

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS HELD ON
TUESDAY, MAY 3, 2022, 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 3:00 p.m. Mr. Walker led in the Pledge of Allegiance; Supervisor Williams led the group in prayer.

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

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

The Consent Agenda included approval of minutes from the April 5, 2022, Budget Work Session, April 5, 2022 Regular Meeting, and April 21, 2022 Budget Public Hearing; disbursements dated April 8, 2022, numbered 099869 totaling \$62,421.33, and dated April 18, 2022 through May 3, 2022, numbered 099898-099975, 099976-voided, and 099977-100035 totaling \$921,197.06; and payroll dated April 15, 2022, numbered 099870-099897, totaling \$487,013.87.

PUBLIC COMMENT

Chairman Kimbrough opened the public comment period at 3:05 p.m.

Mr. Greg Grichtmeier thanked the Board regarding working with VDOT for the speed limits in his neighborhood. VDOT ended up installing speed limit signs; however, he requested the Board continue to keep up the fight to have the speed limit lowered for the community's safety. Mr. Grichtmeier voiced his disappointment for VDOT'S lack of an appeals process.

Chairman Kimbrough closed the public comment period at 3:07 p.m.

CONSTITUTIONAL OFFICERS

Ms. Traci Wright gave the information for Treasurer Kathy Thrift's Celebration of Life and Funeral Services and requested that the Treasurer's office close for the day out of respect for Mrs. Thrift. Mr. Walker also requested approval to close the Administration offices from 10:30 a.m.-12:30 p.m. to allow staff to attend the services. Mr. Walker also informed the Board that all County flags were lowered to half-staff in memory of Mrs. Thrift's passing.

Mr. Walker introduced a Resolution requesting a Special Election. Ms. Lewis reviewed the Resolution and the Writ of Special Election, saying that a special election would be held in November 2022 to fill the remaining term of the Treasurer's position created by Mrs. Thrift's passing. Until the special election, the highest ranked Deputy Treasurer, Traci Wright, will serve as the Middlesex County Treasurer.

A motion approving this Resolution was made by Supervisor Harris and seconded by Supervisor Jessie; and carried by the following roll call: Supervisor Harris – Aye, Supervisor Jessie – Aye, Supervisor Williams – Aye, Supervisor Koontz – Aye and Chairman Kimbrough – Aye.

**RESOLUTION
R-2022-004**

At a meeting of the Middlesex County Board of Supervisors held on May 3, 2022, at 3:00 p.m.: On a motion duly made by Supervisor Harris, and seconded by Supervisor Jessie, the following Resolution was adopted by the following vote:

Wayne H. Jessie, Sr.	Aye
Don R. Harris	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 TREASURER OF MIDDLESEX COUNTY, VIRGINIA

WHEREAS, on May 1, 2022, Kathy S. Thrift, Treasurer of Middlesex County, Virginia, passed away suddenly; and

WHEREAS, due to the death of the Treasurer of Middlesex County, 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 Treasurer of Middlesex County.

NOW THEREFORE BE IT RESOLVED that the Middlesex County Board of Supervisors, this 3rd day of May 2022, hereby directs the County Attorney to Petition the Circuit Court for a Writ of Special Election.

A Copy Teste:



Matt Walker, County Administrator

Sheriff's Department:

Ms. Ricardi presented a budget supplement request on behalf of the Sheriff. The Sheriff requested that funds from the E-Summons revenue that had been collected be appropriated to his telephone account to pay for wireless connection fees in the amount of \$1,879.50.

Supervisor Koontz requested a regular updated briefing be presented at the June 2022 meeting, requesting that the engineer and the Sheriff give the update.

A motion to approve Budget Supplement Request FY2022-34 in the amount of \$1,879.50 was made by Supervisor Harris and seconded by Supervisor Koontz; and carried by the following roll call: Supervisor Jessie – Aye, Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Koontz – Aye and Chairman Kimbrough – Aye.

FROM:	AMOUNT:	TO:	AMOUNT:
3-1-016010-0010	(\$1,879.50)	4-1-31020-5203	\$1,879.50

AGENCY AND STAFF REPORTS

VDOT:

No one was present from VDOT to give a report.

Mr. Walker updated the Board on routine bridge maintenance that will possibly cause traffic interruptions on the Norris Bridge on May 11 and 12, 2022, from 9:00 a.m.-3:00 p.m. Mr. Walker will notify Emergency Services.

