-minute break.

After reconvening, attendance was taken by Ms. Muncy with the following roll call: Supervisor Koontz – Present; Supervisor Mansfield – Present; Supervisor Williams – Present; Supervisor Kimbrough – Present; and Chairman Jessie – Present. All five Board members were present; there was a quorum.

Mr. Walker asked Ben Burton, Bay Design, to speak to the Board about the revised award to Trinity USA for the renovation at Cooks Corner. Mr. Burton said he would contact the contractor and meet him at the site for him to look at the gym floor to see what needed to be done or if it needed to be replaced completely. The contractor could then provide an estimate. He said he would work with Mr. Walker and the County Attorney to develop the appropriate contract for the final consideration and authorization. Once the contract is formalized, the county would be able to do a change order to the contract to add the gym floor repair costs. Mr. Walker said that the county had until the end of April to execute a contract.

***New Business:***

Supervisor Koontz informed the Board that April 22, 2021 is Earth Day. The Keep Middlesex Beautiful committee is planning a county-wide cleanup on Saturday, April 24, 2021. They are hoping that each Supervisor will participate or encourage constituents to participate.

**MATTERS PRESENTED BY THE BOARD**

No matters were presented by the Board.

**CLOSED SESSION**

A motion to convene in a closed session pursuant to the Code of Virginia, Section 2.2-3711(A)(3) and (A)(8), for the discussion and/or consideration of the acquisition of real property for a public purpose, where the discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, and consultation with legal counsel regarding such negotiation and acquisition, and pursuant to the Code of Virginia, Section 2.2-3711(A)(1), for discussion of personnel matters specifically regarding the office of the County Attorney, was made by Supervisor Kimbrough, seconded by Supervisor Williams, and carried by the following roll call: Supervisor Koontz – Aye; Supervisor Mansfield – Aye; Supervisor Williams – Aye; Supervisor Kimbrough – Aye; and Chairman Jessie – Aye.

## **RETURN TO OPEN SESSION**

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

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

A motion to authorize the County Administrator to hire support staff for the County Attorney's office, either through a staffing agency or direct hire, was made by Supervisor Koontz, seconded by Supervisor Kimbrough, and carried 4-1-0 by the following roll call: Supervisor Koontz – Aye; Supervisor Mansfield – Nay; Supervisor Williams – Aye; Supervisor Kimbrough – Aye; and Chairman Jessie – Aye.

A motion to hire Steven Meade to assist the County in representation in a legal matter regarding real estate was made by Supervisor Koontz, seconded by Supervisor Kimbrough, and carried 4-1-0 by the following roll call: Supervisor Koontz – Aye; Supervisor Mansfield – Nay; Supervisor Williams – Aye; Supervisor Kimbrough – Aye; and Chairman Jessie – Aye.

## **RECESS**

A motion to recess until the 7:00 p.m. Public Hearings was made by Supervisor Koontz, seconded by Supervisor Kimbrough, and carried by the following roll call: Supervisor Koontz – Aye; Supervisor Mansfield – Aye; Supervisor Williams – Aye; Supervisor Kimbrough – Aye; and Chairman Jessie – Aye.

## **RECONVENE**

The Board reconvened for the evening session at 7:00 p.m.

Ms. Muncy read the Electronic Meeting Provisions allowing the Board of Supervisors to conduct county business by electronic means, pursuant to the Board of Supervisors' Government Continuity Ordinance, #81, adopted on May 5, 2020, and re-adopted on November 4, 2020, extending the ordinance for up to an additional six months.

## **ROLL CALL**

Attendance was taken by Ms. Muncy with the following roll call: Supervisor Koontz – Present; Supervisor Mansfield – Present; Supervisor Williams – Present; Supervisor Kimbrough – Present; and Chairman Jessie – Present. All five Board members were present; there was a quorum.

## **PUBLIC HEARINGS**

### ***Electronic Summons System Ordinance:***

Ms. Lewis said the Electronic Summons System Ordinance was brought before the Board last month, and the Board sent it for public hearing. The Sheriff's Office has installed electronic summons equipment and the Code of Virginia, Section 17.1-279.1, allows, by ordinance, for there to be a nominal fee of \$5.00 assessed for criminal and traffic matters. The money collected under this ordinance is to be used for the installation, implementation and maintenance of the electronic summons equipment. Ms. Lewis said Lieutenant Casey Mewborn was also in attendance to answer any questions the Board may have. Ms. Lewis said that the ordinance states that if you are convicted of a criminal or traffic matter in Middlesex County courts, a \$5.00 fee will be assessed, and the money will be held and appropriated for the purpose pursuant to the Code.

The public hearing comment period was opened at 7:05 p.m.

No speakers addressed the Board regarding the matter.

