

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS HELD ON  
TUESDAY, MARCH 7, 2023, 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 (via zoom)

Matthew L. Walker, County Administrator (via zoom)  
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 3:30 p.m. Supervisor Williams led the group in prayer and Ms. Ricardi led the Pledge of Allegiance.

**ROLL CALL**

Attendance was taken by Ms. Ricardi with the following roll call: Supervisor Williams – Present; Supervisor Koontz – present by zoom; Supervisor Harris – Present; Supervisor Jessie – Present; and Chairman Kimbrough – Present. There was a quorum.

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

Chairman Kimbrough asked Supervisor Koontz, who was attending by Zoom, to state the reason for attending electronically. Supervisor Koontz stated he was on a cultural exchange in Nepal. Chairman Kimbrough stated the Board needed to have a majority vote to approve Supervisor Koontz' participation by electronic means.

A roll call was taken by Ms. Ricardi to approve Supervisor Koontz' participation by electronic means: Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Jessie – Aye and Chairman Kimbrough Aye. The vote was unanimous to allow Supervisor Koontz to participate electronically. Chairman Kimbrough asked for the minutes to reflect why Supervisor Koontz was participating electronically and to reflect his location. Supervisor Koontz identified his location as Nepal. Supervisor Koontz was now a voting member of the Board and there was a quorum.

**CONSENT AGENDA**

A change was made to the January 6, 2023 minutes, page seven under MPPDC-Dredging Project Update, change Mr. Smith's name from Kurt to Curt.

Chairman Kimbrough clarified wording in the same section of the January 6, 2023, agenda. He said the language reads that there is currently \$750,000.00 set aside every year for dredging and although that is correct, it could be interpreted that every year an incremental \$750,000.00 is set aside and that is not the case. He added, it is out of the County surplus funds that \$750,000.00 has been earmarked for dredging and not incremental \$750,000.00 every year.

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

The Consent Agenda included approval of disbursements dated February 7, 2023 through February 21, 2023, numbered 101499-101569 totaling \$215,444.31 and payroll dated February 13, 2023, totaling \$443,033.00.

### **PUBLIC COMMENT**

Chairman Kimbrough opened the public comment period at 3:32 p.m.

There were no Public Comments.

Chairman Kimbrough closed the public comment period at 3:32 p.m.

### **CONSTITUTIONAL OFFICERS**

#### ***Treasurer***

Mrs. Traci Wright, Treasurer, informed the Board that over 7,000 refund checks had been mailed on March 6, 2023. The Board commended Mrs. Wright and her staff for their efforts. Mr. Kimbrough reports that the Treasurer's office has managed to put excess cash to work and is generating nearly \$260,000.00 in annual income for the County. Mr. Harris asked Mrs. Wright to confirm the figure the Board had discussed investing for the County. Mrs. Wright replied that \$2 million had been invested with LGIP, which is a local government investment pool, at a 4.69% APR and briefly discussed investments in a few other accounts that generate more interest. Mr. Williams expressed appreciation to Mrs. Wright for her efforts. Mr. Koontz requested that Mrs. Wright provide the overtime that her office spent. Mrs. Wright said she would get the information together for the Boards review.

#### ***Commissioner of Revenue***

Report Only.

### **AGENCY AND STAFF REPORTS**

#### ***VDOT:***

Report only

Mr. Walker discussed holding a public hearing on the revisions to VDOT's upcoming six-year plan. He recommended holding the public hearing on the same night as the April 4, 2023 Board of Supervisors meeting, and the Board agreed.

#### ***Schools:***

Dr. Seitz presented Budget Supplement Request FY2024-30 and provided an explanation that this grant was for restraint and seclusion training for staff.

A motion approving Budget Supplement Request FY2024-30 was made by Supervisor Harris and seconded by Supervisor Jessie and carried by the following roll call: Supervisor Jessie – Aye, Supervisor Koontz – Aye, Supervisor Harris – Aye, Supervisor Williams – Aye and Chairman Kimbrough – Aye.

