

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS HELD ON
TUESDAY, JUNE 7, 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. Supervisor Williams led the group in prayer and Mr. Walker led in the Pledge of Allegiance.

ROLL CALL

Attendance was taken by Mrs. Muncy 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 amended, minus both the April 28, 2022 and May 3, 2022 minutes, was made by Supervisor Harris, seconded by Supervisor Jessie, and carried by the following roll call: Supervisor Harris – Aye; Supervisor Williams – Aye; Supervisor Jessie – Aye; Supervisor Koontz – Aye; and Chairman Kimbrough – Aye.

The Consent Agenda included approval of disbursements dated May 16, 2022 through June 30, 2022, numbered 100062-100325 totaling \$840,228.15; and payroll dated May 16, 2022, numbered 10036-100061, totaling \$472,049.43.

Ms. Lewis recommended that on page four of the April 28, 2022 minutes, the public speakers name be changed to read as Dawn and the May 3, 2022 minutes under Public Hearing, subsection B, add Supervisor Harris asked staff how the public would be made aware of the new wake zone.

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

PUBLIC COMMENT

Chairman Kimbrough opened the public comment period at 3:06 p.m.

Mr. Whitener is a 22-year veteran of the United State Navy as a submarine officer; he commended the County for the patriotic and prayerful Veterans Day ceremony last November. Mr. Whitener spoke about the historical stone memorials on the courthouse grounds; in particular, the 1910 monument erected by the Middlesex Chapter of the Daughters of the Confederacy. He noted that the monument was erected to commemorate the valor and patriotism of the men and the devotion and sacrifice of the women of Middlesex County and because of this, he thinks it an anti-war monument and recommends that the monument be left where it sits, to serve as a reminder of our history so it's not repeated.

Mr. John Fleet spoke about several matters involving VDOT and road conditions. The first noted concern he mentioned was with the Middlesex County Sports Complex entrance road needing improvements and a shoulder installed. This has become a trip hazard for visitors of the ballfield. The second area of concern he discussed was the increase in traffic on Route 629 and the severe potholes along the road; he requested road improvements be done. Lastly, Mr. Fleet discussed Fairfield Road and safety issues resulting from the impromptu drag racing as well as the dead-end impromptu party area. He has concerns for his extended family living along that road and the dangerous situation they are faced with. He suggests installing a few speed bumps to deter people from using this roadway in the manner they have been.

Chairman Kimbrough closed the public comment period at 3:13 p.m.

CONSTITUTIONAL OFFICERS

Ms. Traci Wright updated the board with the most current numbers as of close of business June 6, 2022. She stated that the current collection rate is 55% compared to the same time last year which was at 60%. Ms. Wright believes they are right on target for the first half of the real estate taxes.

Mr. Harris asked if Ms. Wright foresaw any issues with delaying the due date for tax payments. Ms. Wright stated that she doesn't believe this will cause any issues, she mentioned that a small percentage of people were not sure the request to delay tax payments would pass and paid their bill. The people who had questions regarding the tax due date were directed to contact their BOS representative. Ms. Wright added that the people who have come into the office in person, were invited to attend tonight's meeting.

Mr. Kimbrough commended Ms. Wright for her flexibility and willingness to work with the Board on this matter. Mr. Williams also extended thanks to Ms. Wright for all she is doing.

Ms. Mae Burke, Commissioner of Revenue, was available for questions from the Board on her submissions. Mr. Williams inquired about Personal Property Tax increases and how it will impact the county's revenue budget. Ms. Burke explained that FY2022 tax revenue

from Personal Property Taxes will fall under FY2023; therefore, the increase will not reflect on this current budget cycle. Mr. Williams asked whether there would be an increase in Personal Property taxes in FY2023; Ms. Burke added clarification that she is not saying there will be no increase for taxpayers and she wouldn't see the JD Powers assessed file until closer to August.

AGENCY AND STAFF REPORTS

Economic Development Authority

Mr. Walker introduced Mr. Trent Funkhouser as the new Economic Development Director for Middlesex County.

VDOT

No one was present from VDOT to give a report.

Mr. Kimbrough requested that Mr. Walker speak with VDOT and set up a meeting between VDOT and Mr. Fleet.

Mr. Koontz added that he has already met with Mr. McKnight from VDOT regarding the Middlesex County Sports Complex Road. He believes that everyone is aware of the issue and knows there's a problem. Mr. Koontz agrees that given the other road issues discussed by Mr. Fleet, a meeting with VDOT was warranted. Mr. Koontz stated he will keep the dialogue ongoing with VDOT and get the meeting between Mr. Fleet and VDOT to keep things moving forward.

Mr. Walker stated that he will invite the VDOT representatives to attend the July meeting. He also wanted to update everyone that VDOT is centralizing their processes through a call center. Citizens can now call a 1-800 number which starts a tickler to address issues. Mr. Walker believes this will be the best way to get road maintenance issues resolved.

Mr. Koontz suggested putting the 800 number for VDOT on the County's website to help get the word out.

Mr. Harris mentioned that it would be a good idea for the Board to be given a brief synopsis of the conversation between Mr. Fleet and VDOT. This will give the Board an idea of how involved the Board will need to be in the process.

Schools

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

A motion to approve Budget Supplement Request 37, 38 and 39 and Budget Transfer Request #11 was made by Supervisor Koontz and seconded by Supervisor Jessie and carried by the following roll call: Supervisor Williams – Aye, Supervisor Jessie – Aye, Supervisor Koontz – Aye, Supervisor Harris – Aye and Chairman Kimbrough – Aye.

