

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS HELD ON
TUESDAY, SEPTEMBER 13, 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 (late)

Matthew L. Walker, County Administrator
Betty S. Muncy, Assistant 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 – arrived during Agency and Staff Reports and left during the second recess; Supervisor Harris – Present; Supervisor Jessie – Present; and Chairman Kimbrough – Present. There was a quorum.

CONSENT AGENDA

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

The Consent Agenda included approval of disbursements dated August 15, 2022 through September 19, 2022, numbered 100514-100792 totaling \$869,801.74, and payroll dated August 12, 2022, numbered 200071-20080, totaling \$449,225.09.

PUBLIC COMMENT

Chairman Kimbrough opened the public comment period at 3:03 p.m.

Mr. Hal Muller discussed concerns with short-term rentals in the community and wants guidelines set for both the homeowner and renters' protections. He said he had previously voiced his concerns but nothing has been done to address the matter.

Ms. Karla Havens stated she wanted to commend the Wetland Board and all they do. She said she particularly wanted to commend Mr. Marc Longest. She said no matter the issue, Mr. Longest was very responsive. She also stated that the members visit sites, so they have a complete understanding of the request being made. Ms. Havens also commended Mr. Dolezal, Wetlands Board Chairman, for always being responsive and knowledgeable.

Chairman Kimbrough closed the public comment period at 3:12 p.m.

CONSTITUTIONAL OFFICERS

Treasurer

Report only.

Commissioner of Revenue

Report only.

Mr. Kimbrough mentioned that the number of businesses participating in the business tax program has grown from 680 in 2020, 709 in 2021 and 714 for 2022. He added these figures were year-to-date through July and added how encouraging it was to see the number of business growth particularly after the closures during COVID.

AGENCY AND STAFF REPORTS

VDOT:

Report only

Mr. Jessie mentioned that VDOT has collected trash and are now getting ready to begin grass cutting. He said they have already sprayed for Johnson Grass.

Mr. Harris asked if there was a follow-up with Mr. McKnight on the concerns at the Middlesex Sports Complex. Mr. Walker stated there was a meeting with Mr. McKnight but he had not yet had a follow-up conversation with him. Mr. Harris stated that he and Mr. Koontz were present for the VDOT meeting; however, there has been no further progress on the matter. Mr. Walker stated he would follow up with Mr. McKnight for an updated progress report.

Mrs. Heather Lewis, County Attorney noted for the record that Mr. Koontz arrived at 3:14 p.m.

Schools:

Dr. Seitz provided a brief explanation of Budget Supplement Request FY2023-11 and Budget Supplement Request FY2023-12.

FROM:	AMOUNT:	TO:	AMOUNT:
3-072-031055-7000	(\$24,571.59)	4-072-065100-6002-900	\$24,571.59
3-074-024090-1000	(\$1,159,747.00)	4-074-066300-8200-900	\$1,159,747.00

Mr. Harris asked if the funds mentioned in FY2023-12 will be used the High School renovation project. Mr. Kimbrough asked if there were more urgent School projects that the money could go towards. Dr. Seitz said most recently, funds were used to replace the boiler at St. Clair Walker and paving. Dr. Seitz stated the High School renovation was the next big project.

A motion approving Budget Supplement Request FY2023-11 and FY2023-12 was made by Supervisor Jessie 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.

Mr. Walker asked the Board for feedback on their availability for a Joint Work Session with the School Board on October 10, 2022 at 5:00 p.m. Dr. Seitz added that the meeting will be held at the St. Clare Walker Middle School.

Social Services:

Report Only.

