

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS HELD ON
TUESDAY, APRIL 4, 2023, IN THE BOARD ROOM OF THE HISTORIC COURTHOUSE,
SALUDA, VIRGINIA:

Present: Wayne H. Jessie, Sr., Jamaica District (via Zoom)
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 (via Zoom)
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 – Absent (arrived after roll call); Supervisor Koontz – present by zoom; Supervisor Harris – Present; Supervisor Jessie – Present (via Zoom); and Chairman Kimbrough – Present. There was a quorum.

Mr. Williams arrived to the meeting at 3:05 p.m.

Chairman Kimbrough stated that Supervisor Jessie informed the Board that he would be unable to attend the meeting in person and has requested he be allowed to join electronically.

Mr. Jessie had connectivity issues and the Zoom call dropped.

CONSENT AGENDA

Changes were made to both the February 15, 2023 Work Session and the Joint Work Session Minutes to clarify wording in both. The amended minutes would be posted on the County website.

A motion to approve the Consent Agenda, as amended, was made by Supervisor Harris, seconded by Supervisor Jessie, 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 April 4, 2023 through April 20, 2023 numbered 101687-10816 totaling \$1,947,517.01 and payroll dated April 15, 2023, totaling \$440,835.87.

PUBLIC COMMENT

Chairman Kimbrough opened the public comment period at 3:37 p.m.

Mr. Bob Jackson discussed concerns with Middlesex County's lack of business growth compared to the neighboring counties. He also voiced his displeasure, stating water and sewer area to satisfy the needs of only one part of the County and added the taxpayer will be paying for a water and sewer system that most will never utilize.

Mr. Russ Perkinson voiced his appreciation to County staff for their efforts to have a vegetative buffer installed between his property and the airport. He also asked that any future high intensity use airport development be built away from residential home. He added, he does not want to see Hummel Field turn into an all-night gas station.

Chairman Kimbrough closed the public comment period at 3:42 p.m.

CONSTITUTIONAL OFFICERS

Treasurer

Report Only.

Commissioner of Revenue

Amended Tax Relief for Elderly and Disabled Ordinance

Mrs. Heather Lewis and Mrs. Carrie DeGraw presented an amendment to the Tax Relief for Elderly and Disabled ordinance. Mrs. Lewis she stated currently the maximum amount of relief is set at \$500 and asked the Board to decide what the maximum amount should be increased to. She also was asking the Board to decide on a date to hold the Public Hearing.

Mrs. DeGraw mentioned additional changes were needed to Article 4, Section 4-2, stating that the ordinance states that the maximum allowable income is \$25,000.00; however, the actual figure that is now used is \$36,800.00. She is requesting the ordinance be amended to reflect the correct amount and explained the amount is adjusted every year based on CPI.

Mrs. Lewis asked for clarification on whether the change applies to Article 4, Section 4-2 which covers the total combined income or Article 5, Section 5-1 which covers the income bracket. and proposed that the Commissioner's Office meet with her to discuss the new change.

Mrs. DeGraw also requested a change to Article 4, Section 4-1 and said the ordinance still reflects the total asset amount of \$75,000.00; however, the correct amount should be \$100,000.00.

Mrs. Lewis requested the Board determine the maximum amount of relief to be provided, which is currently \$500.00. Mrs. Lewis recommends the Board approve increasing the total asset amount from \$75,000.00 to \$100,000.00 and select a date for the Public Hearing. She requested additional time to meet with the Commissioner's office before the scheduled Public Hearing to discuss the requested change to Article 4, Section 4-2.

Supervisor Jessie joined the meeting via Zoom. Chairman Kimbrough asked Supervisor Jessie to state the reason for attending electronically. Supervisor Jessie stated he was attending to personal business. Chairman Kimbrough said the Board needed to have a majority vote to approve Supervisor Jessie's participation by electronic means.

A roll call was taken by Ms. Ricardi to approve Supervisor Jessie's participation by electronic means: Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Koontz – Aye and Chairman Kimbrough - Aye. The vote was unanimous to allow Supervisor Jessie to participate electronically. Chairman Kimbrough asked for the minutes to reflect why Supervisor Jessie was

participating electronically and to reflect his location. Supervisor Jessie identified his location as a hotel room. Supervisor Jessie was now a voting member of the Board and there was a quorum.

