

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS HELD ON
TUESDAY, JULY 11, 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

Matthew L. Walker, County Administrator
Ann Marie Ricardi, Assistant County Administrator
Heather W. Lewis, County Attorney
Tammy-Lynn Gilbert, Deputy Clerk

CALL TO ORDER

Mr. Kimbrough called the meeting to order at 3:30 p.m. Mr. 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: Mr. Williams – Present; Mr. Koontz – late (arrived at 3:49 p.m.); Mr. Harris – Present; Mr. Jessie – Present; and Mr. Kimbrough – Present. There was a quorum.

CONSENT AGENDA

Mr. Kimbrough advised that a closed session would be added at the end of the meeting, and no action is anticipated after the closed session. A motion to approve the Consent Agenda as amended was made by Mr. Harris and seconded by Mr. Jessie and carried by the following roll call: Mr. Harris – Aye, Mr. Jessie – Aye, Mr. Williams – Aye, Mr. Koontz – Absent, and Mr. Kimbrough Aye.

The Consent Agenda included approval of disbursements dated June 30, 2023 through July 14, 2023, numbered 102102 through 102188 totaling \$447,041.56 and payroll dated July 15, 2023, totaling \$466,453.84.

PUBLIC COMMENT

Chairman Kimbrough opened the public comment period at 3:33 p.m.

Mr. Don Pringle voiced his safety concerns with the plans for the bicycle path, stating there is no reduction in speed, the lighting is poor and it is a blind curve.

Mr. Robert Jackson said he attended the June 16th work session and said there was no accountability and no monitoring of the sewer work at Cooks Corner and is concerned with the project costs. He also discussed the sewer collection and wanted to know the number who are signed up for sewer services. He also wanted to know the plans for the 18+ County owned properties.

Chairman Kimbrough closed the public comment period at 3:41 p.m.

CONSTITUTIONAL OFFICERS

Treasurer

Report Only.

Commissioner of Revenue

Report only.

AGENCY AND STAFF REPORTS

Mr. Kimbrough advised that school matters would be moved ahead of VDOT's report, in anticipation of a lengthy VDOT presentation. The Board had no objections.

Schools:

Dr. Tracy Seitz presented a resolution for the sale of land which is currently part of St. Clair Walker Middle School and to allow the school to retain the money from the sale of the property. She stated the Board would need to deem the land as surplus for the sale to take place. She mentioned that HRSD has offered \$4,300.00 for the property and advised that the School Board has tabled the matter to clarify wording in the deed. Dr. Seitz is requesting the Board adopt the resolution.

Mr. Koontz arrived at 3:49 p.m.

After additional discussion, a motion to adopt the resolution as presented was made by Mr. Jessie and seconded by Mr. Koontz and carried by the following roll call: Mr. Harris – Aye, Mr. Jessie – Aye, Mr. Williams – Aye, Mr. Koontz – Aye and Mr. Kimbrough – Aye.

**Middlesex County
Board of Supervisors
RESOLUTION
R-2023-08**

At a regular meeting of the Middlesex County Board of Supervisors held on July 11, 2023 at 3:30 p.m.: On a motion duly made by Supervisor Jessie and seconded by Supervisor Koontz, the following Resolution was adopted by the following vote:

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

A RESOLUTION TO APPROVE THE SALE OF A PORTION OF SCHOOL BOARD-OWNED PROPERTY TO HAMPTON ROADS SANITATION DISTRICT AND RETENTION OF THE PROCEEDS FROM THE SALE

WHEREAS, the Middlesex County School Board owns property identified as Tax Map Number 29-27B with an address of 6814 General Puller Highway, Locust Hill, Virginia 23092 ("Property"); and

WHEREAS, Hampton Roads Sanitation District ("HRSD") wishes to purchase a portion of the Property for the construction and operation of a public sewer pump station; and

WHEREAS, HRSD presented a proposal to the Middlesex County School Board to purchase .564 of the Property for \$4,300; and

WHEREAS, the Middlesex County School Board wishes to retain the \$4,300 proceeds from the sale and intends to use the monies for a visitor management photo identification system for St. Clare Walker Middle School; and

WHEREAS, pursuant to Virginia Code Section 22.1-129, the Middlesex County School Board held a public hearing on the sale of a portion of its property to HRSD on July 10, 2023; and **WHEREAS**, pursuant to Virginia Code Section 22.1-129, before the School Board may convey property to a third party, it must obtain the approval of the Middlesex County Board of Supervisors for the sale of the property and the retention of the proceeds from the sale.