FROM:	AMOUNT:	TO:	AMOUNT:
3-071-018991-2000	(\$14,712.00)	4-071-061100-3000-900-200	\$12,747.00
		4-071-061100-5500-900-200	\$ 1,965.00

Mr. Harris asked about the additional property request from HRSD and was informed that an offer will be presented at the next School Board meeting.

**Social Services:**

Report Only.

**Deed of Easement HRSD**

Mrs. Lewis explained the Deed of Easement was for HRSD to grant the Water Authority and the County use of its easement for sewer infrastructure. A request for authorization for the Chairman to sign the deed was requested.

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

**Multi-State Opioid Settlement – R-2023-04**

Mrs. Lewis provided a brief history of the multi-state opioid settlement. She indicated the resolution was drafted by the Attorney General’s office and had not been altered. She explained Resolution R-2023-04, and stated the hope was for 100% participation.

A motion approving Resolution R-2023-04 was made by Supervisor Harris and seconded by Supervisor Jessie and carried by the following roll call: Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Jessie – Aye, Supervisor Koontz – Aye and Chairman Kimbrough – Aye.

**Middlesex County  
Board of Supervisors  
RESOLUTION  
R-2023-04**

**A RESOLUTION OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS APPROVING OF THE COUNTY’S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE COUNTY ATTORNEY AND/OR THE COUNTY’S OUTSIDE COUNSEL TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY’S PARTICIPATION IN THE SETTLEMENTS**

**WHEREAS**, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties and cities, including the County of Middlesex, by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by Middlesex County’s various departments and agencies; and

**WHEREAS**, the Commonwealth of Virginia and its counties and cities, including Middlesex County, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and Middlesex County; and

**WHEREAS**, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them; and

**WHEREAS**, the County has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that these pending settlements with Teva, Allergan, Walmart, CVS, and Walgreens shall be considered "Settlements" that are subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, and opioid manufacturer Janssen Pharmaceuticals; and

**WHEREAS**, the County Attorney has reviewed the available information about the proposed settlements and has recommended that the County participate in the settlements in order to recover its share of the funds that the settlement would provide;

**NOW THEREFORE BE IT RESOLVED** that the Middlesex County Board of Supervisors, this 7th day of March, 2023, approves of the County's participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and directs the County Attorney and/or the County's outside counsel to execute the documents necessary to effectuate the County's participation in the settlements, including the required release of claims against settling entities.

A Copy Teste:



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Matt Walker, County Administrator

### ***Consociate Media Proposal***

Mr. Walker explained the Consociate Media contract and the need for the County to have a stronger social media presence to communicate with the community and address any erroneous information going around. A motion was made but it was not seconded.

Mr. Harris asked about the fees. Mrs. Lewis explained the \$4,500.00 was for the audit and communications plan and then there would be an additional monthly fee. Ms. Ricardi said for four months, the total would be \$24,000.00 plus the \$4,500.00. There was discussion on whether there was a need for a consultant and suggestions of using existing avenues for communications like YouTube, County website and town hall meetings. Mr. Harris said the sewer project is still several years away and it may be premature to hire a consultant at this point.

The matter was tabled.

### ***Economic Development Authority Resolution R-2023-03***

Mr. Funkhouser presented Resolution R-2023-03 to establish a local VA 250 Commission in the Middle Peninsula, which is part of the state-sanctioned commemoration of Virginia from 2023-2025. He explained the commission will be responsible for tourism and economic development. He added the commission will have autonomy in deciding what events and activities to organize but will have access to resources and ideas provided by the Jamestown Yorktown Foundation. Mr. Funkhouser plans to attend a conference to learn more about what other localities are doing for the commemoration. He said the Virginia Tourism Corporation is doing a twice-a-year grant cycle, and the County can apply for some publicity money or advertising in the fall.