There was further discussion regarding the amendments to the Tax Relief for Elderly and Disabled ordinance.

A motion approving increasing the maximum to \$750.00, holding the Public Hearing immediately and increasing the maximum amount of assets to \$100,000.00 was made by Supervisor Koontz and seconded by Supervisor Harris and carried by the following roll call: Supervisor Williams – Aye, Supervisor Jessie – Aye, Supervisor Koontz – Aye, Supervisor Harris – Aye and Chairman Kimbrough – Aye.

There was a consensus from the Board to hold the Public Hearing on April 20, 2023, at 7:00 p.m. Mr. Kimbrough asked Mrs. Lewis if she would communicate with the newspaper to publish the public announcement and Mrs. Lewis said yes. Mr. Kimbrough clarified the need for the rush, stating that before a Public Hearing, a notice must be advertised in the newspaper for the two weeks prior to the scheduled Public Hearing. He added, the Public Hearing and approval needs to be done for the Commissioner’s office to have the bills sent out in a timely manner and if a deadline is missed, it will cause a cascading problem.

AGENCY AND STAFF REPORTS

VDOT:

Report only

Schools:

Dr. Tracy Seitz explained Budget Supplement Request FY2023-34, stating this was for an insurance recovery for a damage fence from a fallen tree and the other items relate to the school nutrition program.

A motion approving Budget Supplement Request FY2023-34 was made by Supervisor Koontz and seconded by Supervisor Harris and carried by the following roll call: Supervisor Jessie – Aye, Supervisor Koontz – Aye, Supervisor Harris – Aye, Supervisor Williams – Aye and Chairman Kimbrough – Aye.

FROM:	AMOUNT:	TO:	AMOUNT:
3-071-018997-0001	(\$3,614.00)	4-071-064200-3000-900	\$3,614.00
Various Accounts	(\$203,913.11)	4-072-065100-6002-900	\$203,913.11

Social Services:

Report Only.

High School Building Committee Assignment Discussion

Ms. Ann Marie Ricardi discussed creating a High School Building Committee to meet and develop a workable plan. She said the same members on the School Finance Committee serve on the new committee but suggested having someone from the Board of Supervisors also serve. Mr. Kimbrough suggested Mr. Koontz and Mr. Jessie serve on the committee. Both Mr. Koontz and

Mr. Jessie agreed to serve on the committee. Mr. Kimbrough stated that Mr. Williams will continue to be involved in the school daily and it will be a benefit having his input.

Dr. Seitz said the committee is not a decision-making body but will be there to gather information.

Keep Middlesex Beautiful! Committee Update

Ms. Ricardi provided an update on the accomplishments of the KMB Committee, stating:

- They have designed a new logo representing all facets of Middlesex County.
- They have set up a Facebook page and have 156 followers and growing.
- They are running the Great Middlesex Green Up!

Ms. Ricardi provided additional information regarding the Great Middlesex Green Up, stating the project encourages citizens to register and volunteer to clean up a section of their favorite street in the County. She said the campaign runs from now until May 20, 2023, adding that the committee is working with community partners such as Deltaville Yacht Club and Tupelo Farm and Garden in Urbanna to distribute litter kits. She said currently there are nine groups featuring 85 participants, covering 30 miles of roadway adding that even the County Administrator's Office administration staff has signed up to do their part covering the four corners around the courthouse.

County Engineer Update:

Mr. Walker presented on behalf of Mr. Beam. Mr. Walker said the County was successful in receiving an SCS Grant from DEQ in the amount of \$800,000.00 for the Saluda Sewer System. He also said an application was submitted for a SLPP grant which is a septic systems partner program but the County has not received a determination whether we will receive it or not.

He then discussed receipt of a DEQ draft notice of violation for the landfill, which addresses reporting requirements and deadline that were not met by the County's consultant. Mr. Walker said that an extension of the review date was requested to allow the consultant time to check their records which was granted until May 1, 2023. He said there will be more to report at the May meeting.