Supervisor Koontz updated the Board on recent conversations he had with VDOT regarding parking at the Sports Complex ballpark for possible solutions with regards to traffic congestion at the ballfield and adjacent school. Supervisor Harris voiced interest in attending the meeting as well.

Schools:

No one was present from the School Board to give a report.

Mr. Walker notified the Board that similar to last year, the appropriation resolution will be included on the budget for the June meeting.

Commonwealth's Attorney:

Mr. Walker updated the Board regarding a budget transfer requested by Mr. Hurd in the amount of \$2,164.00 to adjust the pay of his legal assistant. Mr. Walker gave a brief recap of Mr. Hurd's budget presentation during the February meeting where Mr. Hurd informed the Board that he was trying to get this position reclassified and obtain additional funding for the position. Over the next few months, Mr. Hurd and Mr. Walker will be discussing this matter with the Compensation Board in an effort to have this position reclassified. In anticipation of this happening before the budget is adopted in July or next budget year, Mr. Hurd is requesting savings from maintenance service contracts to assist with bringing the position up a bit. Mr. Hurd or Mr. Walker will be submitting another budget adjustment request in July based on their efforts with the State. Mr. Walker supports Mr. Hurd's Budget Transfer Request.

A motion approving Mr. Hurd's Budget Transfer Request, FY2022-10 in the amount of \$2,164.00 was made by Supervisor Koontz and seconded by Supervisor Jessie; and carried by the following roll call: Supervisor Williams – Aye, Supervisor Koontz - Aye, Supervisor Harris - Aye, Supervisor Jessie - Aye and Chairman Kimbrough – Aye.

FROM:	AMOUNT:	TO:	AMOUNT:
4-001-022010-3005	(\$2,164.00)	Various Accounts	\$2,164.00

Social Services:

No one was present from Social Services to give a report.

Chairman Kimbrough commended Social Services for creating a video that represents the entire community and looks forward to seeing it.

Planning Director Update:

2022 All Hazards Mitigation Plan:

Mr. Kretz and Mr. Layman presented a request to consider the Resolution adopting the Middle Peninsula Mitigation Plan Update to remain compliant with the Federal Disaster Mitigation Act of 2000 requiring local governments to develop and submit mitigation plans to reduce risks from natural disasters.

Mr. Layman advised the Board that VDEM has reviewed and approved this plan. Mr. Kretz gave a brief history of the project and thanked all those involved. Mr. Kretz was in agreement with Mr. Layman, and stated the plan was fully vetted by VDEM and adopted by several localities and feels the Resolution is ready for adoption in its current state.

A motion adopting Resolution R-2022-002 was made by Supervisor Jessie and seconded by Supervisor Koontz and carried by the following roll call: Supervisor Williams - Aye, Supervisor Koontz - Aye, Supervisor Harris – Aye, Supervisor Jessie – Aye and Chairman Kimbrough – Aye.

**RESOLUTION
R-2022-002**

At a meeting of the Middlesex County Board of Supervisors held on May 3, 2022 at 3:00 p.m.: On a motion duly made by Supervisor Jessie, and seconded by Supervisor Koontz, the following Resolution was adopted by the following vote:

Wayne H. Jessie, Sr.

Aye

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

A RESOLUTION TO ADOPT THE MIDDLE PENINSULA REGIONAL ALL HAZARDS MITIGATION PLAN

UPDATEWHEREAS, Middlesex County, Virginia has experience severe damage from a host of hazards such as flooding from hurricanes, nor'easters, wildfires, winter storms, tornadoes and lightning on many occasions in the past century that have resulted in property losses, loss of life, economic hardships, and threats to public health and safety for all community residents, and

WHEREAS, the first Middle Peninsula Regional All Hazards Mitigation Plan ("the Plan") was undertaken as a regional planning project with all nine (9) jurisdictions participating in its development and adoption in 2006, 2011, and 2016, and

WHEREAS, all nine (9) Middle Peninsula jurisdictions and federally recognized Tribes in the region participated in the update of the AHMP within the Federal Emergency Management Agency's required 5-year period, and

WHEREAS, the Plan update recommends many mitigation strategies that will help to protect the residents and their property from the adverse effects of hazards that face Middlesex County, Virginia, and

WHEREAS, the Plan update was reviewed at a meeting of the Middlesex County Board of Supervisors held on May 3, 2022, as required by law.