***Middle Peninsula Planning District Commission
- Mill Creek Boat Ramp Maintenance and other PDC Activities – Lewis Lawrence***

Mr. Lawrence, Executive Director for the Middle Peninsula Planning District Commission (PDC) explained the PDC covers six counties and three towns in the Middle Peninsula. He added the Commission is assigned different problems by the Board to try and find solutions to various issues such as protecting the shorelines against significant coastal erosion and flooding. He discussed assisting citizens on managing this threat and stated the PDC developed the Fight the Flood program. Mr. Lawrence provided several different parts of the program and explained the importance of each portion. He discussed the Commission's success in getting the General Assembly to create the Virginia Waterways Maintenance Fund which is currently set at \$2.5 million annually. Mr. Lawrence stated the Gloucester County Assessment Office performed an analysis, looking at the relationship between real estate property being on the water compared to not being on the water and it was determined that with every foot of water depth that is lost, 14% of the real estate property value is lost. He said during the last General Assembly session, they received \$5 million for the purchase of a municipal dredge and are in the process of setting up a municipal dredging program. Mr. Koontz requested that Mr. Lawrence provide the technical data from the analysis and Mr. Lawrence said he would share the requested information.

Mr. Lawrence discussed the Mill Creek boat ramp, stating the Board had tasked them with assisting with finding funding that would allow for a study to be conducted to figure out what options might be available to help mitigate the sand that moves into the space and to find a way to reconfigure the space that will enable the public to continue to use the area recreationally. He stated they have secured \$60,000.00 in funding to put out an RFP for ideas on how to accomplish this and once an idea is selected the proposal process begins. Mr. Lawrence stated the State would be providing \$26,400.00 and the County's portion will be \$32,451.00 which brings the total project cost to \$58,851.00. He added that this amount is not what the cost of the project is but rather it is the amount available to cover project costs. Mr. Lawrence said the Board would need to decide on whether they want them to handle the project and to what degree or does the County want to assign their own staff to handle the project. He added the language in the agreement would change depending on the Board's decision.

Mr. Walker stated that since we do not have staff that is familiar with this type of project and by the time staff learn what is needed to put together the RFP, Mr. Lawrence could have it completed and returned. He mentioned that the County Engineer does not necessarily make him experienced in shoreline projects and this is what the PDC does daily. He added, it's not that County staff cannot do it, but he thinks Mr. Lawrence and his staff could complete it quicker. He reminded everyone that the main reason the County hired a County Engineer was to focus on the upcoming sewer project, and added, if it is anything like the water project, the engineer will be at capacity overseeing the project. Mr. Koontz expressed his concerns and felt the County should be more involved in the project.

Mr. Kimbrough stated he would like to see Mr. Lawrence see this project over the goal line, thus enabling the County to remain focused on other activities but keep the Board apprised of the projects progress.

Mr. Koontz asked about the timeline for getting the RFP out and Mr. Lawrence said they would like to have the bid out in the next month or two. Mr. Walker asked what permissions were required for them to move forward with the project and will the State want to be involved in the RFP? Mr. Lawrence stated he will coordinate with the Department of Wildlife Resources (DWR) but he does not believe they will need to be involved.

A motion to approve Mr. Lawrence and staff to proceed with the project was made by Supervisor Harris and seconded by Supervisor Jessie with the understanding the County will still be involved and carried by the following roll call: Supervisor Koontz – Nay, Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Jessie – Aye and Chairman Kimbrough – Aye.

Dominion Energy

Ms. Melanie Rapp Beale, External Affairs Manager for Dominion Energy briefly spoke about the Drake Power Battery Storage Project which they are getting ready to file with the State Corporation Commission and added she would be providing more information as it becomes available. Mr. Koontz asked if the project was now officially owned by Dominion. Ms. Beale stated she believed so.

Workforce Housing – Bay Aging

Mr. Josh Gemerek, Senior Vice President for Housing at Bay Aging gave a brief history of Bay Aging and the services they provide to the community. He mentioned that Bay Aging is headquartered in Urbanna, Virginia and is a very diverse 501c nonprofit that run programs dealing with health, housing and transportation for people in the community. He also stated that Bay Aging develops and manages several housing properties in the region and added this was the reason the Middlesex County Foundation approached them to take over the responsibilities for the Workforce Housing Project at Cooks Corner. He said they have faced challenges due to costs and other matters.

Mr. Alan Walker, Assistant Director of Multifamily Housing Development with Bay Aging, informed the Board the plans required updating as the original plans for the Workforce Housing Project did not provide for the complete waterline and did not show a lot of the updates to bring it up to 2022 code. He stated that they are working with their construction company and funders to try and resolve the increased labor and material issues the project faces. Mr. Walker stated that the lease agreement between Middlesex County and Bay Aging is being finalized. He said they are in the process of transferring all the permits for the utility connections into Bay Aging's name which will help streamline processes.