FROM:	AMOUNT:	TO:	AMOUNT:
3-071-018991-0001	(\$6,095.05)	4-071-064200-3320-900	\$6,095.05
3-072-031055-7000	(\$23,616.23)	4-072-065100-6002-900	\$23,616.23
3-071-038439-6006	(\$29,471.00)	4-071-064200-8100-900	\$29,471.00
3-072-038439-6002	\$118,734.41	3-071-038439-6002	(\$118,734.41)
4-072-06500-600-900	(\$118,734.41)		
4-071-061310-1134-900-100	(\$52,333.20)		
4-071-061310-1621-900-100	(\$1,371.07)		
4-071-061310-2101-900-100	(\$21,004.16)		
4-071-061310-3002-900-100	(\$7,750.00)		
4-071-061100-6002-310-100	(\$6.34)		
4-071-061310-6002-900-100	(\$24,691.92)	4-071-064200-8102-900	\$225,891.10

Social Services

Ms. Rebecca Morgan presented a video overview of the services offered by her office. Mr. Jessie commended Ms. Morgan for her use of the grant monies provided to her department. Mr. Kimbrough commended Ms. Morgan and her staff on successfully navigating through COVID over the past few years.

A motion approving Budget Supplement Request 2022-35 was made by Supervisor Koontz and seconded by Mr. Jessie and carried by the following vote: Supervisor Jessie – Aye, Supervisor Koontz – Aye, Supervisor Harris – Aye, Supervisor Williams – Aye and Chairman Kimbrough – Aye.

FROM:	AMOUNT:	TO:	AMOUNT:
3-1-024010-0002	(\$5,000.00)	4-1-053010-5746	\$5,000.00

Middlesex County Sports Complex Committee

Mr. Fleet presented the Board with an update on recent activities at the Middlesex County Sports Complex. Mr. Fleet gave a brief history of the Complex and shared photos with the Board. Mr. Fleet discussed some the improvements they have undertaken, such as the pavilion, built mostly by donations and a new roof was put on the clubhouse. He mentioned that the soccer field was extended and is now doubled in size, as well as all fencing was painted to extend its life by 10-15 years, several of the fields have had underground drainage installed and improvements to the concession kitchen were made. Mr. Fleet commended the volunteers who help maintain the facility for their dedication and hard work.

Sewer Updates

Mr. Burford is the HRSD representative assigned to this project. As per the discussion from the last meeting regarding the Cooks Corner project, he informed the Board that Tidewater Utilities removed the requested sections; however, the revised price increased by approximately \$600,000 from their original bid, bringing the total to \$2.467 million. Mr. Burford proposed a \$3.164785 million project cost to include a 6% contingency, a \$135,218 construction contract for SEI, which is the SCADA contractor for this pump station. He added that this also includes design and CACI services.

Mr. Walker wanted to remind the Board during conversations at last month's meeting, the gravity system came in much higher for this project and the revision cuts the majority of the gravity system at Cooks Corner out of the project and scales back the HRSD component such as the lift station, force main and gravity system which are all pieces necessary to bring the lines back to the road. However, Mr. Walker added, not included in the \$3.164 million cost, is the estimated million dollar for the County's own low pressure system collection lines, and Timmons costs for reengineering certain aspects of the project. Mr. Walker stated, if the County continues down this path, basically pivoting to a low-pressure system, the cost would be \$4.4 million. Mr. Walker reminded the Board that the bid last May which covered everything including engineering costs, came in at \$4.18 million; therefore, by removing the gravity portion, there was a savings on construction, but costs increased to reengineer the project and add lines, bringing the total costs to more than the original bid.

Mr. Jessie stated that it seems better to keep things the way they were originally versus the low-pressure system.

Mr. Walker concurred with Mr. Jessie, adding that the increase from last month's estimates is the increase in construction costs, million dollar estimate for the County's own LPS lines and engineering costs of an estimated \$265,000 for the County to engineer its own LPS lines.

Mr. Harris asked about the Timmons presentation. Mr. Walker replied if things move forward with the low-pressure system, then the Board would need to approve Timmons agreement. However, if the Board remains with the gravity system at \$4.18 million which was originally bid last May, the Timmons agreement wouldn't be needed. Mr. Walker added that as a result of discussions during last month's meeting, HRSD paused the Saluda and Hartfield engineering that was currently at the 50% completed stage, to see which direction the County was moving towards. Currently, the estimates for the gravity system at these two locations are as high or higher than the Cooks Corner location, if the consensus is to pivot to low pressure at these two locations, then a revised proposal will need to be obtained from Timmons.

Mr. Walker suggested that a work session may be needed for the Board to go into in depth discussions regarding this project.

Mr. Kimbrough asked if the low-pressure system is selected the County would be responsible for maintaining and operating the system and would collect associated fees; whereas, the gravity system would be under the responsibility of HRSD.

Mr. Walker stated that essentially that was correct and that the annual estimated revenue would be \$13,000.00. He added that there would be connection fees regardless of who maintains the system, which could aid in paying for the project. Mr. Walker said if HRSD is maintaining the system, then they would collect the system portion of the user fees.

Mr. Koontz questioned if there was anything that ties the Cooks Corner portion of the project to the Hartfield portion and whether the project can have different systems at different locations that wouldn't interfere with each other. He asked if making the decision now, either way, has any impact on Hartfield and other locations? Mr. Burford explained that there should be no impact in Hartfield or Saluda, other than who is maintaining the systems.

Mr. Koontz agreed on having a work session to discuss matters further. Although he does not want to hold things up, he also says he wants to understand more before he agrees to move forward.