Mr. Jessie asked how the Economic Development Authority plans to include all nationalities and all regions of the County. Mr. Funkhouser said he plans on inviting and encouraging everyone to join a working subcommittee.

A motion approving Resolution R-2023-03 was made by Supervisor Harris and seconded by Supervisor Jessie and carried by the following roll call: Supervisor Koontz – Aye, Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Jessie – Aye and Chairman Kimbrough – Aye.

**Middlesex County  
Board of Supervisors  
RESOLUTION  
R-2023-03**

**At a regular meeting of the Middlesex County Board of Supervisors held on March 7, 2023, at 3:30 p.m.:  
On a motion duly made by Supervisor Harris, and seconded by Supervisor Jessie, the following  
Resolution was adopted by the following vote:**

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

**A RESOLUTION SUPPORTING THE VIRGINIA AMERICA 250 COMMISSION AND  
ESTABLISHING THE MIDDLESEX COUNTY VA250 PLANNING COMMITTEE**

**WHEREAS**, the Board of Supervisors of Middlesex County (the “Board”) is dedicated to the promotion of economic development and tourism in Middlesex County; and

**WHEREAS**, the Virginia America 250 Commission (VA250) was created in 2020 by the General Assembly for the purpose of preparing for and commemorating the 250th anniversary of Virginia’s participation in American Independence and has requested that each locality form a committee to aid in planning for the commemoration period; and

**WHEREAS**, the Board of Supervisors of Middlesex County (the “Board”) has previously delegated, to the Economic Development Authority of Middlesex County (the “Authority”), the authority to act as the County’s representative on behalf of the County’s designation as a Destination Marketing Organization (DMO) and as the County’s agent for the purposes of working with the Virginia Tourism Corporation and similar entities; and

**WHEREAS**, the Authority is prepared to offer administrative support to any VA250 Committee established for Middlesex County, to coordinate such work, to apply for and administer any grants or technical assistance on behalf of the committee and to communicate regularly with VA250 and the Board on committee activities and events.

**NOW THEREFORE BE IT RESOLVED** by the Middlesex County Board of Supervisors, that the Board hereby establishes a local VA250 committee to plan and coordinate programs occurring in Middlesex County and designates the Economic Development Authority of Middlesex County to coordinate the selection of committee members and to communicate regularly with the Board and VA250 in order to promote and commemorate this important historic milestone;

**Done on this 7th day of March, 2023.**



**Matt Walker, County Administrator**

## **County Engineer Update**

### **Airport BMP Agreement**

Mr. Wayne Savage, Bay Design representative, discussed the BMP maintenance agreement with the airport. He said in order to proceed, the VSMP permit must be terminated, which requires a BMP maintenance agreement and added, this agreement must be recorded and signed by the County Administrator and DEQ.

A motion authorizing the signing of the Stormwater Management Facility Maintenance agreement, subject to legal clarification, 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.

#### *Airport Update*

Mr. Beam mentioned the airport planting plan which is part of closing out the project with the Virginia Department of Aviation, and said the plants were selected and planted. He also discussed the WASP system, which had a temperature probe malfunction. He said he contacted the Virginia Department of Aviation, who has a maintenance agreement where they pay 95% of maintenance costs. He said a contractor will be repairing the equipment by weeks end.

#### *Wastewater Connection Fees*

Mr. Beam discussed the \$10,000.00 proposed sewer connection fees with the possibility of incentives depending on the grants and loans the County received.

Mr. Walker clarifies the connection fee is for the typical residential user; however, depending on the water usage and the meter size, the connection fee could increase. Mr. Walker did say the Board would have flexibility to make changes to the rates and connection fees before soliciting subscribers.