Mr. Harris asked for more details on the type of dwelling this will be. Mr. Walker said there are two buildings with a total of 24 units and each unit will have two bedrooms and either two or three bathrooms. Mrs. Lewis clarified this is a multi-unit development with no single unit homes.

Mr. Koontz asked if they were only getting pricing from the one construction company. Mr. Walker stated they have reached out to the companies who were part of the bid process and found that Lochridge is still the lowest price. Mr. Koontz asked for an estimate of when they would receive the final price from Lochridge. Mr. Walker said he hoped in a month.

Mr. Kimbrough stated the targeted monthly rental was \$850.00 and asked if that will change with all the changes in construction. Mr. Walker stated once they get the final numbers, they could better answer that question. Mr. Gemerek explained rent increases further by stating that over time, rent prices do increase a bit. He added the way that development works is there is debt service and then you have operating costs which are supported by rent. He said as everything goes up in price, the rents must go up as well while keeping them still affordable. Mr. Gemerek stated that rental pricing also must fall within the constraints of the program that is providing funding. He added the primary funder for this project is Virginia Housing. However, he said with long term loans, the issue is that the costs are rising so much on this project. He said it is a funding source issue to cover the cost of the development. They are working with Virginia Housing to try and identify funding sources.

Mr. Matt Walker added one of the best pieces of advice they received was from the Mercer Place management team in Lancaster County. He said the amount of private support from the community that a project like this could solicit something would barely scratch the surface. Mr. Walker stated he was not part of the workforce housing development, but he wanted to highly suggest looking at local sources of revenue that would support a project like this similar to the Mercer place. He added he does not believe Mercer place was funded at all by the County. He reiterated the importance of this project to help bring and retain a workforce in the area.

Keep Middlesex Beautiful (KMB) Update

Mr. Baxter Phillips provided an update on the Keep Middlesex Beautiful! projects. He stated that the committee has been in operation for many years but recently was reenergized and will operate by the new bylaws which gives them a platform to help them support beautification

efforts within this County. He went on to explain the committee members and duties of responsibility.

Mr. Phillips stated that there are two ways the Board could assist in KMB's efforts, the first being revising the two Ordinances dealing with litter and the other is approving a resolution supporting a zero tolerance for litter here in Middlesex County.

Mr. Kimbrough asked for clarification on the term litter, saying there are different forms of litter and the term must be clear. Mr. Phillips stated that the term litter refers to refuse garbage or trash. He added it would be mostly paper, paper refuse debris and would not be inoperable junk vehicles.

A motion approving KMB to move forward allowing ample time for document review before presenting to the Board; and for KMB and County staff to evaluate existing litter control ordinances for potential improvements and implementing new property appearance or environmental nuisance standards pertaining to supporting a clean and litter free community and discussions be made during the December 2022 Board of Supervisors meeting was made by Supervisor Koontz 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.

A motion for the County to work with Keep Middlesex Beautiful Committee to draft a zero tolerance for litter resolution which shall be voted on for adoption during the October 4, 2022 Board of Supervisors meeting was made by Mr. Koontz and seconded by Mr. Harris and carried by the following roll call: Supervisor Williams – Aye, Supervisor Jessie – Aye, Supervisor Koontz – Aye, Supervisor Harris – Aye and Chairman Kimbrough – Aye.

Chairman Kimbrough called a recess at 5:30 p.m.

Chairman Kimbrough reconvened at 5:35 p.m.

Economic Development Authority – ARPA Tourism Funds Applications Update

Mr. Funkhouser provided an update for the Economic Development Authority stating that Ms. Law Law has been retained to assist with the application process as well as other projects the Economic Development Authority is undertaking. He stated he will bring the draft application to the Board during the next Board of Supervisors meeting in October. Mr. Funkhouser introduced Ms. Law.