The public hearing comment period was closed at 7:06 p.m.

A motion to approve the Electronic Summons System Ordinance was made by Supervisor Koontz, seconded by Supervisor Mansfield, and carried by the following roll call: Supervisor Koontz – Aye; Supervisor Mansfield – Aye; Supervisor Williams – Aye; Supervisor Kimbrough – Aye; and Chairman Jessie – Aye.

### **ORDINANCE**

**At a meeting of the Middlesex County Board of Supervisors held on March 2, 2021 at 3:00 p.m. electronically: On a motion duly made by Supervisor Koontz, and seconded by Supervisor Mansfield, the following Ordinance was adopted by the following vote:**

Lud Kimbrough	Aye
Wayne H. Jessie, Sr.	Aye
John B. Koontz, Jr.	Aye
Reginald Williams	Aye
Peter W. Mansfield	Aye

### **AN ORDINANCE ENTITLED ASSESSING A COURT FEE FOR ELECTRONIC SUMMONS SYSTEM**

**WHEREAS**, Virginia Code Section 17.1-279.1 provides that a county may assess an additional sum not in excess of \$5.00 as part of the costs in criminal or traffic cases in the district or circuit courts located where such cases are brought in which the defendant is charged with a violation of any statute or ordinance, which violation in the case of towns arose within the town, and where the defendant is charged with a violation of any such statute or ordinance by a local law-enforcement agency. The fee shall be collected by the clerk of court in which the action is filed, who shall remit said fee to the treasurer of the locality. The collected fee shall be used to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system; and

**WHEREAS**, a duly advertised public hearing was held on March 2, 2021 to receive public comment regarding this Ordinance; and

**WHEREAS**, the Middlesex County Board of Supervisors finds that this Ordinance is appropriate.

**NOW, THEREFORE, BE IT ORDAINED** by the Middlesex County Board of Supervisors this 2nd day of March 2021, that the Ordinance Assessing a Court Fee for Electronic Summons System is hereby enacted as follows:

1. Title

This Ordinance shall be entitled Ordinance Assessing a Court Fee for Electronic Summons System.

2. Fee Amount; Imposition; and Administration

In addition to any other fee or cost prescribed by law, as part of the costs assessed in each criminal or traffic case in the Circuit Court or the District Courts of Middlesex County, Virginia in which the defendant is convicted of a violation of any statute or ordinance, there is hereby imposed a fee of \$5.00 as authorized by *Virginia Code* § 17.1-279.1. Such fee shall be assessed and collected by the clerk of each court as other fees are taxed in criminal or traffic cases, and each clerk shall remit those fees to the Middlesex County Treasurer to be held for appropriation by the Board of Supervisors in accordance with *Virginia Code* § 17.1-279.1.

This ordinance shall be effective March 1, 2021.

Adopted by the Board of Supervisors of Middlesex County, Virginia, at a meeting on the 2nd day of March 2021, following a duly advertised public hearing.

A Copy Teste:



Matthew Walker  
Clerk

***Airport Land Sale:***

Ms. Lewis stated that at last month's meeting, the Board had directed staff to send to public hearing the proposal to sell 1.569 acres of the Hummel Field Airport, basically subdividing that tract to allow Delaware Corporation to purchase it. As required by Code, Section 15.2-1800, this proposal ran in the paper for two consecutive weeks. The purpose of the public hearing is for the consideration of the sale of county-owned property. Ms. Lewis said she had prepared a resolution outlining the terms of the sale. This property was originally obtained from the Hummels in 1970. The county-owned tract of land is approximately 72 acres. The proposal would convey 1.569 acres to Delaware Corporation. However, there is a condition on the deed to this property that says as long as the county operates it as a public airport, the property can only be used for aviation or recreational purposes. Therefore, the resolution contains language stating that the property can only be used for aviation purposes and that the sale is contingent upon the County and Delaware Corporation obtaining all necessary statutory and regulatory approvals to sell the property. She said that there would have to be a site plan and other items that would need to be reviewed within Zoning administratively as it goes forward. The resolution also contains language stating that the buyer shall increase the width of the pavement of Hummel Field Airport taxiway from the runway to the fuel pumps by five feet. Lastly, the agreed-upon price is \$15,000.

The public hearing comment period was opened at 7:11 p.m.

No speakers were present to make a comment to the Board.

Ms. Muncy said a written comment had been received that was to be read during the meeting. Charles Kemp's written comment said that he wanted to express his support for the runway improvements and the proposed hangars. He said he is a resident of Richmond, has a home in Irvington, and currently has two planes. With the extended runway and hangars, it would make it feasible for him to keep and operate his planes out of Hummel Field. The runway improvements would also make pilots more comfortable to land at Hummel Field to visit area attractions.

