

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS HELD ON
TUESDAY, JULY 6, 2021, IN THE BOARD ROOM OF THE HISTORIC COURTHOUSE,
SALUDA, VIRGINIA:

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

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

CALL TO ORDER

Chairman Jessie called the meeting to order at 3:00 p.m. Supervisor Williams led the group in prayer; Mr. Walker led in the Pledge of Allegiance.

CONSENT AGENDA

Chairman Jessie said that the agenda would be amended to add Dr. Richard Williams, Director of the Three Rivers Health District, at the beginning of the agenda under Agency and Staff Reports.

Supervisor Kimbrough questioned an item in the minutes that said that HRSD was putting in 3,000-feet of three-inch force main at Cooks Corner. He said that the HRSD representative did say three-inch force main, but he believes he may have mistakenly said that, and it should be at least a six-inch force main. He believes it was stated incorrectly at the June meeting. Mr. Walker said he would check with HRSD to determine the actual size of the force main.

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

The Consent Agenda included approval of minutes from the June 1, 2021 Regular meeting; disbursements dated June 2, 2021 – July 6, 2021, numbered 97703 – 97706, 97737 – 97860, 97879 – 97986, totaling \$972,747.56; and payroll dated June 15, 2021 and June 29, 2021, numbered 97707 – 97736 and 97861 – 97878 totaling \$466,043.34.

PUBLIC COMMENT

Chairman Jessie opened the public comment period at 3:04 p.m.

Jisun Bae addressed the Board regarding the persecution, imprisonment, and execution of people for their religious beliefs in Falun Gong by the Chinese Communist Party (CCP) in order to harvest their organs to sell. China has become a major international center for organ transplants and many American patients travel there for this purpose, not knowing that the prisoner was killed specifically to obtain his organs. She asked the Board to adopt a resolution regarding this matter so Middlesex County residents would be aware and informed.

Carol Burch proposed that the speed limit be lowered from 55 MPH to 45 MPH from the Beverly Beach neighborhood to the Norris Bridge where the speed limit is already 45 MPH. She said it is dangerous for vehicles pulling out from a dead stop on Pinetop Road and the Grey's Point Campground onto a 55 MPH road. She believes the expansion of the airport will cause an increase in traffic and business along that section of Route 3. She would like to see the 45 MPH extended to the Rappahannock Crossing business strip. She has spoken to the local VDOT office about this matter also.

Tiny Tang addressed the Board regarding the human organ harvesting issue. She explained that Falun Gong is a spiritual practice involving gentle exercising and meditation, and it promotes the virtues of patience and tolerance. She said that because of the immense popularity of Falun Gong, the CCP considers it a threat. Falun Gong practitioners are tortured and killed and continue to disappear daily. After the persecution of Falun Gong practitioners began, China's number of available human organs increased drastically. She said the woman standing beside her is a Virginia resident and a survivor of the persecution. She spent six years in prison for informing people about Falun Gong. While in prison, she was forced into slave labor for 18 hours per day, and she was blood tested to determine the compatibility of her organs for transplant. She said that 16 Virginia counties and one city had adopted a resolution to raise awareness of this issue. She said she had two petitions signed by Middlesex residents in support of the resolution. She said that the resolution could help prevent Middlesex County residents from becoming unwitting accomplices to the murder of innocent people.

Greg Grichtmeier, Middlesex Broadband Authority, asked the Board to consider a speed limit reduction on Regent Road from the Bob's Hole and Barricks Mill intersection to just past Syringa and the Tall Chief Convenience Store to the Dirt Bridge Road turnoff. The total distance is .8 miles. This section of road has a church, blind curve, and Tall Chief with multiple entrances and exits. Nearby are the future Habitat for Humanity homes and the Freeshade Community Center.

Bob Jackson said there is a difference between learning our history and celebrating our history. Confederate monuments do not portray an accurate history and were put up to keep alive a desire to continue the lost cause of the Confederacy. The confederate soldiers represented by the monument fought against the United States of America. They may have been warriors, but they were not patriots. The monuments celebrate a fictional, sanitized Confederacy, ignoring the terror that they actually stood for. They were erected to send a strong message of who was still in charge in these cities. He said that the Confederate monument in front of the Historic Courthouse, the plaques inside, and portraits of the

Confederate leaders that fought to uphold slavery should be removed. He said that racism is still here and very real.

Michael Knez said that the monument outside and memorabilia inside represent much more than brave men and women defending their homes and liberty. After the federal troops were removed, black people were unjustly imprisoned and slave labor was replaced by prison labor. He said that the Supreme Court ruled that blacks could legally be separated from whites, and Jim Crow reigned. At the turn of the century, the KKK had a resurgence and black people were lynched. There was no justice at the courthouse for the victims of the lynchings. The NAACP was formed in response to the anti-lynching movement. Textbooks glorified Confederate leaders and downplayed the evils of slavery. Even on the pulpit, preachers spoke of the superiority of the white race. This property is now the seat of the County government, and it is inappropriate to have the monument out there. He said that maybe the Board should consider making the Historic Courthouse a museum and donate it to a nonprofit organization, or the symbols should be removed and put in storage. He does not believe the matter should be put before the public as a referendum. The Board of Supervisors needs to do their duty, and if the citizens do not agree with that decision, they can let it be known at the upcoming election.

Chairman Jessie closed the public comment period at 3:26 p.m.

CONSTITUTIONAL OFFICERS

Kathy Thrift, Treasurer, was not present to address the Board.

Mae Burke Diggs, Commissioner of the Revenue, responded to a question posed by Supervisor Koontz regarding real estate tax collection. He said that the first half of 2021 tax collections are down to 91% and it is normally 98%. He asked if she might be able to explain why. Ms. Diggs said that because the first half is so recently fresh, she believes the numbers are lower. She said she would check with Ms. Thrift and get back to him with an answer. Supervisor Kimbrough said he believes the bills went out really close to their due dates, so the due date was pushed back. Ms. Diggs said she was not aware of the due date being extended, but, again, she would check with Ms. Thrift on the matter. She said that information would have to come from the Treasurer's office.