Ms. Law said she was tasked with creating a proposal for the ARPA grant on how the money will be used. She stated she has focused on bringing awareness to Middlesex County as a destination for travelers by showcasing this County's asset. She discussed the Blue Way Trail and stated the name is not finalized. She added this will encompass all the County has to offer for those who enjoy the water, outdoor recreation such as boating and kayaking, as well as those who have interests in multi-day trips and interests in guided experiences; the aim is to target the 30–65-year-olds. She discussed interactive maps containing all the

hotspots throughout the County. She said most people who will be accessing this information will be doing so from their mobile device, so focus will be making this mobile friendly. She stated the budget is \$17,000.00 and they plan on running ads from March through September on social media. She discussed other advertisement ideas and the costs associated with them. Ms. Law also briefly mentioned other ways to utilize the ARPA Grant such as a possible shuttle in Deltaville through Bay Transit.

Mr. Harris asked about the \$120,000.00 funding. Mr. Funkhouser explained that money is from ARPA and is a use or lose type source. He added the plan is to spend as much of the \$120,000.00 as possible in investments that will last and use what is left over for ongoing community needs.

Mr. Harris asked about Google searching Middlesex County. Ms. Law said they are focusing on search engine optimization for those searching for Middlesex County. Mr. Walker reminded them not to forget to add a link to the four campground located in the County.

Planning 2022 Proposed Fee Ordinance

Mr. Kretz discussed the 2022 Proposed Fee Ordinance stating this had not been revised since 2018 and stated the fees fall somewhere in the middle of the fees that neighboring counties charge.

Mr. Kimbrough stated all were in favor of moving ahead with a Public Hearing for the October Board of Supervisors meeting.

Mr. Kimbrough asked for an update on the efforts expended for the B&B regulations. Mr. Kretz explained that it was sent to the ordinance committee and the committee did not see any issues with it. He added that he and Mrs. Lewis will be meeting to prepare a report with some options.

Puller Center Renovation Update

Mr. Ben Burton, Project Engineer for Bay Design, presented the board with a report that gave a summary of converting the Puller Center into the Middlesex County Sheriff's Office as well as a summary of what is necessary if a new build was selected. He stated the issue with the information that was provided to the Board at the previous meeting regarding the new build was it only covered the building cost. He added no consideration was given to the cost of all aspects involved if the new build option is selected.

Mr. Burton explained the cost listed in the memo, stating the renovation of the Building would be \$3.75 million with the soft costs of the design and construction administration being \$321,000.00, which would make the final cost of the project at \$4.1 million. He went on to explain that the cost of the new build construction which includes an EOC is \$3 million. He stated that Mr. Snowa's original presentation did not include the sally port with gate, demolition cost if the existing Puller Center location would be used for the new building. It also did not include the emergency generator, and did not include general site improvements.

He added to include all these extras into the original cost for the new build, brings the total to \$4.1 million. He also said they would have to include the design costs which then brings the overall total for the new build construction to \$4.52 million. He added that they were all in agreement, regardless of the option selected, the Sheriff could not take occupancy for 2 years.

Mr. Beam stated the major difference between the two options other than the cost is a renovated building, that is already 43 years old, will have a 17-to-20 year life span, whereas a new building will have a 50-60 year life span. Mr. Williams asked if Mr. Beam believes the new build option is the better option and Mr. Beam agreed. Mr. Burton added as he previously stated to the Board, to involve the USDA in the project, would increase the timeline for completion by an additional nine to 12 months.

Mr. Burton reiterated the costs are only associated with a new build if they were to utilize the existing Puller Center location. Mr. Jessie asked if the Sheriff has had any input in their meetings. Mr. Burton stated that the conceptual layout included all the areas the Sheriff required and once the project advances, they will need the Sheriff's input. Mr. Jessie expressed his feelings about tearing down a structurally sound building to put up a new building. Mr. Harris agreed with Mr. Jessie but asked for Mr. Beam's opinion. Mr. Beam said if the County has the money, he would choose the new build option. Mr. Burton stated he prefers the renovation option; however, given the life cycle costs and the duration of life, he agreed the new build option is best.