Mr. Harris asked when subscribers could pay the connection fees. Mr. Beam stated they could pay up front, possibly with incentives for doing so, similar to how the Water Authority was set up. There was discussion of the issues the water system had when subscribers were told a certain amount for the connection fee but later in the project, the fee changed. Mr. Harris voiced concern with setting the connection fee to early in the project and the issues and backlash it can cause.

Mr. Greg Chambers, Middlesex County Water Authority, discussed the cost of the water system project and the importance of getting more customers to keep the per capita cost low. He said the connection fee is a small part of the project, the key to reducing costs is getting more customers. He emphasized the importance of communicating the project and getting people signed up.

A motion to adopt the connection fee schedule 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.

#### *Timmons Sewer Update*

Mr. Ken Turner, Timmons representative, presented his quarterly update and stated that HRSD will waive the \$4,210.00 capacity charge for existing residential customers who connect to the County's sewer system and abandon their septic systems; however, this waiver will not apply to new developments. He also clarified that the \$4,000.00 credit that HRSD issues will not affect the \$10,000.00 connection fee charged by the County and that \$4,000.00 is only applicable for new subdivisions, so the total for new subdivisions would be \$14,000.00.

Mr. Turner also provided an update for the Topping sewer system. He also mentioned the environmental assessment would take 90 to 120 days to complete and the final assessment will incorporate revisions based on comments received. He said the cost for obtaining a nationwide

permit from the Corps and VMRC is estimated at \$29,500.00 and he is requesting authorization to proceed with the environmental assessment and funding for the updated cost estimate of \$4,250.00 over the previous estimate.

A motion approving the \$29,500.00 environmental assessment was made by Supervisor Jessie and seconded by Supervisor Koontz and carried by the following roll call: Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Jessie – Aye, Supervisor Koontz – Aye and Chairman Kimbrough – Aye.

#### *Buildings and Grounds Update*

Mr. Beam reported that a leaking pipe at the old courthouse had been located and would be repaired.

He said HRSD is halfway through the project at Cooks Corner and is giving the building and grounds team access to the materials they have stockpiled.

#### *Capital Improvement Projects*

Mr. Beam provided an update on the Puller Center renovation, stating the detailed design is moving forward. He mentioned the executive summary discussed in a past meeting and the fact that a ground penetrating radar would need to be used to verify reinforcement in the masonry walls and they've received a price of \$7,800.00. Mr. Beam is requesting an increase of \$7,800.00 to perform the needed work to complete the structural analysis for the building.

Mr. Harris asked if the structural portion fell under soft costs and asked if the soft costs were itemized and Mr. Beam said yes, there was a contingency budget for any soft cost increase, but Mr. Harris said he would like to confirm if there is any margin to cover this cost increase.

A motion approving the budget for the Puller Center renovation was made by Supervisor Harris and seconded by Supervisor Jessie and carried by the following roll call: Supervisor Williams – Aye, Supervisor Jessie – Aye, Supervisor Koontz – Aye, Supervisor Harris – Aye and Chairman Kimbrough – Aye.

#### *HRSD Quarterly Update*

Mr. Jeremiah Burford, HRSD representative, joined the meeting late via Zoom. He provided an update on two scheduling reports, one for Cooks Corner and the other for the Middlesex County project. He reported that Cooks Corner was making good progress on the gravity sewer install and pump station, but they had encountered change conditions that were not originally accounted for during the design phase, resulting in a change order for approximately \$185,000.00 which uses up the majority of the contingency fund. He said he anticipates requesting an additional appropriation for the project in the next month or so and there could be a potential change order to increase consistency. He also provided an update on the transmission force main project which is expected to be advertised in April as long as an issue with DEQ can be resolved with the storm drain at one of the pump stations. Mr. Burford expects full-fledged construction mode for all three projects by the end of the year. He said the larger project, which is the transmission force main going to Deltaville, is expected to be advertised at the end of the year and should be completed at the same time as the rest of the transmission force.

**REGULAR AGENDA ITEMS:**

***Citizen Appointments***

Report only.