Mr. Walker said that comparing Hartfield, Saluda and Cooks Corner is not comparing apples to apples. Mr. Walker went on to add that a good way to look at this is Cooks Corner is a 100% engineered system versus reversing 20% of the engineering and reengineering it to a different type of collection system.

Mr. Walker said that Cooks Corner is a separate situation with the \$4.18 million cost. He added that based on the information available, Mr. Walker would highly recommend pursuing a low-pressure system in both Hartfield and Saluda. He stated that he believes the low-pressure system is easier on the roads and easier to install since they wouldn't have to work around the utilities.

Mr. Walker added that in May, the estimate for the lift station and gravity system was \$1.8 million. He added that since HRSD went back to renegotiate with the low bid contractor, the estimate currently is \$2.4 million. As depicted in Mr. Burford's presentation, there are engineering costs, design, and pre-construction costs that the County is responsible for, then construction costs, etc. which increases the total to \$3.1 million; with adding in low pressure lines, the total now increases to \$4.4 million.

Mr. Walker stated that initially there was a discussion of possibly rebidding the project to see if they could obtain a lower price; however, they've seen bids work in the opposite and instead the costs increase. Mr. Burford provided an example of a recent project in another county where this happened.

Mr. Walker added that interest rates have risen from 2% to 3% and believes the \$1.7 million dollars was based on the estimate at the time which was 2%; however, it will need to be modified to allow for the increased cost if the project moves forward. However, Mr. Walker also mentioned that the project is still under budget.

Mr. Williams asked Mr. Burford, after what he has observed, which system does he feel is best for the County and why. Mr. Burford replied that he could see benefits with both systems. It will depend on whether the County wants to be responsible or do they want HRSD to manage and maintain the system.

Mr. Williams stated he could see the benefits and disadvantages of both systems and felt a work session would be beneficial.

Mr. Walker introduced Mr. Ken Turner from Timmons, who could answer any questions the Board may have.

Mr. Jessie said that Cooks Corner is so far along, the cost to switch to another system does not seem to make sense. Mr. Jessie added that a decision must be made soon because the cost will keep increasing.

Mr. Kimbrough agreed with Mr. Jessie and stated that he would be in favor of a work session if that is what the Board agreed upon.

Mr. Williams stated a work session is always good for a better understanding, adding that his decision will be based on what the professionals have presented and the numbers as well.

Mr. Walker added that if the Board chose to move forward with the gravity system, then Cooks Corner is set, and Mr. Burford could report that back to the Commission. He requested the Boards authorization to pause Saluda and Hartfield until the work session.

Mr. Harris asked for clarification on making decisions during a work session. Mrs. Lewis explained that decisions could be made in a work session and not have to wait until a regular meeting. She suggested the work session would take place with the intent on acting and added that a decision could be made at a later date as long as it was made by HRSD's deadline.

Mr. Kimbrough asked how many days' notice would have to be given for the work session. Ms. Lewis stated that it would be 3 working days, or they could announce it today for a work session the following day.

Mr. Walker clarified that Mr. Burford had to present the information to the Commission by that coming Friday. Mr. Burford confirmed that information and added that this was what was agreed upon between HRSD and Middlesex County.

Mr. Walker recommended that the Board approve the Cooks Corner project moving forward with HRSD's gravity system and added that the work session would give an opportunity for the Board to be fully briefed on options for Saluda and Hartfield.

A motion to approve HRSD to move forward with the gravity system at Cooks Corner for \$4.18 million as originally designed and schedule a work session to discuss systems for Saluda and Hartfield was made by Supervisor Koontz and seconded by Supervisor Jessie; and carried by the following roll call: Supervisor Koontz – Aye, Supervisor Harris – Nay, Supervisor Williams – Aye, Supervisor Jessie – Aye and Chairman Kimbrough – Aye.

Ms. Lewis advised that direction was needed to put the Saluda and Hartfield portion of the project on hold. Mr. Walker asked the Board if their intent was to put Saluda and Hartfield on hold until the work session to make a final decision. Mr. Koontz noted his agreement that as long as it was done in a timely manner to avoid any further delays. Mr. Kimbrough officially stated the will of the Board was to pause Saluda and Hartfield until the work session.

Middlesex County Broadband Authority

Mr. Koontz briefly discussed the Broadband Authority report and asked anyone that had questions or wanted to provide feedback to contact either he or Mr. Kevin Gentry.

Airport Project Comprehensive Agreement Update

Mr. Flynn presented several reports and discussed updates on the Airport Project. He also presented an amended the Comprehensive Agreement and explained that the cost of the project has increased from \$1.3-\$1.5 million and also confirms that the only obligation for Middlesex County is to send Delaware Corporation the monies that the Department of Aviation awards the project.

A motion was made by Mr. Harris to approve the resolution amending the comprehensive agreement and seconded by Mr. Jessie and carried with the following roll call: Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Jessie – Aye, Supervisor Koontz – Aye and Chairman Kimbrough – Aye.

**RESOLUTION
R-2022-007**

At a meeting of the Middlesex County Board of Supervisors held on June 7, 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:

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

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

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

WHEREAS, Delaware Corporation originally stated a contract amount of One Million, Three Hundred Thousand Dollars (\$1,300,000.00) in its proposal, which proposal was incorporated into the Agreement; and

WHEREAS, costs of materials for runways and other materials required to carry out the improvements have increased dramatically since execution of the Agreement.