Ms. Ricardi stated during research, she found the lowest rate was \$415 per square foot with the average cost in 2021 being \$580 per square foot. Mr. Koontz agreed and asked Mr. Burton what source was used to come up with the \$275 per square foot cost. Mr. Kimbrough suggested that Mr. Burton reach out to other construction companies to validate the cost per square foot pricing for a facility with similar specifications.

Chairman Kimbrough called a recess at 7:15 p.m.

Chairman Kimbrough reconvened at 7:20 p.m.

Mr. Kimbrough noted that Mr. Koontz left during the recess.

Mr. Kimbrough made note that he was moving the Town of Urbanna's presentation next on the agenda.

UNFINISHED/NEW BUSINESS

Unfinished Business

No unfinished business was discussed by the Board.

New Business
Urbanna Town Pool

Mayor Hartley urged Middlesex County Board of Supervisors to join the Town with building a new pool for the residents of this County. She said the Town of Urbanna is not an independent or autonomous city but is as much a part of the County as Locust Hill, Jamaica, and Deltaville. She said a study showed that the percentage of town residents who will be using the pool is less than 50%; however, she stated her guess would be even less than that. Mayor Hartley introduced Ms. Marnie Hart to continue with the presentation.

Ms. Hart said they were aiming for a pool opening for the 2023 Memorial Day Weekend. She spoke of the history and importance of the Urbanna Town Pool, mentioning that the current pool was no longer safe to use. She said she thinks this is a great opportunity to create a joint vision of what the pool and surrounding facilities could look like to serve the community for years to come. She explained the positive effects of having a community pool and the benefits it has on the citizens. She stated a pool could prevent drownings by providing swim education and experience to residents of all ages and said she does not want to lose the opportunity to make sure that they are fulfilling the needs from a safety perspective for the kids and community moving forward.

Ms. Hart explained there are three options - a competitive swimming pool, a recreational swimming pool or to not have a pool. She believes the competitive swimming pool is the popular selection and the cost between the two pools was not enough to deter them from selecting the competitive pool option. She stated she believes the competitive pool is about \$200,000.00 more than the recreational pool. She said they have developed a comprehensive plan to look at cost to build and operate a pool as well as the revenue derived from the pool. Ms. Hart stated that the investment from Middlesex County would be a one-time cost to assist them with getting the project started and that Middlesex County will not have to continue to fund the pool going forward. She said the pool will fund itself with supplementation provided by the Town of Urbanna. She said the overall cost would be \$1.2 million and they plan on using some of the Taber Trust Fund, construction contributions and charter memberships. She stated they are expecting to raise \$50,000.00 in fundraising, \$50,000.00 from various community grants and from Middlesex County contributing \$300,000.00. She explained the charter membership would be an asset and would entitle those individuals use of the pool at no charge. Ms. Hart said the estimated revenue from the pool they anticipate raising is about \$87,000.00 and \$60,000.00 will come from the passes that they will be able to sell and added there will be a charge to the swim team but did not think it would be more than \$1,000.00; however, she added that these are the details they are still working on. Ms. Hart explained the different ways they are anticipating raising funds, including the Town of Urbanna setting aside \$25,000.00 per year for the pool. She also mentioned setting up a 501C3 so potentially those who did not buy a charter membership but want to donate now can do so with some sort of tax benefit.

Mrs. Lewis asked for clarification whether they are ready to proceed and where they are getting their construction costs from. Ms. Hart stated they have talked to multiple construction agencies. Mrs. Lewis asked if they have begun the formal Virginia Procurement Act process.

Mayor Hartley stated they were not required to do that since they are a town and have different regulations.

Mr. Harris asked how many years the pool had been closed and Ms. Hart stated it had been three years. Mr. Harris asked for clarification of the survey that the Town conducted and whether the citizens who voted also agreed to help fund it. Ms. Hart stated they have several people who are waiting for the 501C3 before donating money but she said she was not certain the amount of money that would be donated. She stated the Town's taxes would cover most of the running, staffing and maintenance of the pool. She also said each household in town would be issued a number of free passes per year and if they anticipate using it more, they will have the option of purchasing a seasonal pass. Mr. Harris said he is all for anything that helps the kids; however, he does not know how he would sell this idea to the rest of the County when one group is getting something that another group is not getting.