Mr. Koontz asked for additional information on the seriousness of the violation. Mr. Walker said that the County received the letter because we are the owners but the consultant had said they will cover any fines the County would receive. Mr. Koontz asked if Mr. Walker could go back and review the contract to see if the consultant is obligated to pay. Mr. Walker said the consultant will be at the May meeting.

Mr. Harris said that there was discussions about ending the monitoring at the facility and asked if there is a due date for that to be done. Mr. Walker replied there was no due date. Mr. Koontz asked if the County pursued the neighboring homeowners, would the property have to be acquired or could easements be obtained. Mr. Walker said the consultant can address this at the May meeting.

Lastly, Mr. Walker informed the Board that the County was not awarded the \$11 million under direct funding of ARPA monies from DEQ. He said the money was off the table for at least another

year. Mr. Walker said he met with Delegate Keith Hodges and will apply again next year. He added that Delegate Hodges is planning on attending the June meeting and will discuss it further at that time.

REGULAR AGENDA ITEMS:

Citizen Appointments

Report only as there were no applications received.

Budget Supplement Request FY2023-31

Ms. Ricardi explained Budget Supplement Request FY2023-31, stating this was previously approved but not appropriated ARPA money for Broadband expansion project.

A motion approving Budget Supplement Request FY2023-31 was made by Supervisor Harris and seconded by Supervisor Williams 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:
3-059-041060-0001	(\$496,604.00)	4-059-099010-0012	\$496,604.00

Budget Supplement Request FY2023-32

Ms. Ricardi explained that the County entered into an agreement with Delaware Corporation for the runway alignment project, adding that section two of the agreement states that the County will pay Delaware Corporation any grant funds awarded to the County. She said that on March 13, 2023, the County received \$1,008,240.44 from the Virginia Department of Aviation which the County had 30 days to turn the money over to Delaware Corporation.

The Board had a brief discussion on the matter.

A motion approving Budget Supplement Request FY2023-32 was made by Supervisor Jessie and seconded by Supervisor Williams 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:
3-001-012080-0007	(\$1,008,240.44)	4-001-00020-7003	\$1,008,240.44

Mr. Koontz asked Mr. Beam to provide a spreadsheet that shows the financials for this project from the start, so the Board can have a clearer picture.

Budget Supplement Request FY2023-33

Ms. Ricardi explained this request was an appropriation of the Four for Life grant. This program stipulates that additional money is charged and collected at the time of vehicle registration and set aside to use for the Middlesex County Rescue Squad.

A motion approving Budget Supplement Request FY2023-33 was made by Supervisor Koontz and seconded by Supervisor Harris and carried by the following roll call: Supervisor Williams –

Aye, Supervisor Jessie – Aye, Supervisor Koontz – Aye, Supervisor Harris – Aye and Chairman Kimbrough – Aye.

FROM:	AMOUNT:	TO:	AMOUNT:
3-001-024040-0009	(\$14,547.52)	4-001-032030-5605	\$14,547.52

Three Rivers Health Agreement

Ms. Ricardi explained this was for a contract resolution between the County and the Three Rivers Health District and for an appropriation of \$3,703.00 from a prior appropriation that wasn't expended. Ms. Ricardi introduced Mr. Brendan Rivenbark, Chief Operating Officer for the Three Rivers Health District who explained the budget request was for the health department to carry forward \$3,703.00 of surplus for FY2022 into the cooperative budget for the current fiscal year. He said this would allow the health department to draw down an additional \$6,000.00 from the state. He added the request made was due to the state passing a budget last year that mandated bonuses for all state employees and they were looking for creative measures to meet that requirement.

A motion to adopt resolution R-2023-05 and approve Budget Supplement Request FY2023-35 was made by Supervisor Harris and seconded by Supervisor Jessie and carried by the following roll call: Supervisor Jessie – Aye, Supervisor Koontz – Aye, Supervisor Harris – Aye, Supervisor Williams – Aye and Chairman Kimbrough – Aye.