NOW, THEREFORE, BE IT RESOLVED, by the Middlesex County Board of Supervisors, Virginia, that:

1. The Middle Peninsula Regional All Hazards Mitigation Plan update is hereby adopted as the official Plan for the Middlesex County, Virginia.
2. The respective officials/staff identified in the implementation section of the Plan update are encouraged to implement the mitigation strategies and report on their activities, accomplishments, and progress to the Middlesex County Board of Supervisors.
3. The County Administrator of the Middlesex County Board of Supervisors will report status updates on mitigation strategies to the Middle Peninsula Planning District Commission and the Federal Emergency Management Agency on an annual basis.

Adopted the 3rd day of May, 2022
A Copy Teste:



Matt Walker, County Administrator

Board of Supervisors-initiated Rezoning:

Mr. Kretz presented a request for Resolution R2022-003, Initiation of a Zoning Reclassification for Parcel 26-81; in an effort to have the parcel zoned correctly for future development in this area. Mr. Kretz discussed the plan in more detail and provided his recommendations regarding the potential project. Mr. Walker added that the Saluda Historic District is not included in the proposed area.

A motion adopting Resolution R-2022-003 was made by Supervisor Harris and seconded by Supervisor Koontz and carried by the following roll call: Supervisor Koontz – Aye, Supervisor Harris – Aye, Supervisor Jessie – Aye, Supervisor Williams – Aye and Chairman Kimbrough – Aye.

Mr. Kretz noted that this will go to the Planning Commission in June 2022 and will be brought back to the Board for their review in July 2022.

**RESOLUTION
R-2022-003**

At a meeting of the Middlesex County Board of Supervisors held on May 3, 2022 at 3:00 p.m.: On a motion duly made by Supervisor Harris, and seconded by Supervisor Koontz, the following Resolution was adopted by the following vote:

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

A RESOLUTION TO INITIATE A CONDITIONAL REZONING REQUEST TO REZONE A PORTION OF TAX PARCEL 26-81 FROM LOW DENSITY RURAL TO GENERAL BUSINESS AND VILLAGE COMMUNITY

WHEREAS, the Middlesex County Board of Supervisors requests initiation of a zoning district amendment for a portion of Tax Parcel 26-81, located along U.S Route 17 Business (General Puller Highway), from Low Density Rural to General Business and Village Community; and

WHEREAS, the Board has determined that rezoning the property would facility economic development of the Route 17 Business corridor in accord with Article 1, Section 1-1.7 of the Middlesex County Zoning Ordinance, which states "Encourage economic development and enlarge the tax base, for the general purpose of promoting the health, safety, and general welfare of the public", and

WHEREAS, the Board wishes to transition zoning districts and create buffering for the purposes of creating and maintaining harmonious uses; and

WHEREAS, this request and action will be in accord with Article 20, Section 20-1 of the Middlesex County Zoning Ordinance, which states "Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Governing Body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Procedures for amendment of this ordinance shall be those specified in Sections 20-1-A through 20-2-G inclusive."; and

WHEREAS, this request is in accord with Article 20, Section 20-1-A.1, which requires amendments to the Zoning Ordinance to be initiated by resolution of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED, by the Middlesex County Board of Supervisors, that a conditional rezoning request for a portion of tax parcel 26-81 is hereby initiated. The properties subject to the rezoning request are described as follows:

Portion of TM# 26-81 to be rezoned to General Business:

All of that certain piece or parcel of land, lying and being in the Saluda District, Middlesex County, Virginia, containing roughly 15 acres and more particularly described as follows; Beginning at a point on the north line of General Puller Highway (U.S. Route 17 Business) intersected with the eastern property line of tax parcel 26-80; thence along the northern line of General Puller Highway in a southeasterly direction 1200' more or less to a point 200' west of the western property line of tax parcel 26B-9-6 intersected with said northern line of General Puller Highway; thence in a northeasterly direction parallel with the western line of tax parcel 26B-9-6 to a point intersecting a line 500' and parallel with General Puller Highway as widened; thence in a northwesterly direction parallel with the north line of General Puller Highway to a point on the common boundary line with tax parcels 29-79, 26-12-10, 26-12-9 and 26-81; thence in a southwesterly direction to a point intersecting the aforementioned parcels and tax parcel 26-80; Thence along several courses, being the common boundary line of tax parcel 26-80 and 26-81, to said place and point of beginning.