Mayor Hartley said this will be a public pool with the only difference being, those that live in town are paying taxes that actually pay for maintaining, staffing, insurance and all incidental costs associated with the pool. She stated that the pool will be used by all residents of Middlesex County. She added they have been discussing ideas with Social Services to make an affordable option for family memberships. Ms. Hart added the Urbanna Town residents are going to receive a small number of day passes for their family; however, these passes are not free, this is all part of the tax load those residents pay for living within the Town limits. Mr. Harris asked for clarification on the charter membership fees and Ms. Hart explained the cost for in-town residents would be \$12,000.00 and county residents would be \$15,000.00 and said it is basically a fundraiser for those who really want the pool to help get it built quicker. She explained if a resident moves, the membership could be applied to the new home buyer. Mr. Harris suggested offering a rebate to residents of the town then it would not be perceived as a different cost for town residents versus non-town residents.

Mr. Jessie asked if the Town has a back up plan for financing this project, specifically he asked if there was a capital improvement plan and were they putting money aside for this project. Mayor Hartley said there was a small fund but it did not come close to the amount that is needed. Mr. Jessie said he was not able to support this project at this time.

Mr. Williams voiced his concerns with offering different benefits for county versus town residents. Mr. Williams stated he could not consider this at this time.

Mr. Kimbrough stated the Town needed to go back and reconsider their structure. The Board was in agreement not to move forward with any proposals.

PUBLIC HEARING

A. Rezoning – 2022-03

Mr. Kretz explained this request was for an amendment of the previously approved proffers for the Fairfield Terrace Subdivision and the deletion of proffer #4 thereby

removing the age restrictions for the development which is currently 55 years and older.

Mr. Tim Tran, representing all but one of the lot owners briefly explained the history behind this application and stated the lot owners believed this was in the best interest to remove the age restrictions.

Chairman Kimbrough opened the Public Hearing at 8:30 p.m.

No one addressed the Board with comments.

Chairman Kimbrough closed the Public Hearing at 8:30 p.m.

A motion to approve Rezoning 2022-03 was made by Supervisor Harris and seconded by Mr. Jessie and carried by the following roll call: Supervisor Jessie – Aye, Supervisor Koontz – Absent, Supervisor Harris – Aye, Supervisor Williams – Aye and Chairman Kimbrough – Aye.

B. Special Exception 2021-04

Mr. Kretz explained this was for an on-site, small solar facility submitted by Power Home Solar. He said their request was for approval of a special exception to construct a 4.48 kilowatt DC small solar facility with 14 ground mounted pump. He said the property is currently zoned low density rural and is located in Water View in the Jamaica district.

Chairman Kimbrough opened the Public Hearing at 8:32 p.m.

No one addressed the Board with comments.

Chairman Kimbrough closed the Public Hearing at 8:32 p.m.

A motion to approve Special Exception 2021-04 was made by Supervisor Jessie and seconded by Mr. Harris and carried by the following roll call: Supervisor Harris – Aye, Supervisor Koontz – Absent, Supervisor Williams – Aye, Supervisor Jessie – Aye and Chairman Kimbrough – Aye.

C. Special Exception 2022-03

Mr. Kretz explained this was to construct a contractor's yard in accordance with Section 7-3.15 and 8-3.5 of the Middlesex County Zoning Ordinance. He stated the property spans over two zoning districts which both allow contractor's yards with a special

exception. The property is zoned low density rural and village community and is at 4235 Tidewater Trail in Jamaica.

Mr. Langford explained that he was planning on moving the office and putting the yard behind the office building and said the yard would be fenced in so that nothing would be visible outside the fenced area. He stated he has been serving this community for the past 25 years and looks forward to continuing to do so.

Chairman Kimbrough opened the Public Hearing at 8:42 p.m.

No one addressed the Board with comments.

Chairman Kimbrough closed the Public Hearing at 8:42 p.m.

A motion to approve Special Exception 2022-03 was made by Supervisor Jessie and seconded by Mr. Harris and carried by the following roll call: Supervisor Williams – Aye, Supervisor Koontz – Absent, Supervisor Jessie – Aye, Supervisor Harris – Aye and Chairman Kimbrough – Aye.