***Budget Supplement Request FY2023-28***

Ms. Ricardi explained the request is for the ARPA tourism grant of \$120,000.00 which is being used for tourism based activities and is being used in accordance with the grant’s regulations.

A motion approving Budget Supplement Request FY2023-28 was made by Supervisor Harris and seconded by Supervisor Jessie and carried by the following roll call: Supervisor Jessie – Aye, Supervisor Koontz – Aye, Supervisor Harris – Aye, Supervisor Williams – Aye and Chairman Kimbrough – Aye.

FROM:	AMOUNT:	TO:	AMOUNT:
3-059-024040-0042	(\$120,000.00)	4-059-010010-3013	\$55,000.00
		4-059-010010-30134	\$31,000.00
		4-059-010010-30135	\$34,000.00

***Budget Supplement Request FY2023-29***

Ms. Ricardi presented the request stating this is for the expenditure of opioid funds of \$3,085.00 for the Sheriff’s Department to expend on opioid supplies to detect and reverse effects of opioid use and to train staff on substance abuse and harm reduction. She added this was a new source of funding and the Sheriff’s Department started this program when they found out that they would be receiving \$29,000.00 this year.

A motion approving Budget Supplement Request FY2023-29 was made by Supervisor Jessie and seconded by Supervisor Williams and carried by the following roll call: Supervisor Koontz – Aye, Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Jessie – Aye and Chairman Kimbrough – Aye.

FROM:	AMOUNT:	TO:	AMOUNT:
3-001-024040-1092	(\$3,085.00)	4-001-052020-5409	\$3,085.00

***Heath Insurance Renewal FY2024***

Mr. David Rowe joined the meeting via Zoom to present the 2023-24 health insurance program. He stated the proposal offers two plans, the Key 250 plan and the high deductible plan. He said the high deductible plan has a lower premium and the proposal is to fund the upgrade to the 250 plan or the shift to the high deductible plan and fund the employees’ health savings accounts with the remaining ARPA funds. He added, employees currently on the 500 plan can choose to go to the 250 plan at no cost to them or choose a high deductible plan. He said the cost for the County remains the same regardless of the chosen plans. The Board discussed the cost after this year and how it will be funded in the future. Mr. Walker suggested utilizing the remaining ARPA funds or relying on robust revenue growth.

Ms. Ricardi mentioned the decision for which plans to offer and how to fund them will need to be made before April 1<sup>st</sup> to meet the deadline for informing the State of the County’s decision, adding open enrollment is scheduled for May 2<sup>nd</sup> through May 16<sup>th</sup>.



The Board discussed the pros and cons of the high deductible plan. Mr. Williams asked if the health savings account accumulates interest. Mr. Rowe replied that a third party is chosen to administer and manage these accounts, employees are given a debit card that could be used to pay for medical services or at the pharmacy. He said typically, the threshold is \$1,000.00 balance before having investment options or be interest bearing. Mr. Williams asked whether employees could put money directly into the account. Mr. Rowe clarified that this money belongs to the employee, stating if the employee leaves, they take the money with them, adding the employee could transfer money into the account. Mr. Williams also asked if the employee signs up for the high deductible plan and changes their mind, can they switch back to the 250 plan. Mr. Rowe said the employee would have to wait until open enrollment before they could do that.

A motion approving the high deductible health care plan and the Key 250 plan was made by Supervisor Koontz and seconded by Supervisor Jessie and carried by the following roll call: Supervisor Williams – Aye, Supervisor Jessie – Aye, Supervisor Koontz – Aye, Supervisor Harris – Aye and Chairman Kimbrough – Aye.

### ***Nationwide Roth/457***

Ms. Ricardi discussed opportunities for employees to contribute to a 457b deferred comp program in addition to retirement offered through the Virginia Retirement System. She added this does not cost anything for the County to participate.