NOW THEREFORE BE IT RESOLVED by the Middlesex County Board of Supervisors that the Comprehensive Agreement with Delaware Corporation is hereby amended such that Delaware Corporation may submit its contract costs under Section 4 of the agreement in amounts exceeding the proposed contract amount set out in Delaware Corporation's proposal, but not to exceed a total of One Million Five Hundred Thousand Dollars (\$1,500,000.00). The County will act on all project costs pursuant to the provisions of section 7 of the Agreement. Notwithstanding the above, the County's maximum obligations to Delaware Corporation will remain as set out in section 7 and any other provisions of the Agreement.

This resolution shall be agreed to by signature of the principal of Delaware Corporation and shall be incorporated into the Agreement.

Done on this 9th day of June, 2022.

A Copy Teste:



Matt Walker, County Administrator

Aviation Easements:

Mr. Flynn went on to discuss the DEQ study and issues with property owners' unwillingness to sign easements. Mr. Walker stated that Mr. Flynn was authorized to negotiate the easements with the property owners, and then asked if the property owners were aware that the project cannot continue without obtaining the easements. Mr. Flynn stated that the

property owners were aware, and their unwillingness was not for reasons of money but rather principal. Mr. Walker followed up by asking if the property owners were aware that if the County proceeds with eminent domain, the offer could be less? Mr. Walker added that he did not think the County or the Water Authority or HRSD, ever wants to go through with eminent domain but to proceed with this project, there may not be another option. Mr. Flynn reiterated that he did advise the property owners of this.

Mr. Walker suggested discussing this matter further during the closed session and added that action could be taken once they come out of the closed session. Mr. Walker wants to see if there are other options before moving forward.

Planning Director

Mr. Kretz discussed reviewing and if needed, amending Section 15-29 related to Tourist Homes or short-term rentals.

Mr. Kretz also briefly discussed three projects having advanced to the next stage in Smart Scale; the widening of Town Bridge Road, possible improvements to Regent Road and Route 3 intersection and the intersection improvement at the corner of Stampers Bay Road and Twiggs Ferry Road. Mr. Kretz will provide progress updates to the Board going forward.

Pump and Haul Ordinance and Agreement

Mr. Longest discussed the proposed Pump and Haul Ordinance and Agreement stating that the main purpose would be if there is a business having issues with their own system, they could be put on a pump and haul until they can be put on the main sewer when it is available.

Ms. Lewis added that, there would be something in place that provides clear guidelines how to proceed should a structure need a long-term solution. The property owner could submit an application that would be reviewed and fully vetted by the Health Department. It allows commercial and residential structures to exist until a permanent solution can be found. However, because this is a longer temporary solution, the property owner would need to be bonded and will have to have a system in place to ensure they are properly pumping. In the end, the County is ultimately responsible. Therefore, it is important to have a detailed ordinance outlining certain requirements that will be in place to give the County financial options should a property owner not comply with the rules.

Mr. Kimbrough stated he was aware of how important this is. Ms. Lewis requested this be moved to the next Public Hearing, all agreed. She stated that it will either be on the July or August agenda.

REGULAR AGENDA ITEMS

Citizen Appointments

Mrs. Muncy mentioned several vacant positions with interested applicants, and some even have multiple applications. Ms. Lewis reminded the Board of the one applicant who was carried over from the last meeting. Mr. Kimbrough gave an update on Mr. Ingram's eligibility to serve and stated that Mr. Ingram is now a property owner in the county and meets the state code requirements. Ms. Lewis advised the Board of the procedures for multiple vacancies and when multiple applicants have applied for a position.

A motion to appoint Mr. Ingram to the Board of Zoning Appeals was made by Supervisor Koontz and seconded by Supervisor Jessie; and carried by the following roll call: Supervisor Williams – Aye, Supervisor Jessie – Aye, Supervisor Koontz – Aye, Supervisor Harris – Aye and Chairman Kimbrough – Aye.

Mr. Kimbrough said that there were three applications received for the vacant Economic Development position. He then discussed each of the candidates' qualifications and recommended Mr. Heyman for this position.

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

Mr. Koontz recommended that Mr. George Snead be appointed to the Johnson Grass committee and Mr. Baxter Phillips to the Keep Middlesex Beautiful-Litter Committee. He recommends Ms. Marilyn South and Mr. R.D. Johnson to the Planning Committee, Mr. Woodson Armstead to the Wetlands Board, Mr. Casey Mewborn and Mr. Steve Barnett to the Broadband Authority and Mr. Lud Kimbrough, Mr. Carlton Revere and Ms. Janet Riggs to the Water Authority.

A motion to appoint Mr. George Snead to the Johnson Grass committee and Mr. Baxter Phillips to the Keep Middlesex Beautiful-Litter Committee, Ms. Marilyn South and Mr. R.D. Johnson to the Planning Committee, Mr. Woodson Armstead to the Wetlands Board, Mr. Casey Mewborn and Mr. Steve Barnett to the Broadband Authority and Mr. Lud Kimbrough, Mr. Carlton Revere and Ms. Janet Riggs to the Water Authority was made by Supervisor Koontz and 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 – Abstain.

Ms. Ricardi stated that Ms. Alice Brooks had applied for the Social Service Advisory Board but does not appear on the appointment list but the application is in the packet.

A motion to appoint Ms. Alice Brooks to the Social Services Advisory Board was made by Supervisor Jessie and seconded by Supervisor Koontz and carried by the following roll call: Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Jessie – Aye, Supervisor Koontz – Aye and Chairman Kimbrough – Aye.