AGENCY AND STAFF REPORTS

Three Rivers Health District, Virginia Department of Health:

Dr. Richard Williams said he had been contacted by a member of the Middlesex Board of Supervisors and asked to discuss the concerns about the risk of the vaccine versus the benefit of the vaccine. Some concerns are real, and some are based on misinformation. He explained that organs have ACE receptors that make them subject to COVID-19 attack, such as the heart, kidneys, lungs, and neurologic tissue in the brain. One has to determine the risk and the mitigating measures that can be taken against the risk. The risk benefit ratio needs to favor the mitigation. New evidence suggests that certain children could develop myocarditis from the vaccine which is certainly cause for concern.

However, evidence shows that the chance of developing myocarditis with the vaccine is much, much less than the chance of developing it from the disease itself. The COVID-19 disease causes myocarditis at a much higher frequency than the vaccine does. The CDC met with a large group of medical associations to examine the data, and the best of American medicine endorses vaccinating children, saying the benefit far outweighs the risk. If the Board wanted to consider making a statement in favor of vaccination, it would be in the company of virtually every medical institution, professional society and university in the United States. Even if someone has had COVID-19, it is still recommended that the person get vaccinated. Dr. Williams said that children are now making up 24% of new weekly infections, and previously they were at 2%. The virus is now attacking children since they are the unvaccinated targets. Cases per day in the United States, two weeks ago, were around 10%, but the Delta Variant is climbing now to approximately 30% of total infections. Unvaccinated people will face the previous dangers of COVID-19 that can now be enhanced by the Delta Variant.

Dr. Williams reviewed statistics for Virginia and the Three Rivers Health District (TRHD). Virginia is now seeing about 180 cases per day with a little bit of an increase over the last few days. In the TRHD, about two cases are being seen per jurisdiction per day. Middlesex had two cases last week. Cases have dropped dramatically since January. In Virginia, 71.5% of people over the age of 18 are vaccinated. He said that throughout the summer, clinic events would be held in an effort to reach unvaccinated people. COVID-19 vaccinations will be offered in the schools in the fall. A rise in COVID-19 cases is expected in the fall. A booster program may be offered as well. Anyone vaccinated could take the booster, but it will be especially important for people that are immunocompromised, with lung cancer, chemotherapy, or chronic diseases. At the year mark, the CDC will review the data and make recommendations accordingly.

VDOT:

Ron Peaks, Assistant Residency Administrator, addressed the Board, saying that contractors were mowing the primary roads and state forces were mowing the secondary roads. He said traffic counting was underway on several roads in the county. Sidewalk repairs will be starting in Urbanna and Deltaville within a few weeks. Route 640 has been resurfaced. The Dragon Run Bridge work is still underway with an anticipated completion date of the end of September. Route 625, Barricks Pond, is currently being worked on and there are detours in place. Repairs are being made to the Fairfield slope failure. Sections of General Puller Highway will be repaved from Burnham's Wharf to almost into Deltaville. He said that in reference to public comments heard today, VDOT already had a traffic study underway for Regent Road from Bob's Hole to Dirt Bridge. The work order has been received for the Grey's Point Road study also and has been sent to the traffic engineers in the district. The studies usually take 30 to 45 days to come back. Mr. Peaks said that permits had been obtained for the work on Remlik Road. He said VDOT had been trying for about eight months to have a utility removed, but they had not had any luck with that yet. A 12-inch pump line is in place so one side of the road can be pumped down. A couple of temporary overflow pipes are ready to put in within a week or so and they will make a

significant difference. There may be some traffic headaches because a flagging operation with one-lane traffic will be utilized during the placement of the concrete culvert.

Supervisor Mansfield asked when Mr. Peaks anticipated the work being completed. Mr. Peaks said he was expecting to have two 24-inch pipes in within the next 10 days, with the final work being completed in mid-August.

Supervisor Koontz asked Mr. Peaks to elevate the two requests made by the public at the meeting today to the Supervisors Requests so it can be tracked monthly on the report as it goes through engineering.

Supervisor Williams said the intersection of Syringa Road and Regent Road was overgrown with weeds and trees on both sides of the road, making it dangerous. He does not believe VDOT should wait a month or however long before doing anything about this situation. He said that a lot of intersections on secondary roads are not being cleaned up. He does not think VDOT should wait for cleanup or speed limit reductions on Regent Road until after a traffic study is conducted. Mr. Peaks said that traffic studies must be performed by registered professional engineers in the district office. His office handles maintenance, and they will check into cleaning up the brush along Regent Road. However, VDOT only has 30-feet of right-of-way, 15-feet on either side from the center of the road. VDOT does not have the right to enter someone's private property for brush removal. His office will check Regent Road for overgrowth issues next week.

Supervisor Koontz informed Mr. Peaks that Stephen Living, Department of Wildlife Resources (DWR), had spoken to Joyce McGowan regarding potentially changing who is in charge of the Mill Creek landing. The landing is currently maintained by DWR, but county constituents in the area have said they would like to find a way to keep it open. One of the options being entertained is having the County take it over from DWR. He asked that if Mr. Peaks saw anything come in about that, please be aware that the County is looking for support for such a transaction. Mr. Peaks said that, at a level above him, people are looking into seeing how to make something like that happen.

Schools:

No one was present from the school system to address the Board.