A motion approving the County to offer a 457b deferred comp program was made by Supervisor Harris and seconded by Supervisor Koontz and carried by the following roll call: Supervisor Koontz – Aye, Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Jessie – Aye and Chairman Kimbrough – Aye.

## **ADMINISTRATOR UPDATES**

### ***Cigarette Tax***

Report Only

### ***Staff Report***

Report Only

Ms. Ricardi presented two requests. The first request was regarding the Rotary Club's Pride of Middlesex event being held on April 1, 2023. She said this year's event will honor Mr. Greg Chambers. She added in years past, the County has purchased a table at the event.

A motion approving the purchase of one table for the Rotary Club's Pride of Middlesex event was made by Supervisor Jessie and seconded by Supervisor Williams and carried by the following roll call: Supervisor Koontz – abstain, Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Jessie – Aye and Chairman Kimbrough – Aye.

The second request Ms. Ricardi mentioned was the Kiwanis' Run for the Roses event being held on May 6, 2023. She explained this was the annual Kiwanis fund raiser and the County had purchased a table in previous years.

A motion approving the purchase of one table for the Kiwanis' Run for the Roses event was made by Supervisor Jessie and seconded by Supervisor Williams and carried by the following roll call:

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

Mr. Walker reminded the Board of the March 21, 2023 work session and stated the budget could be finalized that day and we could advertise the Budget Public Hearing barring any unforeseen circumstances.

### **COUNTY ATTORNEY UPDATE**

Mrs. Lewis had nothing to report to the Board.

### **UNFINISHED/NEW BUSINESS**

#### ***Unfinished Business***

No unfinished business was discussed by the Board.

#### ***New Business***

No new business was discussed by the Board.

### **MATTERS PRESENTED BY THE BOARD**

The Board members reported on their activities since the last Board of Supervisors meeting on February 7, 2023.

Mr. Williams proposed an increase in relief for the elderly from \$500.00 to \$750.00, as it had not been increased in 25 years and some elderly residents are struggling with increased tax bills and inflation. Mr. Koontz agreed and suggested researching various options with the Commissioner and discussing the matter further during the April 4, 2023 meeting.

### **PUBLIC COMMENT**

Chairman Kimbrough opened the public comment session at 8:30 p.m.

There were no public comments.

Chairman Kimbrough closed the public comment session at 8:30 p.m.

### **RECESS**

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

### **RECONVENED**

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

## **PUBLIC HEARING**

Chairman Kimbrough reversed the order of the two ordinance amendments due to timing.

### A. Ordinance Amendment 2023-01

Mr. Kretz explained the amendment, stating it was for an exemption for a swimming pool, adjoining decking, and related equipment from certain zoning requirements in Middlesex County. He said the amendment would allow the property owners to have accessory structures on a lot adjoining or directly across the street from the lot with the primary structure present, adding provided they meet the requirements and a deed covenant is recorded at the clerk's office. He said the proposed amendment was reviewed by the Ordinance Committee and the Planning Commission, and staff recommends approval of the request.

The applicant, Mr. Kevin Huennekens addressed the Board, stating he and his family have owned the property since 2002 and would like to build a pool on the property. He explained the property has two separate lots separated by a right-of-way. He said the septic system and garage were on one lot and the pool would be added to the other lot, away from the river to be in compliance with the Chesapeake Bay Act. He also said they had agreed to a deed covenant so the two lots could never be sold separately.

Chairman Kimbrough opened the Public Comments at 7:11 p.m.

There were no public comments.

Chairman Kimbrough closed the Public Comments at 7:11 p.m.

A motion approving Ordinance Amendment 2023-01 was made by Supervisor Jessie and seconded by Supervisor Williams and carried by the following roll call: Supervisor Koontz – Aye, Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Jessie – Aye and Chairman Kimbrough – Aye.