Ryan Ingram	Board of Zoning Appeals	Filling term expiring 4/30/26
Joe Heyman	Economic Development Authority	Filling term expiring 1/31/24
George Snead	Johnson Grass Committee	No term limit
Marilyn South	Planning Commission	Unlimited 4-year term expires 6/30/26
R.D.Johnson, II	Planning Commission	Unlimited 4-year term expires 6/30/26
Woodson Armstead	Wetlands Board	Unlimited 5-year term expires 6/30/27
Casey Mewborn	Broadband Authority	Unlimited 4-year term expires 6/30/26
Lud Kimbrough	Water Authority	Unlimited 4-year term expires 6/30/26
Carlton Revere	Water Authority	Unlimited 4-year term expires 6/30/26
Janet Riggs	Water Authority	Unlimited 4-year term expires 6/30/26

Middle Peninsula Juvenile Detention Center Commission

Ms. Ricardi explained that this was for reappointment; however, most counties have one representative and not two and suggested that Mr. Walker be reappointed.

A motion to reappoint Mr. Walker to the Middle Peninsula Juvenile Detention Center Commission was made by Supervisor Jessie and seconded by Supervisor Koontz and carried by the following roll call: Supervisor Williams – Aye, Supervisor Jessie – Aye, Supervisor Koontz – Aye, Supervisor Harris – Aye and Chairman Kimbrough – Aye.

Middlesex Broadband Authority Budget Supplement Request 2022-40

Ms. Ricardi introduced a request to the Board for \$80,000 of ARPA funds for next year. This money will continue to fund MBA project management, legal services, All Points broadband design, staff stipends and minor office supplies. Ms. Ricardi added information regarding several projects over the past year that ARPA funds were used for, such as funding for fire departments and there was an appropriation of \$125,000 for a piece of equipment to be used by the libraries. Mr. Kimbrough asked for clarification if these funds originated from federal sources. Ms. Ricardi replied the funding was federal and the County has received half and are expecting the other half this month or next.

A motion approving Middlesex Broadband Authority Budget Supplement Request 2022-40 was made by Supervisor Jessie and seconded by Supervisor Williams 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:
3-1-41060-001	(\$80,000.00)	4-1-099010-0031	\$80,000.00
3-059-041050-0045	(\$80,000.00)	4-059-10010-001	\$80,000.00

FY23 Appropriations Resolution

A motion approving the FY23 Appropriations Resolution was made by Supervisor Jessie and seconded by Supervisor Koontz and carried with the following roll call: Supervisor Koontz – Aye, Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Jessie – Aye and Chairman Kimbrough – Aye.

RESOLUTION

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS, HELD ON TUESDAY, JUNE 7, 2022, AT 3:00 PM: 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
John B. Koontz, Jr.	Aye
Peter W. Mansfield	Aye
Reginald A. Williams, Sr.	Aye
Lud H. Kimbrough, III	Aye

A RESOLUTION APPROPRIATING FUNDS FOR THE FISCAL YEAR BUDGET BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023 FOR MIDDLESEX COUNTY, VIRGINIA

WHEREAS, upon notice duly published in the newspaper, a public hearing was held on April 21, 2022, concerning the adoption of the annual budget for Middlesex County for the fiscal year beginning July 1, 2022 and ending June 30, 2023; and

WHEREAS, the Board has held budget work sessions at which members have reviewed citizen comments, analyzed, deliberated, and made necessary revisions to create a budget; and

WHEREAS, the Board of Supervisors of Middlesex County, Virginia, approved said budget on April 28, 2022; and

WHEREAS, it is now necessary to appropriate certain funds to implement the FY 2022-23 budget.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Middlesex County, Virginia this 7th day of June 2022 that the following appropriations are made for FY 2023 for the following functions:

Major Fund Number	Description	Adopted FY2023
10010	Total County Debt Service	1,224,164
10020	Total Airport	210,411
11010	Total Board of Supervisors	128,690
12010	Total County Administrator	580,213
12020	Total County Engineer	145,400
12040	Total County Attorney	244,131
12080	Total Independent Auditor	37,500
12090	Total Commissioner of Revenue	294,447
12100	Total Assessor	79,242
12130	Total Treasurer	344,107
12190	Total Insurance/Risk Management	155,000

12200	Total Data Processing	318,942
13010	Total Electoral Board	125,482
13020	Total Registrar	167,666
21010	Total Court Facility	217,255
21020	Total General District Court	12,150
21030	Total Juv&Dom Rel Ct Services Unit	45,000
21040	Total Magistrate	950
21050	Total Merrimac Center	88,006
21060	Total Circuit Court Clerk	367,646
21070	Total Victim/Witness	74,144
21100	Total Juvenile Court	4,869
22010	Total Commonwealth's Attorney	260,975
31020	Total Sheriff	2,374,562
31060	Total School Resource Officer	199,633
32010	Total Volunteer Fire Departments	400,000
32020	Total Fire Department Meals Tax	62,000
32030	Total Rescue Squads	241,000
32040	Total Rescue Squad Meals Tax	15,500
33010	Total Regional Jail	1,000,519
34010	Total Building Inspection	169,663
35010	Total Animal Control	135,314
35030	Total Medical Examiner	1,200
36010	Total Rescue Coverage	625,000
36050	Total Emergency Services	369,188
36090	Total E911/GIS Mapping	124,441
42020	Total Litter	11,500
42030	Total Convenience Centers	153,269
42060	Total Landfill Maintenance	33,700
42070	Total VPPSA	852,123
43020	Total General Properties	882,886
51010	Total Health	226,489
52010	Total Mental Health	41,544
53010	Total Welfare	1,909,359
53050	Total Bay Aging	92,018
53090	Total Virginia Housing Dev.	2,292
53100	Total Vocational Rehab. Centers	5,000
53120	Total Animal Care Organizations	5,000
53140	Total Food Bank	5,000
53150	Total Comprehensive Services	744,000
53160	Total Workforce Development	2,646
60000	Total Education	6,966
63200	Total VA School League Activities	-
71010	Total Parks & Recreation	72,294
71040	Total Sports Complex	30,980
71050	Total YMCA	47,500
72020	Total MUSEUMS	25,000
73020	Total Regional Library	145,000
81010	Total Planning	199,702