Water Authority:

Greg Chambers, Chairman, addressed the Board, giving them an update on the activities of the Water Authority. He said good progress is being made, with over 90% of the pipe in Phase 1, Rosegill to Christ Church, being in the ground. Phase 2, Grey's Point, is 60+% complete. Phase 3A from Route 3 down to the Deltaville Market was just kicked off, with about 800-feet of pipe being laid each day. Phase 4 is Deltaville, and Mr. Chambers said there were four crews working in that area. One crew is putting 10-inch pipe down General Puller Highway, and three crews are doing directional drilling on the side streets for the feeder systems for the community. He said there was an issue with one of the sub-contractors, who was replaced on the project and now good progress is being made in the

area. He said the pump station building at Rosegill is up and the roof rafters are on. He showed photos of the three pumps at Rosegill. Two will be in operation, and one will serve as backup. He said a sheet steel shortage may cause some delays. He believes water will be pumping by late this year, possibly in November. The Water Authority's thought process is now moving from building to operations. An RFP was issued to hire someone to operate the system. A meeting was held last week with someone that they think is capable of putting together procedures and policies. A meeting was held last week with three schools, St. Clare Walker, the elementary school, and Christ Church, to talk about the final details of getting them hooked up. He is hoping that can be done over the Thanksgiving or Christmas holiday. He said that as people start seeing the system become a reality, more people are signing up. He said the Water Authority had two communities that had reached out to them. Unfortunately, they missed the deadline to be financed by the USDA money. One community of 31 connections has an existing distribution system, and the other community has 19 interested. However, it takes cash to run the pipe and the money cannot be borrowed now from the USDA. Financing would need to be found to expand the water system to those communities.

Timmons Group – Sewer PER:

Ken Turner, Project Manager, said that Timmons Group was continuing to work on the Deltaville preliminary engineering report (PER) and was about 90% complete. They have reached a point where they need to coordinate with HRSD and their consultant, Kimley-Horn, on the boundary conditions and final details on how the system will be configured so the hydraulics analysis can be completed. He said approximately 800 customers will be served, including marinas and businesses along General Puller Highway. He said that they will be deploying the sewer system in Stingray Point, Stove Point, and the Fishing Bay area along Fishing Bay Road. He reviewed the service area for Topping, saying that the PER had already been completed. The primary customer in Topping will be Grey's Point Campground. Flow from the campground will come through a master metering facility. The flow from the campground will be conveyed by a gravity collection system to the terminal pump station. The terminal pump station will be located on County property near the airport. A six-inch force main will connect to a force main that will be extended by HRSD from General Puller Highway down Grey's Point Road. He said that the fee and scope would be submitted to the County for approval so the design can be started.

Supervisor Koontz asked why he could see two force mains on the drawings, a four-inch and a six-inch, running parallel. Mr. Turner said there is a force main for the low pressure E1 grinder pumps that will not be served by gravity. There are five customers near the shopping center and the airport that will be served by grinder pumps that will use the smaller four-inch force main. Both force mains will be connected at two points at the terminal pump station. One will receive flow from the low-pressure system grinder pumps, and the other will receive flow from the gravity line that goes to Grey's Point Campground.

Supervisor Mansfield asked when the system would tie into the Mathews line. Mr. Turner said the completion date is scheduled for the summer of 2024.

Mr. Turner said that for Topping, an application had been submitted to DEQ for funding under the Virginia Clean Water Revolving Loan Fund. It was submitted for a little less than \$2.6 million to fund the construction. He said it is a one-year process to submit an application, get approval, go through the loan closing and then complete the design. He is anticipating having the project put out for bid in June or July 2022. He said that would give a two-year window for construction. It will tie in with the anticipated completion date of HRSD tying into Mathews and sending the flow across the river.

Supervisor Mansfield said that the Urbanna wastewater treatment plant is pouring out sewage into Urbanna Creek at double the nutrient and BOD value that is allowed and HRSD is buying credits for that right now. He said he had written Ted Henifin at HRSD a letter saying that the sooner HRSD completes the tie into Mathews and sends the flow to the Yorktown Treatment Plant, the better. He said that would save HRSD half of a million dollars a year. He encouraged Mr. Turner to talk to HRSD to have them try to speed up the completion date.

Mr. Walker said he had been waiting on Supervisor Mansfield to have some communication with Ted Henifin before initiating the \$5,000 study for the spray irrigation feasibility. He asked Supervisor Mansfield if he was ready for Mr. Walker to proceed with that study. Supervisor Mansfield responded that he was ready for Timmons to go ahead with the spray feasibility study.

Airport:

Jamie Barnhardt said that at the May 24, 2021 meeting, the Airport Committee voted unanimously to approve the Parrish and Partners Airport Layout Plan for the alternative runway scope of work and to forward it to the Middlesex County Board of Supervisors for approval and, if approved, forwarding it to the State of Virginia for their approval. Mr. Barnhardt said that the Airport Committee had a special called meeting on June 28, 2021, to select a subcommittee to review and recommend an airport engineer. At a subsequent meeting with Middlesex County staff, it was agreed upon that Parrish and Partners be submitted to the Board of Supervisors for consideration as the engineer. He said that several proposals were received, but Parrish and Partners seemed to be the right size for the types of projects at Hummel Field.

A motion to enter into an agreement with Parrish and Partners for their engineering services for the airport was made by Supervisor Koontz, seconded by Supervisor Williams, and carried by the following roll call: Supervisor Koontz – Aye; Supervisor Mansfield – Aye; Supervisor Kimbrough – Aye; Supervisor Williams – Aye; and Chairman Jessie – Aye.

Ms. Muncy said that the airport layout plan had already been forwarded to the state.