The public hearing comment period was closed at 7:13 p.m.

Supervisor Mansfield asked if there would be any guarantee that hangars would be built that could bring in tax revenue for the county. Ms. Lewis said there was no guarantee, but Mr. Barber had stated that it was his intention to build the hangars. It was included in the contract for the proposal, but it was not a specific condition. She said that the condition could be added if the Board chose to do that. Supervisor Mansfield said that he thought it should be in there since the property is being sold below value to leverage getting more hangars and airplanes to raise tax revenue.

Ms. Lewis said that she had not been directed to negotiate or alter the terms of the arrangement. She was just asked to prepare the resolution outlining the terms that she had been made aware of.

Supervisor Kimbrough said he has no doubt that Mr. Barber intends to build hangars and that it will be done. He said, however, that he did not see any reason not to include that language if the Board wanted it done.

Ms. Lewis said that the resolution did include that the property, as long as it is used as a public airport, could only be used for aviation purposes.

A motion to approve the resolution, as written and presented, was made by Supervisor Koontz, seconded by Supervisor Kimbrough, and carried by the following roll call: Supervisor Koontz – Aye; Supervisor Mansfield – Aye; Supervisor Williams – Aye; Supervisor Kimbrough – Aye; and Chairman Jessie – Aye.

#### RESOLUTION

**At an electronic meeting of the Middlesex County Board of Supervisors held on March 2, 2021 at 3:00 p.m.: On a motion duly made by Supervisor Koontz, and seconded by Supervisor Kimbrough, the following Resolution was adopted by the following vote:**

Wayne H. Jessie, Sr.	Aye
Peter W. Mansfield	Aye
John B. Koontz, Jr.	Aye
Lud H. Kimbrough, III	Aye
Reginald A. Williams, Sr.	Aye

**A RESOLUTION TO AUTHORIZE THE CONVEYANCE OF CERTAIN REAL PROPERTY TO DELAWARE CORPORATION**

**WHEREAS**, the Board of Supervisors has been informed that the County owns certain real property that was conveyed to the County by Frederick Hummel and Maria Hummel. The property consists of a parcel of land obtained on January 8, 1970 and identified as Tax Map No. 30-110, Hummel Field Airport, currently consisting of approximately 72.1 acres, and

**WHEREAS**, Tax Map No. 30-110, known as Hummel Field Airport, currently consisting of approximately 72.1 acres, will be subdivided as depicted on the attached plat; one tract to consist of 1.569 acres ("the Property"), is labeled Parcel A on said plat, and is the proposed parcel to be conveyed to Delaware Corporation; and

**WHEREAS**, the Board is of the opinion that the conveyance of the Property should be authorized with the following stipulations: (1) for so long as the County operates Hummel Field Airport, the Property may only be used for aviation purposes and (2) the sale is contingent upon the County and Delaware Corporation obtaining all necessary statutory and regulatory approvals to sell Property; and (3) Delaware Corporation shall increase the width of the payment of Hummel Field Airport taxiway from the runway to the fuel pumps by five (5') feet; and (4) the agreed-upon sales price for the sale of Parcel A is \$15,000; and

**WHEREAS**, a public hearing was held pursuant to Virginia Code Section 15.2-1800 on March 2, 2021 at 7:00 p.m.; and

**WHEREAS**, the Board is of the opinion that the conveyance of the Property should be authorized.

**NOW, THEREFORE, BE IT RESOLVED** by the Middlesex County Board of Supervisors this 2nd day of March 2021, that conveyance of the County owned Property herein described to Delaware Corporation is hereby authorized, with all the necessary easements and access, and the Chairman, or his designee, is hereby authorized to execute a contract for the sale of Property and to execute a Special Warranty Deed from the County for the Property to Delaware Corporation pursuant to the terms herein.

A Copy Teste:



Matt Walker, County Administrator

**Major Site Plan 2020-12:**

Dave Kretz, Planning and Zoning Director, addressed the Board regarding the Major Site Plan 2020-12, submitted by Koontz, Bryant, Johnson, Williams on behalf of MHC Bethpage, LLC. The application requests site plan approval to expand an existing campground in accordance with previously approved amended proffers. The location of the property is 679 Brown's Lane, Urbanna, Virginia. It is located in the Saluda District. The current zoning is Waterfront Commercial (WC) and it is associated with proffers that were amended and approved last year. Additional parcels were added in as WC last year in a portion along Brown's Lane. He reviewed the surrounding land uses. The applicant submitted this as a phasing plan. This particular site plan includes a small area near Burrell's Marina Road. The application also includes road and entrance improvements along Old Virginia Street. There will be improvements to the intersection of Town Bridge Road and Old Virginia Street, which was a proffer condition. Queuing lanes will be set up to accommodate the check-in