81040	Total Zoning Administration	66,764
81050	Total Econ. Dev. and EDA	92,115
81060	Total BZA	4,352
82030	Total Soil & Water Conservation	4,750
82040	Total Wetlands	13,630
82050	Total Forestry Service	3,693
83030	Total Extension Service	33,590
89000	Non-Departmental Exp.	1,452,222
99010	Total Transfers Out	13,294,183

Total General Fund Expenses 31,303,977

BE IT FURTHER RESOLVED that the Middlesex County Board of Supervisors has included funds in the County General Fund for Middlesex Public Schools and that appropriations to the School Operating Fund (071) in the amount of \$11,100,000 and \$1,146,464 for School Debt Service, are hereby approved and an appropriation in the amount of \$7,507,103 is hereby approved subject to and contingent upon the availability of funding from the Federal government in the amount of \$855,351, from the state government in the amount of \$6,517,140, and from other local revenues in the amount of \$134,612.

BE IT STILL FURTHER RESOLVED that the Middlesex County Board of Supervisors hereby appropriates to the following categories the Middlesex County General School Fund Budget:

Instruction	13,266,112
Administration, Attendance & Health	1,345,923
Pupil Transportation	1,368,981
Maintenance	1,429,701
Debt Service	1,311,941
Technology	1,030,908
Total School General Fund	19,753,566

BE IT STILL FURTHER RESOLVED that an appropriation to the Cafeteria Fund (072) in the amount of \$530,277 is hereby approved subject to and contingent upon the availability of funding from the Federal government in the amount of \$525,364 from the state government in the amount of \$4,913, and from local sales revenues in the amount of \$0.00.

BE IT STILL FURTHER RESOLVED that an appropriation to the Textbook Fund (073) in the amount of \$145,618 is hereby approved subject to and contingent upon the availability of funding from the state government in the amount of \$53,529 and local revenues in the amount of \$92,089.

BE IT STILL FURTHER RESOLVED that an appropriation to the School Capital Improvements Fund (074) in the amount of \$954,280 is hereby approved subject to and contingent upon the availability of funding from the Volkswagen Mitigation Trust in the amount of \$530,000 and local revenues in the amount of \$424,280.

BE IT STILL FURTHER RESOLVED that an appropriation to the County Capital Improvements Fund (049) in the amount of \$531,350 is hereby approved.

BE IT STILL FURTHER RESOLVED that an appropriation to Middlesex Economic Development Authority in the amount of \$0.00 is hereby approved.

BE IT STILL FURTHER RESOLVED that an appropriation to the Middlesex Broadband Authority in the amount of \$0.00 is hereby approved.

BE IT STILL FURTHER RESOLVED that an appropriation to the Middlesex Water Authority in the amount of \$0.00 is hereby approved.

BE IT STILL FURTHER RESOLVED that the **MIDDLESEX COUNTY BOARD OF SUPERVISORS** hereby establishes set-aside or reserve funds from the current unassigned fund balance in the amount of \$750,000.00 for a Dredge Fund Reserve, \$27,791 for an Election Equipment Reserve, \$550,911 for TD Equipment Maintenance Reserve, and \$0.00 for a Reassessment Reserve is hereby approved.

BE IT STILL FURTHER RESOLVED that the County Administrator is authorized to redistribute appropriations within and among the funds under the control of the Board of Supervisors as may be necessary to meet the needs and interests of Middlesex County.

A Copy Teste:



Matthew Walker, County Administrator

Airport Budget Supplement Request FY2022-36

Mrs. Muncy explained to the Board that the County submitted a request and received grant monies from the Department of Aviation for a portion of the environmental impact review which is part of the airport project. This was in the amount of \$31,290. Mrs. Muncy would like it reappropriated into the grant request line, which will pay the amount to Mr. Barber for his expenses on the project. Mr. Barber pays monies for upfront costs and the County submits the grant request to the Department of Aviation and receives grant funds back. The County pays Mr. Barber with that money.

A motion approving Airport Budget Supplement Request FY2022-36 was made by Supervisor Harris 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:
3-1-012080-0007	(\$31,920.00)	4-1-010020-7003	\$31,920.00

Airport Master Agreement

Mrs. Muncy introduced the revised master agreement between the County and the Department of Aviation. The Department of Aviation has revised portions of the agreement having to do with bridge loans, where the state receives federal funding that is passed through to the localities or private airports who have applied for funding. All localities have the same agreement, so although it does not just apply to us, an updated agreement is required. Mrs. Muncy requests authorization for the County Administrator and the County Attorney to sign this agreement.

A motion to approve the revised master agreement was made by Supervisor Harris and seconded by Supervisor Williams and carried by the following roll call: Supervisor Williams – Aye, Supervisor Jessie – Aye, Supervisor Koontz – Aye, Supervisor Harris – Aye and Chairman Kimbrough – Aye.

Permit Refund for Peninsula Heating & Air

Mr. Kimbrough stated that a permit was purchased for the wrong county and that there was no cost to the County.

A motion approving the refund for Peninsula Heating and Air 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.

YMCA – Water Connection Application

Mrs. Muncy stated that the YMCA applied for a water connection and because the property is still owned by the County, they required permission to connect to the system. A tenant landlord agreement will be signed and the County would sign and transfer the responsibility of the monthly bills over to the YMCA.