REGULAR AGENDA ITEMS

Budget Supplement and Transfer Requests:

Ms. Muncy explained that Budget Supplement Request FY2021-66 and Budget Transfer Request FY2021-12 were for closing out FY2021 and were considered true-ups, to balance and close out FY2021. Budget Supplement Request FY2022-01 was for appropriating the remaining monies that the county received from financing the CCOC Renovations & MES HVAC Project for transfer to the Capital Improvements Fund. Budget Supplement Request FY2022-02 was for appropriating remaining monies for the Parrots Creek Dredging Project, being done with the Planning District Commission, back into the Capital Improvements Fund. Budget Supplement Request FY2022-03 was for appropriating remaining monies back into the CARES Act fund. Approximately \$75,000 remains unencumbered. Budget Supplement Request FY2022-04 was for appropriating unspent funds originally appropriated in FY2021 as a match for the 4-County Regional VATI grant. This grant was not awarded until Spring 2021 and no funds were spent. She said those funds could be extended over to the Broadband Authority for their use. Budget Transfer Request FY2022-01 was for reallocation of County funds, in the amount of \$41,950.00, per an agreement dated May 4, 2021, so that Economic Development and Tourism will be managed by the EDA. Budget Transfer Request FY2022-02 was for the reallocation of funds within the FY2022 Expense Budget for the Sheriff's Office in the amount of \$115,223.61. A portion of the Sheriff's Office contingency monies are being transferred for increases in compensation.

FROM:	AMOUNT:	TO:	AMOUNT:
3-1-12080-0007	(\$1,970.45)	4-1-10020-3004	\$1,970.45
3-1-23020-0052	(\$13,133.75)	4-1-31020-1010	\$13,133.75
3-1-23020-0043	(\$3,952.10)	4-1-31020-1006	\$3,671.25
		4-1-31020-2001	\$280.85
3-1-18030-0006	(\$3,265.20)	4-1-36050-5407	\$3,265.20
3-1-18990-0012	(\$2,187.48)	4-1-71010-5005	\$2,187.48
3-1-41060-0001	(\$60,320.00)	4-1-33010-6001	\$60,320.00
3-1-41060-0001	(\$14,606.00)	4-1-42070-3008	\$14,606.00
3-1-41050-0048	(\$266,884.75)	4-1-99010-0041	\$266,884.75
3-49-24040-0015	(\$266,884.75)	4-49-10010-7066	\$266,884.75
4-1-42060-8005	(\$50,000.00)		
4-1-42060-1004	(\$6,000.00)	4-1-42070-3008	\$56,000.00
4-1-43020-3004	(\$35,481.00)	4-1-43020-3002	\$35,481.00
4-1-31020-7005	(\$22,350.00)	4-1-31020-5406	\$22,350.00
3-1-41050-0048	(\$2,136,959.25)	4-1-99010-0041	\$2,136,959.25
3-49-024040-0015	(\$2,136,959.25)	4-49-010010-7066	\$691,213.25
		4-49-010010-7071	\$1,445,746.00
3-1-41060-0001	(\$54,980.42)	4-1-99010-0041	\$54,980.42
3-49-041050-0045	(\$54,980.42)	4-49-010010-7015	\$54,980.42
3-058-041060-0001	(\$183,232.34)	4-058-010010-7000	\$13,762.99
		4-058-010010-7001	\$7,327.11

		4-058-010010-7015	\$29,000.00
		4-058-010010-7025	\$38,057.40
		4-058-010010-7035	\$81,666.84
		4-058-010010-7055	\$13,418.00
3-1-41060-0001	(\$180,000.00)	4-1-99010-0041	\$180,000.00
3-49-041050-0045	(\$180,000.00)	4-49-010010-7060	\$180,000.00
4-1-81050-3007	(\$5,750.00)		
4-1-81050-5201	(\$700.00)		
4-1-81050-5203	(\$750.00)		
4-1-81050-5401	(\$1,250.00)		
4-1-81050-5408	(\$500.00)		
4-1-81050-5413	(\$20,000.00)		
4-1-81050-5415	(\$5,000.00)		
4-1-81050-5501	(\$500.00)		
4-1-81050-5503	(\$1,000.00)		
4-1-81050-5504	(\$1,000.00)		
4-1-81050-5604	(\$5,000.00)		
4-1-81050-5801	(\$500.00)	4-1-89000-0090	\$41,950.00
3-1-031020-0010	(\$115,223.61)	4-1-021010-1001	\$1,500.00
		4-1-021010-2001	\$114.75
		4-1-021010-2002	\$89.55
		4-1-021010-2006	\$20.10
		4-1-031060-1001	\$6,864.00
		4-1-031060-2001	\$525.10
		4-1-031060-2002	\$409.78
		4-1-031060-2006	\$91.98
		4-1-031020-1001	\$11,224.00
		4-1-031020-2001	\$858.64
		4-1-031020-1001	\$81,355.00
		4-1-031020-2001	\$6,223.66
		4-1-031020-2002	\$4,856.89
		4-1-031020-2006	\$1,090.16

A motion to approve Budget Transfer Request FY2021-12, Budget Supplement Request FY2021-66, Budget Supplement Requests FY2022- 01–04, and Budget Transfer Requests FY2022- 01–02 was made by Supervisor Koontz, seconded by Supervisor Mansfield, and carried by the following roll call: Supervisor Mansfield – Aye; Supervisor Kimbrough – Aye; Supervisor Williams – Aye; Supervisor Koontz – Aye; and Chairman Jessie – Aye.

New County Street:

Ms. Muncy said that there is a new road off of Waterview Road that will have six addresses that needs a new name. She said Mr. Nix solicited those citizens along that road and gave them the opportunity to come up with the name. The citizens agreed on River Punch Court.

A motion to make River Punch Court the newest county street was made by Supervisor Koontz, seconded by Supervisor Mansfield, and carried by the following roll call:

Supervisor Kimbrough – Aye; Supervisor Williams – Aye; Supervisor Koontz – Aye; Supervisor Mansfield – Aye; and Chairman Jessie – Aye.