Sewer Update – Cooks Corner Construction Yard Lease

Mr. Beam, County Engineer, explained the agreement for Tidewater Utility, the contractor for HRSD, which authorizes them to use the land to store materials. The property is in front of the RCE building and was the same property used during the water project. The contractor has agreed to pay \$750.00 per month for the use of the land. Mr. Beam was not sure whether the amount would be paid monthly or as one lump sum. Mr. Walker said it would be paid monthly. Mrs. Lewis stated that under Virginia code, to lease land to a non-governmental entity, the matter would have to go to a Public Hearing.

REGULAR AGENDA ITEMS:

Citizen Appointments

Mrs. Muncy stated there were two positions on the Airport Committee whose terms have expired and they have three applications to fill those two positions. She said that Mr. Robert Roberts submitted his application for reappointment, and then Mr. Chip Holt and Mr. Eric Deagle have submitted applications for appointment.

A motion to appoint Mr. Mark Holt to the Airport Committee and delay selecting appointment for the second vacant position was made by Supervisor Williams and seconded by Supervisor Jessie and carried by the following roll call: Supervisor Jessie – Aye, Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Koontz – Absent and Chairman Kimbrough – Aye.

Miller's Services Permit Refund

Mrs. Muncy said that Miller's Service has requested a refund of \$40.80 that they paid for a plumbing permit in Deltaville that was taken over by another company. Miller's Service did not perform any of the work.

A motion approving Miller Service's refund of \$40.80 was made by Supervisor Jessie and seconded by Supervisor Williams and carried by the following roll call: Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Jessie – Aye, Supervisor Koontz – Absent and Chairman Kimbrough – Aye.

***Permit Fee Request
HRSD Permit Fee Waived***

Mrs. Muncy said this was a request to waive the fees for the HRSD sewer project which includes a building permit and a land disturbing permit for a total of \$410.80. Mr. Harris asked if waiving the fees was what has been done in the past. Mrs. Muncy stated that the County has waived the fees for another sewer project. Mr. Walker stated that since the work is being done on the County's behalf, the County may want to consider waiving the fees.

Oscar Barber Permit Fee Waived

Mrs. Muncy said this request was to waive the fees of \$165.00 for Oscar Barber's subdivision permit that was to transfer a portion of his property over to the County.

A motion approving both permit fee requests was made by Supervisor Jessie and seconded by Supervisor Williams and carried by the following roll call: Supervisor Williams – Aye, Supervisor Jessie – Aye, Supervisor Harris – Aye, Supervisor Koontz – Absent and Chairman Kimbrough – Aye.

VPPSA Agreement

Ms. Ricardi explained that every 10 years the annual operating agreement between the County and VPPSA needs renewed. She added that County staff recommends that the Board approve the renewal of the agreement.

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

Landfill LFG Exit Strategy

Ms. Ricardi stated she asked Resource International to provide an update for their exit plan and this was submitted for the record. Mr. Walker said they are working with Resource International on a notice of violation received from the DEQ and stated that he would arrange for Resource International to address the board at a future meeting.

Codification Project Update

Ms. Ricardi stated when she first came to the County, she began working with Mrs. Lewis on getting the County codes put into a code of ordinances which is a single document of all the codes in a standard format. This is not changing any of the codes but will rather make it so someone can look at our codes and the code will be written like every other County code, for example, if one of our ordinances is chapter 37, the same ordinance will be chapter 37 for another county. She added this will all be online and easily accessible. Ms. Ricardi stated that she and Mrs. Lewis were reviewing the document and were hoping to be finished by January.

Cigarette Tax Update

Report Only

Administrator Updates

Mr. Walker said they received the land deed for the six acres located at the airport from Mr. Oscar Barber and his attorney Jimmy Ward and said the deed was forwarded to Mr. Flynn for review and would be returned to the Board in October.