A motion approving the YMCA's request for water connection was made by Supervisor Koontz and seconded by Supervisor Harris and carried by the following roll call: Supervisor Koontz – Aye, Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Jessie – Aye and Chairman Kimbrough – Aye.

RECESS at 5:40 p.m.

RECONVENE at 5:45 p.m.

ADMINISTRATOR UPDATES

Mr. Walker mentioned the Cigarette Tax update will be by report only.

Mr. Walker discussed the budget allowing funding for a County Engineer/Director of the Water Authority. He explained it was a co-funded position between the Water Authority and the Board of Supervisors. He updated the Board that interviews would begin soon and he requested the Board's assistance with participating on the interview panel. He also briefly discussed both candidates being qualified for the position. Mr. Walker is hopeful that the position could be filled as early as July 1 or August 1 at the latest.

Mr. Walker stated added that the estimate for local sales tax revenue for Middlesex is up substantially, he believes, primarily due to inflation. As a comparison, last year's estimate was \$1.4 million and this coming fiscal year's estimate is \$1.7 million.

Mr. Walker discussed the July Board of Supervisors meeting falling directly after the July 4th holiday weekend. He recommends the Board consider moving the July Board of Supervisors meeting to the week of July 12.

COUNTY ATTORNEY UPDATE

There were no updates from the County Attorney.

UNFINISHED/NEW BUSINESS

Unfinished Business

No unfinished business was discussed by the Board.

New Business

Mr. Kimbrough discussed the Resolution extending the tax deadline from June 6, 2022 to July 6, 2022.

A motion to approve the following Resolution was made by Supervisor Koontz 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.

Resolution R-2022-005

At a meeting of the Middlesex County Board of Supervisors held on June 7, 2022, at 3:00 p.m.: On a motion duly made by Supervisor Koontz, and seconded by Supervisor Williams, the following Resolution was adopted by the following vote:

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

RESOLUTION EXTENDING THE DUE DATE FOR THE FIRST HALF TAXES OF 2022 FROM JUNE 6, 2022 TO JULY 6, 2022

WHEREAS, in accordance with §58.1-3916 of the Code of Virginia, the Middlesex County Board of Supervisors may, by ordinance, provide dates for filing returns, set penalties and interest, and the like, related to the enforcement and collection of local taxes; and

WHEREAS, the Middlesex County Board of Supervisors may further provide, by resolution, for reasonable extensions of time, not to exceed 90 days, for the payment of real estate taxes, whenever good cause exists; and

WHEREAS, the Middlesex County Board of Supervisors has determined that (a) the revision of real estate assessments performed in 2021 resulted in widely variable changes in real estate valuations, with an average 12% increase, so that residents may not be in a position to accurately estimate and prepare to pay the amount of real estate tax due; and (b) real estate transaction activity during 2021 was exceptionally high, resulting in many new homeowners who are non-residents and do not occupy their homes in Middlesex on a regular basis prior to Memorial Day and thus may not timely receive notice of real estate taxes due; and (c) the timeliness of the United States Postal Service delivery in Middlesex County is a concern due to a change in the United States Postal Service policy that was implemented subsequent to the “14-days in advance” ordinance requirement was enacted, such that Middlesex County mail is now sent to Richmond before it is returned to Middlesex County for delivery, resulting in variable delivery logistics; individually, and in aggregate, a, b, and c are good cause to extend the due date by thirty (30) days;

NOW, THEREFORE, BE IT RESOLVED, on this 7th day of June 2022, that the Middlesex County Board of Supervisors hereby extends the due date for first half taxes for 2022 from June 6, 2022 to July 6, 2022, with no interest or penalty; and

BE IT FURTHER RESOLVED, that all taxpayers of Middlesex County, Virginia shall automatically receive said extension without interest or penalty; and

BE IT FURTHER RESOLVED, that penalties for late payment shall apply should payment of the taxes not occur by July 6, 2022; and

BE IT FURTHER RESOLVED, that interest shall be calculated retroactive to the due date of July 6, 2022 should payment of the taxes not occur by August 1, 2022.

ADOPTED BY THE MIDDLESEX COUNTY BOARD OF SUPERVISORS ON JUNE 7, 2022

A Copy Teste:



Matt Walker, County Administrator

Keep Middlesex Beautiful

Mr. Koontz said that there would be a public meeting at St. Clair Walker Middle School on June 15, 2022 at 7:00 p.m. He mentioned that they are still recruiting members for several positions on this committee. Ms. Ricardi added that the initial clean up was outsourced but going forward, the committee will be taking over. She also introduced the bylaws which have been reviewed and approved by the County Attorney.

A motion approving the bylaws was made by Supervisor Harris and 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.

MATTERS PRESENTED BY THE BOARD

Board Members reported on their activities and meetings since the last regular meeting on June 7, 2022.

Mr. Jessie attended the planning district committee meeting and spoke about the next budget cycle adding another grant writer to help out; he also attended the Oyster Festival Foundation meeting and said that they are still trying to find a Grand Marshall for the event but everything is still on track; he also attended a meeting with the River County Community Foundation Board, he mentioned how much funding they've given to several area non-profits such as the Kiwanis, YMCA and the Water Authority. He also attended the graduation.

Mr. Harris attended the Oyster Shell Recycling project in Deltaville. He believes this will be very valuable to the County.