NAACP – Request to remove monument:

Dawn Moore, President of the Middlesex Branch, Unit 7091, of the NAACP, said that President and CEO Derrick Johnson called for the removal of the Confederate monuments. She said she had submitted a letter requesting the removal of the monument at the Historic Courthouse on May 12, 2021. She said that the United Daughters of the Confederacy erected monuments to the Ku Klux Klan (KKK), and one of those monuments is sitting outside on County property. She no longer considers the Historic Courthouse to be historic because of the modernization of the building with technology. An overwhelming majority of Confederate memorials were not just built to commemorate fallen Generals and soldiers. They were installed as symbols of white supremacy. At least 830 monuments were erected across the United States, with the biggest spike coming in the early 1900s. Soon after, southern states enacted a number of laws to disenfranchise black Americans and segregate the societies. The United Daughters of the Confederacy was focused on the future and preservation of the Confederate culture, to prepare future generations of white southerners to respect and defend the principles of the Confederacy. They praised the KKK, and they gave speeches that distorted the cruelty suffered by American slaves and defended slave owners. Monuments placed on courthouse property were meant to remind black Americans of the struggles they would face. At least eight statues were removed in 2015, 36 more were removed in 2016, and even more were removed in 2019. 26 statues were taken down in 2020 in response to the police killing of George Floyd. She said the monument could be removed and sent to the United Daughters of the Confederacy's headquarters in Richmond, Virginia, because no one else wants it. She reviewed several other counties that had removed their statues and what the cost for it was, with costs ranging from \$6,000 to \$34,000. She said it was time for Middlesex County to move into the 21st Century and get rid of the monument and teach children the truth about history. She said she had been told that the Board of Supervisors were going to do a referendum regarding the statue. She said that the Governor had given the Board the power to remove it, but they apparently were not going to do their jobs. She demanded that they do their jobs.

A motion to “remove it and put it in storage” was made by Supervisor Koontz and seconded by Supervisor Williams. The Board entered into discussions regarding the matter.

Supervisor Williams said he had lived in Middlesex his whole life. He said the monument has cannonballs and bullets on it. He said in 1954, the government said separate but equal, and in 1962, Middlesex built two separate schools. He went to St. Clare Walker High School, but through integration, some blacks did go to Middlesex High School, because the County was forced to integrate in 1970. He said he never understood what the statue represented until some of his coworkers were talking about it at work one day. After that, he did some research on it to learn what it stood for. He said it needed to be put to a vote, and the County needed to do the right thing, and he understands that there will be repercussions from it.

Supervisor Kimbrough stated that there is no doubt that the history of race relations in this country is filled with atrocities and pain, and no doubt that the African American community in this country has been incredibly resilient and strong. He said that he does not believe that erasing, rather than educating, will create a better future for everyone. He does not idolize a monument just because it is in place. It stands as a monument to a past that is an embarrassment, that we are better than, and that we should be educating our children about what it meant, why it is there, and why we need to be better than that. He said he would rather see improvement in the way we decorate our Historic Courthouse to celebrate the accomplishments of the African American community and any other minority community that is in Middlesex County, to bring the county together and make it apparent that we have a sordid past, and we are past it. He said he is not in favor of erasing history because we need to learn from it.

Supervisor Koontz said that he had been living here for a little over eight years and he loves Middlesex County. He said Middlesex County is ahead of the curve, ahead of other counties, in such things as renewable energy and vaccinations. He said he was disappointed that Richmond had again failed to take action, instead, sending it out to counties to have to take action. He said the Board had been elected to take action. He said there was nothing confusing about this situation to him, that the Board would not be erasing history, but creating it. He wants to join the other counties that have taken this action.

Chairman Jessie said he was born and raised in Middlesex County. He said he comes to the Historic Courthouse to do County business. He said he is not looking at what is on the wall, or in front of the building; he is there to do County business. He does not appreciate people telling him he is not doing his job because he does not vote the way they think he should. He votes what is in his heart. He said that taking things off the walls and removing the statue will not change history. He said the Board is there to conduct business and they are not discriminating against blacks or whites or anyone else. He said that either way, whatever you do, someone will not be pleased. He has to do what is in his heart. He said everyone should just try to work together, get along, and move on. The past is in the past, and everyone is living in the present. Leave the history here and make a new, better history. The people talking about doing away with everything are not born and raised in Middlesex County. He said he had no control over what his ancestors did. Maybe it is bad history, but people alive today had no control over it. Getting rid of everything is not going to change history; he just wants to be fair. People trying to dictate what the Board should and should not do have no idea what it is like to sit on the Board and make hard decisions until they walk in the Board members' shoes.

Ms. Lewis explained the process that would have to be followed if the Board chose to remove the statue. She asked that Supervisor Koontz amend his motion to include "pursuant to the statute". She said that if the Board votes to remove the statue, two 30-day wait periods would be needed. A notice would need to be placed in the paper 30 days prior to a public hearing, and then a public hearing would be held on the removal, and the Board would vote again. After the public hearing, if the Board voted to remove the statue, the statue could be removed after an additional 30-day wait period, during which time the

County would offer it to museums or different historical societies to see if they want it first. Removal action would be at least 60 days out.

Supervisor Koontz amended his motion “to remove it and put it in storage, pursuant to the statute”, and it had been seconded by Supervisor Williams. The motion carried 3-2 by the following roll call: Supervisor Williams – Aye; Supervisor Koontz – Aye; Supervisor Mansfield – Aye; Supervisor Kimbrough – Nay; and Chairman Jessie – Nay.

ADMINISTRATOR REPORTS

Mr. Walker said that conference calls were starting today for Tropical Storm Elsa, and they would take place every day, through Friday, when the Tropical Storm was expected to pass through the area. He said he had texted Ms. Thrift during the meeting, and she said she did not extend the tax deadline. She said she would need Board approval to do that. Mr. Walker said he had reached out to HRSD, and the force main size is, as was reported last month, three inches.