FROM:	AMOUNT:	TO:	AMOUNT:
3-001-041060-0001	(\$3,703.00)	4-001-051010-5714	\$3,703.00

**RESOLUTION
R-2023-05**

At a regular meeting of the Middlesex County Board of Supervisors held on April 4, 2023, at 3:30 p.m. in the Board Room of the Historic Courthouse, 865 General Puller Highway, Saluda, Virginia: On a motion duly made by Supervisor Koontz, and seconded by Supervisor Harris, the following Resolution was adopted by the following vote:

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

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE VIRGINIA DEPARTMENT OF HEALTH FOR THE FY 2023 FUNDING AND SERVICES OF THE MIDDLESEX COUNTY HEALTH DEPARTMENT

WHEREAS, the Middlesex County Board of Supervisors wishes to enter into an Agreement for the period of July 1, 2022 to June 30, 2023, as outlined in Virginia Code 32.1-31; and

WHEREAS, the Agreement specifies the services to be provided as required by law as well as the provisions the Middlesex County Board of Supervisors requires under local ordinance; and

WHEREAS, the Agreement requires a local payment for the cooperative budget of \$211,489.00, which was included in the fiscal year 2023 Middlesex County budget; and

WHEREAS, the Board agrees that the Middlesex County Health Department may carry forward in its budget \$3,703.00 unspent funding paid in FY 2022.

NOW, THEREFORE, BE IT RESOLVED, that the County Administrator be, and hereby is, authorized to execute the attached Agreement with the Virginia Department of Health as outlined in Virginia Code 32.1-31. Execution may be by electronic signature, as authorized pursuant to Virginia Code Section 59.1-479, et seq.

A Copy Teste:



Matt Walker, County Administrator

Mr. Kimbrough asked a question regarding the Chesapeake Bay Preservation Act and what obligations are expected of citizens along those lines? Mr. Rivenbark said that the rules are already written in the Code of Virginia that anyone residing in a coastal preservation area has to have their septic system, if they have a conventional system that doesn't have a certain filter installed, to have their system pumped and inspected every five years. He said this responsibility was passed down from the state to localities but as of July 1, 2023, it will be the responsibility of the Health Department.

ADMINISTRATOR UPDATES

Cigarette Tax

Report Only

Staff Report

Report Only

Ms. Ricardi provided an update, stating that advertising for the Commonwealth's Attorney vacant administrative assistant position and said interviews will begin next week.

FY2024 Final Budget Ad

Mr. Walker said he met with Delegate Hodges and discussed the state budget and he said they have no idea when the state budget will be adopted and said it could be as far as late June. Mr. Walker reminded everyone of the Budget Public Hearing scheduled for April 13, 2023 at 7:00 p.m.

Mr. Harris asked how the state budget will affect the County's budget. Mr. Walker said for the most part this will not affect the County's budget. Mr. Walker explained that if the state's budget is lower, the County budget could be amended to match the state's, it just can't be amended higher.

COUNTY ATTORNEY UPDATE

Mrs. Lewis had nothing to report to the Board.

UNFINISHED/NEW BUSINESS

Unfinished Business

Ms. Stephanie Heinatz provided a detailed overview of the services provided by Consociate Media. The Board had a robust discussion regarding this matter. Mr. Kimbrough said it is difficult to reach the people who are paying taxes in the County. He added as an example, that 43% of

all real estate owned in the County are by people whose mailing addresses are outside of the County. He said the economic benefit potential is substantial but Mr. Jessie said that the Economic Development Authority already has avenues for communications in place. He also voiced concerns about the costs. Mr. Harris said with all the projects going on in the County, he did not feel this was the right time and said the projects are still in the planning phases and the Board will need time to have a better grasp of direction before moving forward. Mr. Williams agreed with Mr. Jessie and Mr. Harris statements.

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 March 7, 2023.

PUBLIC COMMENT

Chairman Kimbrough opened the public comment session at 6:06 p.m.

Ms. Halle Holmes said there is someone working with the Economic Development Authority that does the same work as the PR firm and has the same ideas.

Ms. Linda Muller thanked the Board for their work with changing the short term rental rules.

Chairman Kimbrough closed the public comment session at 6:08 p.m.

ADJOURN

The Board unanimously agreed to adjourn until the Budget Public Hearing scheduled for April 13, 2023 at 7:00 p.m.

Lud H. Kimbrough, III
Chairman, Board of Supervisors