Portion of TM# 26-81 to be rezoned to Village Community:

All of that certain piece or parcel of land, lying and being in the Saluda District, Middlesex County, Virginia, containing roughly 2.3 acres and more particularly described as follows; Beginning at a point on the north line of General Puller Highway (U.S. Route 17 Business), said point being roughly 1200' more or less from intersection of the north line of said General Puller Highway with the eastern property line of tax parcel 26-80 and 200' west of

the western property line of tax parcel 26B-9-6 intersected with said northern line of General Puller Highway; thence along the northern line of General Puller Highway in a southeasterly direction 200' to a point at the intersection of the north line of General Puller Highway and the western line of tax parcel 26B-9-6; thence in a northeasterly direction along with the western line of tax parcel 26B-9-6 to a point intersecting a line 500' and parallel with General Puller Highway as widened; thence in a northwesterly direction parallel with the north line of General Puller Highway 200' to a point; thence in a southwesterly direction roughly 500' to said place and point of beginning.

Adopted the 3rd day of May 2022

A Copy Teste:



Matt Walker, County Administrator

Sewer Updates:

Timmons Group:

Mr. Ken Turner, County Engineer Consultant gave a brief update on the Topping project. He stated that they were given the green light to begin design and discussed updated details on the project's progress.

Mr. Turner then presented his update on the Deltaville wastewater collection system preliminary report and provided a PowerPoint presentation to assist with the update. He mentioned the projects phased approach which will spread out over several years. Mr. Turner gave an overview of the systems operation. Providing information on alternate systems as well as his recommendations.

The Board presented their questions to Mr. Turner which was then followed by a lengthy and in-depth discussion regarding this project.

HRSD:

Mr. Jeremiah Burford is the County representative from HRSD. He informed the Board that HRSD sent out the project for bids and received two bidders, Tidewater Utility Construction Inc. and Walter C. Via Enterprises, Inc., with Tidewater being the apparent low bidder. HRSD would like to proceed with awarding the contract to Tidewater Utility Construction Inc. Mr. Burford advised the Board that the discrepancies with these bids are in part due to the market volatility and the overall costs of the project.

The Board had a robust discussion regarding the matter.

Mr. Walker recommended proceeding with portions of the project at Cooks Corner such as the lift station and the bare minimum gravity sewer system at an approximate cost of \$1.823 million; and then review and consider the E1 Grinder system for the rest of the project.

A motion to approve the Cooks Corner portion as presented by HRSD and recommended by Mr. Walker; was made by Supervisor Koontz and seconded by Supervisor Harris; and

carried by the following roll call: Supervisor Harris – Aye, Supervisor Jessie – Aye, Supervisor Williams – Aye, Supervisor Koontz – Aye and Chairman Kimbrough – Aye.

RECESS

Chairman Kimbrough declared a recess for 10 minutes at 5:35 p.m.

RECONVENE

Chairman Kimbrough called the meeting back to order at 5:45 p.m.

REGULAR AGENDA ITEMS

Citizen Appointments:

A motion recommending the citizen appointments be tabled until the June meeting was made by Supervisor Koontz, seconded by Supervisor Harris and carried by the following roll call: Supervisor Jessie – Aye, Supervisor Williams – Aye, Supervisor Koontz – Aye, Supervisor Harris – Aye and Chairman Kimbrough – Aye.

RCE Deed:

Ms. Lewis discussed the RCE Deed. This property was formerly owned by the EDA; with a clause stipulating that if the property wasn't used by a specific date for business development and economic growth, the property would be returned to Middlesex County. The EDA has signed the deed returning the property to the Board of Supervisors; authorization is needed from the Board to receive it.

A motion authorizing receipt of the property was made by Supervisor Harris and seconded by Supervisor Jessie and carried by the following roll call: Supervisor Williams – Aye, Supervisor Koontz – Aye, Supervisor Harris – Aye, Supervisor Jessie – Aye and Chairman Kimbrough – Aye.

VPPSA Debris Monitoring agreements:

Ms. Ricardi presented the agreement with VPPSA regarding the debris monitoring after a disaster, which is required by any FEMA grant. This agreement covers the contracts for the VPPSA debris monitoring.