Ms. Ricardi stated that the total amount of County funds from the American Rescue Plan Act (ARPA) is \$2.055 million. The first half of that funding was already received, and the County appropriated \$356,000 in the current year budget, leaving nearly \$1.7 million still available from the ARPA funds. The Treasury continues to come out with new rules and regulations and guidance, so she has been hesitant to recommend any short- or long-term plans. She believes it would be prudent to develop a comprehensive spending plan that best serves the County. She thinks a small, five-member committee should be created to review the spending options and to review the rules and regulations and to make recommendations to the Board. The County has until December 2024 to commit to expend these funds, and the payment can occur in 2025. Ms. Ricardi reviewed the allowable uses for the ARPA funds. Chairman Jessie said he believed that the committee should be created. He volunteered to be on the committee, and it was suggested that Kevin Gentry also be on it. Supervisor Kimbrough also volunteered to be on the committee. Ms. Ricardi suggested that someone from Social Services be on it. Supervisor Kimbrough suggested John Anzivino from the EDA be on the committee. Mr. Walker mentioned that the Town of Urbanna has their own funds, so they would not be included on the committee.

Ms. Ricardi said that a meeting is held every month to discuss the Cooks Corner renovation and get updates on the progress being made. She said that so far, the project is 30% complete based on the billing. She reviewed photos that showed all the work completed to date. She said that there will be a three-week interruption to the air conditioning to all the offices in the CCOC. This will cause a disruption for both the employees and the guests of the facilities, but the offices will not have to be closed. Portable air conditioning units have been ordered. Some employees will be working from home during this period. It is anticipated that substantial completion of the facility will be finished by December 24, 2021.

Mr. Walker said he had gotten an update from David Layman, Emergency Services Coordinator, regarding the Tropical Storm. The county is expected to get an inch to an inch and a half of rain with 30 miles an hour wind gusts.

Mr. Walker said that the County may be eligible for a grant from the Department of Forestry for the historic and nature walking trail at Cooks Corner. The grant would stipulate some usage of funds for the development of the trail. It would require the Board to put in place certain conservation measures for the woods that the trail will go through, which is pretty much parallel and concurrent with the Board's plans for the area anyway.

COUNTY ATTORNEY UPDATE

Ms. Lewis spoke to the Board regarding the monument removal public hearing, saying that the Board must give a 30-day notice of the public hearing before holding the public hearing. Therefore, the earliest the public hearing could be held is September.

Ms. Lewis asked the Board to consider an addendum to Mr. Walker's contract to correct an oversight and to align with the parties' intent. She reviewed the changes that needed to be made with the Board.

Ms. Lewis reported that she attended a virtual Local Government Attorneys conference, saying she got a lot of very good information, but it was somewhat overwhelming. She said that she and Ms. Ricardi had been discussing redistricting and the tight deadline that goes with that. She said that the County still has not received its census data, so they are awaiting that to proceed with the redistricting issues.

A motion to authorize the Chairman to sign Mr. Walker's addendum as presented was made by Supervisor Koontz, seconded by Supervisor Williams, and carried by the following roll call: Supervisor Koontz – Aye; Supervisor Mansfield – Aye; Supervisor Kimbrough – Aye; Supervisor Williams – Aye; and Chairman Jessie – Aye.

UNFINISHED/NEW BUSINESS

Unfinished Business:

Supervisor Koontz said that the Mill Creek landing had been cleared. The County still needs to do the post-dredge bathymetric survey which Bay Design Group is set up to do. Knowing that, long-term, an engineered solution is needed, a consultant came out and looked at the landing and he recommended something that could be done cheaply in the interim. He recommended putting up a sand fence that would use the sand that is trying to get into the boat ramp to create its own dune. It would cost \$2,000 to get 150 linear feet of sand fence, and 3,000 square feet of American Beach grass sprigs planted. Even if this is not a permanent solution, it would buy the County more time to talk with VDOT and DWR. He said he would like to preserve an option for the County to pursue making the landing a County asset as opposed to a DWR asset that is not well managed. Rather than taking it over, perhaps the County could work with DWR to help fund an engineered solution. Although he was able to do the dredging last year at no expense, this year DWR wanted to have a professional engineer do a bathymetric survey before and after the work was done. The cost for that will probably be around \$3,000 once Bay Design finishes the post-dredge survey. Supervisor Koontz said he was willing to try to raise funds in the community to pay for that, but he felt that it was an appropriate use of county funds to have the ramp open for

the summer. He asked the Board to authorize \$2,000 for the sand fence and the American Beach grass sprigs.

A motion to appropriate \$2,000 for the sand fence and American Beach grass sprigs, to come from the Board of Supervisors' Miscellaneous Account, was made by Supervisor Kimbrough, seconded by Supervisor Williams, and carried by the following roll call: Supervisor Mansfield – Aye; Supervisor Kimbrough – Aye; Supervisor Williams – Aye; Supervisor Koontz – Aye; and Chairman Jessie – Aye.

Chairman Jessie asked Ms. Lewis to prepare an agreement for the fencing at Canoe House Beach and present it to the Board at the next meeting. Ms. Lewis said she would present it to the Board at the August meeting.

New Business:

There was no new business addressed by the Board.

MATTERS PRESENTED BY THE BOARD

Supervisor Williams mentioned Scott Foster and Cyrus Tashakkori of Drake Power, LLC and the battery storage project, saying he appreciated that Drake Power, LLC reached out to the neighbors around the proposed battery storage location and that they had a line of communication. He is happy to see a project come into the County that will actually benefit the County and not someone's own personal gain.

Board Members reported on meetings and events attended since the prior regular meeting of June 1, 2021.

CLOSED SESSION

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

RETURN TO OPEN SESSION

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

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

No action was taken by the Board on any items discussed in the Closed Session.

RECESS

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

RECONVENE

The meeting reconvened at 7:06 p.m.