### B. Ordinance Amendment 2022-02

Mr. Kretz explained this amendment was to rename the tourist home section to short-term rentals and add additional requirements related to zoning approvals. He said the amendment was proposed by the Middlesex County Planning Commission in response to citizen concerns regarding properties being used for short-term rentals and added a tourist home section was added in 2018 to regulate short-term rental residential homes, and this amendment aims to add more definitions and requirements to better regulate the use of short-term rentals in the area.

Mr. Kretz read the proposed amendment, stating that the ordinance would address issues such as off-street parking, screening, noise, light and traffic. He added the ordinance requires a fire extinguisher in the kitchen, an evacuation plan, and prohibits signage advertising the rental. He explained the enforcement of the ordinance, which involves giving written notice to the owner if two or more complaints are received within a 12-month period and the permit may be suspended or revoked. He mentioned the responsible party to respond and attempt to resolve any complaints within 60 minutes of being contacted. He also said a violation of the provisions of the ordinance could result in a fine of no less

than \$500.00 and added that owners would be required to register with the County, pay a fee and would limit the number of renters to two per bedroom.

Mr. Kretz said the Planning Commission recommends approval of the amendment with some revisions such as expanding the definition of vehicles to include cars, boats and trailers and reducing the number of complaints required for a violation from three to two.

Chairman Kimbrough opened the Public Comments at 7:35 p.m. and provided a brief review of the public comments procedures for the citizens who would be addressing the Board.

Mr. John Morcock voiced concerns with renters' pets being allowed to run unsupervised and causing issues for the full-time residents. He also mentioned the lack of concern from the County when asked about screening. He said more consideration should be given to the full-time residents of these neighborhoods.

Mr. Chris Hodge asked when the Board would answer the questions being asked at the meeting. Mrs. Lewis said procedurally, the Board could address the questions during the discussion period; however, they would more than likely direct the speaker to talk to the Zoning Administrator or the County Administrator's Office depending on the nature of the questions.

Mr. Hodge agreed with the previous speakers concerns regarding renters' pets. He did state that the pets aren't vicious but are a nuisance. He also asked, if once a property becomes a short-term rental, would the short-term rental rules apply to the owner as well when they are living in the home. He asked if anyone would address this with him now and Mrs. Lewis reminded him of the procedures she had previously mentioned.

Mr. William Dowd also had concerns about his questions being addressed. He asked the Board if the amendment is approved, would property owners who rent their homes have to reapply for a new permit. He voiced concerns with the ordinance restricting the number of bedrooms but not addressing the number of people allowed to stay on the property. He suggested limiting the number of people as well. He also had concerns with the number of vehicles allowed to park on the property. He mentioned real estate listings where the realtor is putting in the listing that there are no local short-term rental restrictions in Middlesex County. He added, even though the rules are vague, the realtors are acting like there are not any rules.

Chairman Kimbrough closed the Public Comments at 7:45 p.m.

Mrs. Lewis and Mr. Kretz addressed the citizens' questions from the public comments. The Board discussed the matter further. Mr. Jessie suggested to keep the lines of communication open between the property owners and work together to solve concerns. Mr. Harris said the County is being proactive and trying to put in regulations to avoid problems. Mr. Williams said citizens are the eyes and should make the County aware by communicating and he commended the citizens who addressed the matter. Mr. Kimbrough also agreed and said that he is in favor of recommending a response within 60 minutes of receiving a complaint. He believes this is a good start.

A motion approving Ordinance Amendment 2022-02 was made by Supervisor Harris and seconded by Supervisor Jessie and carried by the following roll call: Supervisor Koontz – Aye, Supervisor Harris – Aye, Supervisor Williams – Aye, Supervisor Jessie – Aye and Chairman Kimbrough – Aye.

**ADJOURN**

The Board unanimously agreed to adjourn until the Budget Work Session scheduled for March 21, 2023 at 9:00 a.m.

Lud H. Kimbrough, III \_\_\_\_\_  
Chairman, Board of Supervisors