Mr. Koontz attended the Luna Launch. He explained this was an 18th century sloop that will be used for education. He added the volunteers are locals and have dedicated 15 years to make this happen. Mr. Koontz also attended the graduation; he mentioned the principal made a point of telling her own personal stories of each of the graduates from kindergarten all the way through high school. He also mentioned all the music was performed by a live orchestra made up of students.

Mr. Williams attended the Luna Launch, the Planning District Committee meeting and the graduation. Mr. Williams gave an update on the basketball court project and stated they are planning a grand opening for Whiting Creek to let people know the ramp is now open. Mr. Williams stated he has been learning about health insurance programs and is interested in promoting high deductible plans with health savings accounts.

Mr. Kimbrough has been working with local Marina interests, mainly in the Deltaville area. He added that the different businesses have been working together regarding issues accessing waterways. They have been working on putting a plan together to get a more permanent solution for Broad Creek and Jackson Creek.

PUBLIC COMMENTS

Chairman Kimbrough opened the public comment period at 6:09 a.m.

Mr. Chris Putt said that he is a property owner who does not want to sign the easement for the airport project. He stated that his biggest reason is the safety of his family. He does not have any issues with planes flying over his field, but he does not want them flying over his house. If he can get a guarantee that they will not fly over his house, he would sign the easement.

Chairman Kimbrough closed the public comment period at 6:12 p.m.

CLOSED SESSION

A motion to convene in a closed session pursuant to Virginia Code Section 2.213711(A)(1), for the discussion of personnel matters specifically regarding the County Administrator and the County Attorney; and pursuant to Virginia Code Section 2.2-3711 (A)(7) and (A)(8), for the consultation with legal staff counsel and staff pertaining to the pending litigation in the Virginia Court of Appeals style John de Cumberland vs. Tony and Julie Morrow and the Middlesex County Board of Supervisors; and pursuant to Virginia Code Section 2.2-3711 (A)(3), (A)(7) and (A)(8) for the consideration of real property for a public purpose where a discussion would adversely affect the bargaining position for consultation with legal counsel and staff regarding a probate condemnation litigation regarding the airport expansion and

for consultation with legal staff about said matters was made by Supervisor Jessie and seconded by Supervisor Harris and carried by the following roll call: Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Jessie – Aye, Supervisor Koontz – Aye and Chairman Kimbrough – Aye.

RETURN TO OPEN SESSION

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

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

A motion to obtain the necessary easements for the airport realignment project by all legal means to include but not be limited to condemnation was made by Supervisor Harris and seconded by Supervisor Williams and carried by the following roll call: Supervisor Williams – Aye, Supervisor Jessie – Aye, Supervisor Koontz – Aye, Supervisor Harris – Aye and Chairman Kimbrough – Aye.

PUBLIC HEARINGS

A. Special Exception #2022-01

Mr. Kretz explained this request was for approval of a Special Exception to allow the keeping of horses for non-commercial purposes in accordance with Sections 9-3.1 and 9-4.5 of the Middlesex County Zoning Ordinance. The application has met all requirements and was recommended for conditional approval by the Planning Commission.

Chairman Kimbrough opened the Public Hearing at 7:20 p.m.

No one addressed the Board with comments.

Chairman Kimbrough closed the public Hearing at 7:20 p.m.

A motion to approve Special Exception 2022-01 as recommended by the Planning Commission was made by Supervisor Harris and seconded by Mr. Koontz and carried by the following roll call: Supervisor Jessie – Aye, Supervisor Koontz – Aye, Supervisor Harris – Aye, Supervisor Williams – Aye and Chairman Kimbrough – Aye.

B. Ordinance Amendment 2022-01

Mr. Kretz explained this was for the purpose of amending Article 6, Section 6-9 (limitation on subdivisions), of the Middlesex County Zoning Ordinance by removing section 6-9.1 requiring subdivided property must be unsuitable for agricultural or forestry use due to location, size, shape, topography or other factors. The application has met all requirements and was recommended for approval by the Planning Commission.

Chairman Kimbrough opened the Public Hearing at 7:35 p.m.

No one addressed the Board with comments.

Chairman Kimbrough closed the Public Hearing at 7:35 p.m.

A motion to approve Ordinance Amendment 2022-01 as recommended by the Planning Commission was made by Supervisor Jessie and seconded by Mr. Williams and carried by the following roll call: Supervisors Koontz – Aye, Supervisor Williams – Aye, Supervisor Harris – Aye, Supervisor Jessie – Aye and Chairman Kimbrough – Aye.

C. Special Exception 2022-02

Mr. Kretz said that this was for approval of a Special Exception to allow a minor subdivision of tax map 7-53 in accordance with Sections 6-4.2, 6-5 and 6-9 of the Middlesex County Zoning Ordinance. This application was recommended for conditional approval by the Planning Commission.

Mr. Kimbrough opened the Public Hearing at 7:43 p.m.

No one addressed the Board with any comments.

Mr. Kimbrough closed the Public Hearing at 7:43 p.m.

A motion approving Special Exception 2022-02 as recommended by the Planning Commission was made by Supervisor Jessie and seconded by Supervisor Koontz and carried by the following roll call: Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Koontz – Aye, Supervisor Jessie – Aye and Chairman Kimbrough – Aye.

ADJOURN

A motion to adjourn until the Work Session on June 15, 2022 and 9:00 a.m. and rescheduling the Regular Meeting to July 12, 2022 at 3:00 p.m. was made by Supervisor Jessie and seconded by Supervisor Koontz and carried by the following roll call: Supervisor Williams – Aye, Supervisor Jessie – Aye, Supervisor Koontz – Aye, Supervisor Harris – Aye and Chairman Kimbrough – Aye.

Lud H. Kimbrough, III
Chairman, Board of Supervisors