PUBLIC HEARINGS

Local Middlesex County Cigarette Tax Ordinance:

Mr. Walker said that several months ago, he met with County Administrators from the Northern Neck that were interested in forming a regional cigarette tax board. The proposed ordinance is the same one that surrounding counties have adopted, with the same rate, that would allow Middlesex County to tax cigarettes, by pack, within its boundaries. The Chesapeake Bay Regional Cigarette Tax Board was formed, and it is made up of Middle Peninsula and Northern Neck counties. All the counties and towns have agreed to levy the \$.40 per package rate. Westmoreland County, Lancaster County, Middlesex County, and the Town of Montross are written into the agreement, and he believes that the Town of Urbanna, Town of West Point, Essex County, and the Town of Tappahannock have asked to join the regional board as well.

Chairman Jessie opened the public hearing comment period at 7:09 p.m.

No speakers present addressed the Board.

Ms. Lewis read a written public comment that had been received at the County Administrator's office from NATO, the National Association of Tobacco Outlets. The letter was written by the Executive Director of NATO and received July 2, 2021 and was addressed to the Chairman of the Board. It said that NATO represented more than 60,000 retail stores, including several Middlesex County stores. The letter addressed their concerns over the County's proposed new cigarette tax of \$.40 per pack. It said that the County was receiving a large amount of stimulus money through ARPA, so there was no need to raise taxes. The letter said this was not the time to add a cigarette tax as local convenience stores have experienced losses of 45% in gasoline sales and 20% or more in grocery, snack, beverage, and tobacco product sales because of the pandemic. A County tax will mean more lost revenue for these businesses. The cigarette tax will drive customers

to stores outside of the Chesapeake Bay area where there is no cigarette tax. The County website EDA page describes their mission to “foster economic diversity in our area and create opportunities for businesses”. Targeted tax increases like this do not contribute to these things. To the contrary, they lead to a decline as customers of tobacco retailers seek other outlets for their preferred products, negatively impacting these businesses that have already seen substantial decreases over the past six months. NATO urged the Middlesex County Board of Supervisors not to move forward with any attempt to create a new tax on cigarettes and certainly not consider making any such changes under the existing conditions.

Chairman Jessie closed the public hearing comment period at 7:15 p.m.

A motion to adopt the ordinance entitled Middlesex County Cigarette Tax Ordinance was made by Supervisor Mansfield, seconded by Supervisor Koontz, and carried by the following roll call: Supervisor Williams – Aye; Supervisor Koontz – Aye; Supervisor Mansfield – Aye; Supervisor Kimbrough – Aye; and Chairman Jessie – Aye.

Supervisor Koontz asked Mr. Walker why the tax was geared to just cigarettes and not tobacco. Mr. Walker said that the tax was driven by the Code that the General Assembly passed and what that Code allowed.

Regional Authority Cigarette Tax Board Formation Ordinance:

Mr. Walker said that the Commissioner of the Revenue had asked that the enforcement of the cigarette tax not be imposed on her staff. Therefore, he reached out to the Northern Neck Regional Board to see how they were handling the tax collection. When the Northern Neck Regional Board found out that Middlesex County was interested in joining the Board, they changed their name to the Chesapeake Bay Regional Cigarette Tax Board. Staff recommends that Middlesex County join the Chesapeake Bay Regional Cigarette Tax Board.

Chairman Jessie opened the public hearing comment period at 7:25 p.m.

No speakers addressed the Board.

Chairman Jessie closed the public hearing comment period at 7:25 p.m.

A motion to join the Chesapeake Bay Regional Cigarette Tax Board was made by Supervisor Koontz, seconded by Supervisor Kimbrough, and carried by the following roll call: Supervisor Koontz – Aye; Supervisor Mansfield – Aye; Supervisor Kimbrough – Aye; Supervisor Williams – Aye; and Chairman Jessie – Aye.

Ms. Lewis informed the Board that the Ordinance just adopted referenced Exhibit A, which was the regional agreement. The Board had reviewed the agreement at their June meeting, and it was included in an amended version of their meeting packet for today’s meeting.

Mr. Walker said that per the agreement, the County would appoint a representative to the Regional Board. He recommended that a representative from the Commissioner of the Revenue's office be appointed, with either Mr. Walker or Ms. Ricardi as an alternate. The Board agreed, by consensus, to appoint a representative from the Commissioner's office and to have either Mr. Walker or Ms. Ricardi serve as an alternate.

Ordinance Amendment #2019-06 and Ordinance Amendment #2021-01:

Dave Kretz, Director of Planning and Zoning, reviewed the application saying it is for the purpose of amending the ordinance to create a new Article 15C to address renewable energy facilities and to consolidate all zoning requirements that are currently listed within each zoning district's regulations into the new Article 15C and amend Article 22 definitions to include energy storage facilities and renewable energy facilities. The new Article 15C will include, but not be limited to, an amendment for new criteria regarding renewable energy, such as facilities applications, submission requirements, setback and screening requirements, structural height, noise, construction hours, signage, lighting, stormwater management, erosion, sediment control, decommissioning, and other development under the use standards. Section 8-4.1, Special Exception criteria, will be amended to exempt energy storage facilities from the 100-foot frontage requirement on a public street or highway. The proposed ordinance amendment also incorporates a request by Gentry Locke, on behalf of Drake Power, LLC, for the purpose of adding energy storage facilities as a Special Exception use to Section 7-3.33 and Section 8-3.30 of the Zoning Ordinance. Mr. Kretz said this ordinance amendment had been in the works for several years, and he thanked multiple people for their contributions. The Ordinance Committee did not feel it was necessary to have a community meeting for solar facilities under 50 acres and also for battery storage facilities. The building or structure of an energy storage facility would not be allowed in the 100-foot setback, but the fencing could be within that setback, but maintain at least 50-feet. He said that the landscaping requirements had been increased over the previous ordinance. As many steps as possible had been taken to make a facility aesthetically pleasing.