Mrs. Muncy stated that Delaware Corporation performed as much work as could be done before having to close the runway. She added the runway was closed August eighth and reopened September eighth. Mrs. Muncy said that Hummel Field was now licensed at 50 feet wide by 3220 feet long and at this time, is only open for day operations. She explained that the lighting at the airport was being looked at to see the cost between replacing and operating incandescent lights versus LED's but said whatever lights are selected, they will meet all the certifications. Mrs. Muncy said more information would be provided at the October or November meeting.

Mr. Walker mentioned the discussion with USDA regarding the Sheriff's Office project and said part of the conversation was regarding interest rates. He said the federal rate that the County would receive if USDA funding is pursued would be 3.5% for 40 years and said this was up from the rate for the Water Authority Project. He said currently, the private market will be around 5.5% or 6%.

Mr. Walker stated that Mr. Ken Turner will be providing a more accurate estimate on easement costs for the October Board meeting. He said that he and Mr. Beam have visited Deltaville with Mr. Turner and provided Mr. Turner with instructions as a first option, have the low-pressure force mains installed on the right away, as a second backup option, have them installed under the pavement itself and only as a third and last option, consider easements from private property owners.

Mr. Walker notified the Board that by the end of September all Water Authority matters will be transferred to Mr. Jim Nagy and Mr. Walker will only provide his support when needed.

Mr. Walker reminded the Board of the VACO Conference being held in Richmond and if they plan to attend, please let the administration office know.

Mr. Walker stated they have access to five interns that will begin working at the Administration Office in various positions.

County Attorney Update

Mrs. Lewis had nothing to report.

MATTERS PRESENTED BY THE BOARD

Mr. Kimbrough stated he had read in the newspaper that the City of Richmond is reassessing properties every year and the average assessment increased 13% in one year.

Mr. Williams asked Mr. Walker about the bus shop. He stated that the roof leaks and the windows need to be replaced. Mr. Walker thought that it was a County building but was leased to the schools. Mr. Williams also mentioned the building next to the bus shop and suggested cleaning it out. Mr. Walker stated that he knows what is in certain areas of that building and thought that Habitat for Humanity uses a portion as well as Hands Across Middlesex County. He said that there are different organizations in the County that are using certain areas of the building. Mr. Williams suggested getting it cleaned up and have it for the County's use. Mr. Walker stated that there may be other options for storage; however, he agrees with Mr. Williams that that building could be cleaned up.

Mr. Jessie said he went to the Virginia Recreational Advisory Board in Fort Monroe. He said they meet four times a year. He stated there is funding for recreation opportunities for children and he would like to see Middlesex County get involved in something like this. Mr. Walker stated this may be something that Parks and Rec could get involved in coordinating.

Mr. Williams spoke of an activity program for seniors. He said he was asked about taking the seniors through the Heritage Trail and suggested doing so by using a golfcart. Mr. Kimbrough asked if this would be owned by Parks and Rec. Mr. Williams agreed and said they would meet once a month. Mr. Jessie voiced concerns with using golf carts for this and maneuvering the paths and bridges but suggested using carts seen at the beach with larger tires and have someone guide the cart through the trail. Mr. Harris voiced concerns due to the grade of the path in certain spots. He suggested the Board walk it and think about ideas. Ms. Ricardi suggested for safety reasons, that golf carts not be used on the trail.

PUBLIC COMMENTS

Mr. Kimbrough opened the Public Comments at 9:30 p.m.

No Public Comment.

Mr. Kimbrough closed the Public Comments at 9:30 p.m.

CLOSED SESSION

Pursuant to Code of Virginia, Section 2.2-3711(A)(1), discussion of personnel matters, specifically regarding the County Administrator and the County Attorney.

Return to open session

A motion to return from closed session with the following statement 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, Mr. Koontz – Absent 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.

Adjourn

A motion to adjourn until the next regular meeting scheduled for October 4, 2022 at 3:00 p.m. was made by Supervisor Jessie and seconded by Supervisor Williams and carried by the following roll call: Supervisor Williams – Aye, Supervisor Koontz – Absent, Supervisor Jessie – Aye, Supervisor Harris – Aye and Chairman Kimbrough – Aye.

Lud H. Kimbrough, III
Chairman, Board of Supervisors