A motion approving the agreement with VPPSA was made by Supervisor Jessie and seconded by Supervisor Harris and carried by the following roll call: Supervisor Koontz – Aye, Supervisor Harris – Aye, Supervisor Jessie – Aye, Supervisor Williams – Aye and Chairman Kimbrough – Aye.

ADMINISTRATOR UPDATES

Rosegill Letter

Mr. Walker discussed the letter from the developer, Bay Design, for Rosegill Phase I, requesting to be included in any HRSD sewer study for future development.

A motion approving that Rosegill Phase I be included in the HRSD sewer study was made by Supervisor Harris and seconded by Supervisor Williams and carried by the following roll call: Supervisor Harris – Aye, Supervisor Jessie – Aye, Supervisor Williams – Aye, Supervisor Koontz – Aye and Chairman Kimbrough – Aye.

Election District Boundary Line Adjustments

For informational purposes only, Mr. Walker updated the Board on the Certification of No Objection for the Election District Boundary Line Adjustments being granted. Mr. Walker commended Mr. Glenn Nix for the work he did on this project.

Heritage Trail Ribbon Cutting

Ms. Ricardi informed the Board of the Heritage Trail ribbon cutting ceremony scheduled for May 5, 2022, at 5:00 p.m.

COUNTY ATTORNEY UPDATE

Ms. Lewis advised the Board the LGA conference was very informative and was thankful for the opportunity to attend.

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

Board Members reported on their activities and meetings since the last regular meeting on April 5, 2022.

PUBLIC COMMENTS

Chairman Kimbrough opened the public comment period at 6:08 p.m.

No speakers addressed the Board regarding any topics.

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

RECESS

Chairman Kimbrough called recess until 7:00 p.m.

RECONVENE

Chairman Kimbrough reconvened the meeting at 7:00 p.m.

PUBLIC HEARINGS

A. Oyster Festival Ordinance Update

Ms. Lewis advised the Board that this was a routine ordinance which needs updating every 5 years. There were no changes and no objections.

Chairman Kimbrough opened the Public Hearing at 7:03 p.m.

No one addressed the Board with any comments.

Chairman Kimbrough closed the Public Hearing at 7:03 p.m.

A motion to adopt the Oyster Festival Ordinance was made by Supervisor Koontz and seconded by Supervisor Harris and carried by the following roll call: Supervisor Jessie – Aye, Supervisor Williams – Aye, Supervisor Koontz – Aye, Supervisor Harris – Aye and Chairman Kimbrough – Aye.

B. Broad Creek No Wake Zoning Ordinance

Ms. Lewis explained this ordinance is to re-establish the No Wake Zone Ordinance for Broad Creek. The Department of Wildlife Resources (DWR) must also approve this to make this enforceable.

Chairman Kimbrough opened the Public Hearing at 7:05 p.m.

Mr. Adkins spoke and advised the Board they will take care of the signs. As he understands, this is not enforceable at this time, but signs will make it enforceable. There are some conflicts between VMRC and DWR as to the enforceability of this ordinance.

Supervisor Harris made suggestions on notifying the public of this change. Ms. Lewis agreed if the Board wished to do so; however, she also mentioned putting the updated information on the County's website and Mr. Walker suggested sending mailings to the local marinas updating them of this information and if all is approved, notice would be sent to VMRC to begin enforcement.

Mr. Pringle agrees with the Adkins regarding the problems in this area and does not want the County to be liable for this. He supports adoption of this ordinance. VMRC will enforce once the ordinance is adopted.

Chairman Kimbrough closed the Public Hearing at 7:13 p.m.

A motion to adopt the Broad Creek No Wake Zone Ordinance was made by Supervisor Harris and seconded by Supervisor Koontz and carried by the following roll call: Supervisor Williams – Aye, Supervisor Koontz – Aye, Supervisor Harris – Aye, Supervisor Jessie – Aye and Chairman Kimbrough – Aye.

ADJOURN

A motion to adjourn until the next regular meeting on Tuesday, June 7, 2022, at 3:00 p.m. was made by Supervisor Jessie, seconded by Supervisor Harris, and carried by the following roll call: Supervisor Williams – Aye; Supervisor Koontz – Aye; Supervisor Harris – Aye; Supervisor Jessie – Aye and Chairman Kimbrough – Aye.

Lud H. Kimbrough, III
Chairman, Board of Supervisors