Mr. Kretz said that Section 15C-4 deals with small system solar energy facilities. This is typically what a homeowner would use that equates to as much as about 2,500 square feet of panels. A simplified criteria system was established for homeowners. He said that setbacks have been discussed numerous times by the Board. In the amendment, setbacks are 500-feet from a primary highway, 200-feet from a secondary road, and 100-feet from any private right-of-way or property line. The 100-foot setback from the property line is carried throughout all the districts. The Planning Commission felt strongly that the 1,000-foot setback should remain for energy storage facilities, with only the Board of Supervisors being able to reduce that setback through a siting agreement. He said that in Article 22, the definitions of electric energy storage facilities as well as renewable energy facilities will be added.

Staff recommended approval of Ordinance Amendment 2019-06 and 2021-01 as submitted. The Planning Commission voted 9-0, with one absent and one abstention, to recommend approval.

Chairman Jessie opened the public hearing comment period at 7:41 p.m.

Chip Dicks spoke on behalf of Open Road Renewables and the Drake Power, LLC project, saying he appreciated working with Ms. Lewis, Mr. Kretz, the staff, the Planning Commission, and the Ordinance Committee. He said he also appreciated the Board's consideration of the ordinance.

Chairman Jessie closed the public hearing comment period at 7:42 p.m.

A motion to approve Ordinance Amendments 2019-06 and 2021-01, as presented, was made by Supervisor Koontz, seconded by Supervisor Mansfield, and carried by the following roll call: Supervisor Mansfield – Aye; Supervisor Kimbrough – Aye; Supervisor Williams – Aye; Supervisor Koontz – Aye; and Chairman Jessie – Aye.

Special Exception #2021-01 and Siting of Energy Storage Project:

Mr. Kretz said that Special Exception #2021-01 had been consolidated with the siting agreement of the energy storage project because they were contingent on each other. He said that the Special Exception was asking for approval to construct an energy storage facility in Low Density Rural (LDR) and the Village Community district in accord with the proposed ordinance that was just approved. The property is located at the intersection of Route 3 (Grey's Point Road) and Route 33 (General Puller Highway). Mr. Kretz said the siting agreement includes payments to the EMS (\$150,000), a property being donated, and the siting in the revenue stream. The property is roughly 18.24 acres; it is vacant and the surrounding land uses vary. He said that there are two parcels in play, with the General Puller Highway parcel being donated. Current zoning has the front parcel as Village Community (VC) and the back parcel is LDR. A revision in the concept plan added extra landscaping to protect an adjoining residential property. He said that there is an RPA feature on some of the property that will inhibit development, but most of the area can be utilized for development. The applicant has provided a detailed narrative that describes the operational parameters of the request. Staff has reviewed the narrative and commented on the applicant's responses, as described in the staff report. The applicant will be constructing an electrical energy storage facility, constructed in close proximity to the existing Dominion Power energy substation, which is located at the southeastern intersection of the above-mentioned highways. In addition to this application, the applicant has submitted a siting agreement that is being considered along with the Special Exception request. The siting agreement includes payments to the County in support of provision of fire and emergency services, the transfer of real property, Tax Map 29-40A, for economic purposes, and a revenue share or a machinery and tools tax option which stipulates a revenue stream over a specified period of time. If accepted in conjunction with the Special Exception request approval, the proposed facility shall be deemed in substantial accord with the Comprehensive Plan. Staff had recommended approval of Special Exception #2021-01 conditioned upon the approval and adoption of the ordinance amendment and approval of the siting agreement. Based on the compensation being offered and the mitigation practices being proposed, staff feels that the overall Comprehensive Plan for Village Community and LDR district intent objectives are being met. The Planning Commission

recommended approval of Special Exception #2021-01 with a vote of 9-0, with one absent and one abstention. The encroachment into the 1,000-foot setback development corridor would be addressed with approval of a siting agreement by the Board of Supervisors.

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

Chip Dicks spoke on behalf of Open Road Renewables and Drake Power, LLC, saying that he and the applicants had reached out to the community, talking with people and listening, trying to address every one of the adjacent property owners' concerns. They also met with the EMS people, discussing the safety of energy storage and how everything is in containers. The containers are not more than nine feet in height so they cannot be seen. He said the only issue has been the 1,000-foot setback, but they are in complete, 100% compliance with the text amendment. The project can only accommodate a 200-foot setback from the primary road; otherwise, they cannot build a project and fit it on that site. The applicant has offered compensation and mitigation for the 200-foot setback. If the County chooses to go the route of revenue share, it will generate \$9 million over the life of the project. The project meets all requirements of the ordinance that was just adopted, with the exception of setback. The project was designed with the latest environmental technologies to make sure that it would be safe for citizens. He reviewed five minor siting agreement edits with the Board. He said that he and Ms. Lewis could work on the language to reflect the changes. One of those items is that payments would be made within three months, not six months as originally stated, and the transfer of the real estate parcel would occur within three months as well. He said that a Schedule B had been attached that sets out the payment plan and confirms that the County would accept either the revenue share option or the machinery and tools tax option.

Chairman Jessie closed the public hearing comment period at 7:59 p.m.

Supervisor Williams said that this project is economic development in the truest sense, and he believes this is a good project.

A motion to approve Special Exception #2021-01 was made by Supervisor Williams, seconded by Supervisor Koontz, and carried by the following roll call: Supervisor Kimbrough – Aye; Supervisor Williams – Aye; Supervisor Koontz – Aye; Supervisor Mansfield – Aye; and Chairman Jessie – Aye.

PUBLIC COMMENT

Chairman Jessie opened the public comment period at 8:01 p.m.

No speakers addressed the Board with any comments.

Chairman Jessie closed the public comment period at 8:01 p.m.

ADJOURN

A motion to adjourn until the next regular meeting scheduled for Tuesday, August 3, 2021, at 3:00 p.m. was made by Supervisor Koontz, seconded by Supervisor Mansfield, and carried by the following roll call: Supervisor Williams – Aye; Supervisor Koontz – Aye; Supervisor Mansfield – Aye; Supervisor Kimbrough – Aye; and Chairman Jessie – Aye.

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