point at the Guard Station. A schematic of the elevation perspective of the Guard House check-in point was submitted. Buffering will be required along Burrell's Marina Road. The Planning Commission issued preliminary site plan approval during their February 11, 2021 meeting. The Plan was forwarded to VDOT, Virginia Department of Health (VDH), HRSD, and the Town of Urbanna for comments. Comments from all four agencies were received. Based on the comments made, the consultant submitted revised plans. The revised plan will be sent to all four agencies for final review. In March 2020, the Board approved amended proffers and rezoned several additional properties from Low Density Rural (LDR) to WC. The site work will consist of construction of entrance improvements, off-site road improvements, campsites, landscaping, and associated infrastructure including, but not limited to, water service, sewage disposal, stormwater management, and drainage improvements. The existing entrance on Old Virginia Street will be improved to allow patrons with campers to enter and exit along that route rather than using the Brown's Lane entrance. The Brown's Lane entrance would still be used, but only for smaller vehicles and not large campers and motor homes. The plan was also provided to the Department of Environmental Quality (DEQ) for Stormwater Management review. Bay compliance will be achieved by means of site Best Management Practices (BMP's) and Stormwater Management. Staff recommends preliminary approval of Major Site Plan 2020-12 conditioned on the final approval from all review agencies including, but not limited to, VDOT, VDH, DEQ, HRSD, and the Town of Urbanna. The Planning Commission voted 8-0, with two absent and one abstention, to recommend preliminary approval.

The public hearing comment period was opened at 7:39 p.m.

Attorney Greg Davis informed the Board that he represented the applicant, Equity Lifestyle Properties (ELS) MHC Bethpage. He said he would be available to answer any questions.

No other speakers addressed the Board.

The public hearing comment period was closed at 7:41 p.m.

Supervisor Kimbrough said that complaints had been made by citizens about the golf cart usage and the No Wake violations and asked how ELS was planning to resolve those issues. Mr. Davis said that ELS had a robust program that would include website content, placement of signs, brochures, and notations in the golf cart regulations.

Supervisor Koontz asked about the overhead structure on the Guard House check-in area. Mark Williams, of Koontz, Bryant, Johnson, Williams, responded, saying that the booths would be manned and that electronic devices, similar to an EZ Pass, would also be available for regular visitors. Individuals without the electronic device would check-in at the manned booths.

Supervisor Koontz asked if a study had been done to include expanded capacity at the check-in area since the plan expands that area from one to three bays. He was concerned about traffic backing up on Virginia Street. Mr. Williams replied that during the original zoning case, it was analyzed and that is what prompted the 450-foot length for the queuing lanes in that area. He said they do not anticipate any traffic issues with three incoming lanes 450-feet in length.

Supervisor Mansfield questioned the improvements at the intersection of Town Bridge Road and Virginia Street. Mr. Williams stated that currently there is a concrete island with signage in the middle of that intersection. It prevents RV's, especially those pulling trailers with boats, from making that turn. The plan is to remove the island and adjust the turn. He said they ran a program to simulate an RV pulling a boat to make sure it could adequately make the turn without impacting other traffic movements.

Supervisor Mansfield asked why the buffering he saw on the plan was only for 10-feet in width. He said he thought that they had discussed a 25-foot buffer. Mr. Williams said that the 10-foot-wide buffering was internal buffers between the RV campgrounds and the active recreation areas. He said there would be additional buffering along Virginia Street. He said that once they progress into Phase 3 and Phase 4, additional buffering would be placed along Brown's Lane. There is a large, wooded area there right now that serves as a buffer.

A motion to approve Major Site Plan 2020-12, for MHC Bethpage, LLC, was made by Supervisor Mansfield, seconded by Supervisor Williams, and carried by the following roll call: Supervisor Koontz – Aye; Supervisor Mansfield – Aye; Supervisor Williams – Aye; Supervisor Kimbrough – Aye; and Chairman Jessie – Aye.

### **PUBLIC COMMENT**

Chairman Jessie opened the public comment period at 7:51 p.m.

No speakers made any public comments to the Board.

Chairman Jessie closed the public comment period at 7:52 p.m.

### **ADJOURN**

A motion to adjourn until the next Budget Work Session meeting scheduled for Tuesday, March 16, 2021 at 6:00 p.m. was made by Supervisor Kimbrough, seconded by Supervisor Williams, and carried by the following roll call: Supervisor Koontz – Aye; Supervisor Mansfield – Aye; Supervisor Williams – Aye; Supervisor Kimbrough – Aye; and Chairman Jessie – Aye.

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Wayne H. Jessie, Sr., Chairman  
Board of Supervisors