NOW, THEREFORE, BE IT RESOLVED that the Middlesex County Board of Supervisors, on this 11th day July 2023, approves of the Middlesex County School Board declaring this portion of the Property surplus and selling it to HRSD; and

BE IT FURTHER RESOLVED that the Middlesex County Board of Supervisors approves the Middlesex County School Board retaining the proceeds from the sale of the Property in the amount of \$4,300.

A Copy Teste:



Matthew Walker, Clerk

VDOT:

Mr. Lee McKnight and Ms. Michelle Shropshire reviewed the TAP application, stating that it covered 2260 feet along Route 33, between Greens Cove Road and the Middlesex County Volunteer Rescue Squad building. They stated originally the application was submitted by the Middle Peninsula Planning District Commission on behalf of the County and that VDOT was not involved with the estimate creation but was brought in after that and asked to manage the project at which time, VDOT determined there was not enough funding for the original estimates. He stated the total project cost is \$1,001,175.00 with TAP program funding of \$800,000.00 and a local match of \$200,235.00. To accommodate this, VDOT developed a two-phased approach to get the project moving forward.

Phase one will run from the rescue squad to Jackson Creek Road and will cost an estimated \$1,626,500.00. Phase two will run along Jackson Creek Road from Route 33 to the Maritime Museum with an estimated cost of \$1,535,000.00. He added that \$78,695.00 has been expended to date for this project. Ms. Shropshire indicated that the County could apply for subsequent funding with some additional steps but that was not a guarantee the County would receive additional funding.

The Board further discussed the project and different estimates. Mr. Kimbrough said the road is dangerous and it is critically important to find creative solutions before someone gets hurt. Mr. Kimbrough asked if something utilizing the drainage system could be done and added, that option would add five or eight feet of width without encroaching on private property.

Mr. Kretz discussed the Town of Urbanna's interest in having a shared use path and the Planning Department has submitted a grant application to the Virginia Department of Highways. Mr. Kretz stated it would begin at the town limits, where the existing sidewalk ends, and would continue in a westerly direction to Bethpage Campground. He added that due to the cost, the project will be broken into two phases. The first phase will take the project from the Town limits to Port Town Lane and the second phase will extend the project approximately to Browns Lane.

There was a discussion on the grant application for the Deltaville shared use path and whether changes would still meet the purpose of the original application. The Board unanimously agreed to table the matter until the August Board of Supervisor meeting for further discussion.

Social Services:

Report Only.

Keep Middlesex Beautiful Update:

Report Only.

Airport Committee Bylaws Update:

Mr. Barnhardt discussed the two minor changes to be made to the bylaws:

- Article 4, Section 3: Change “shall” to “may” and would read, “The secretary may be a member of the committee”
- Article 6, Section 1: Change the meeting time from 7:00 p.m. to 6:00 p.m.

A motion approving the changes to the Airport Committee Bylaws was made by Mr. Koontz and seconded by Mr. Jessie and carried by the following roll call: Mr. Jessie – Aye, Mr. Williams – Aye, Mr. Koontz – Aye, Mr. Harris – Aye and Mr. Kimbrough – Aye.

County Planning Update:

Mr. Kretz discussed the Comprehensive plan and said they’ve requested the Planning District Commission perform a desktop review of the document and are now waiting for a cost estimate from the PDC. He also discussed the possibility of scheduling a joint work session in the fall to review the future land use plan.

Mr. Kretz discussed the compliance audit and evaluation of the Chesapeake Bay Program conducted by DEQ. He said as of July 1st, the Virginia Department of Health will be overseeing and enforcing the program. He said there were several deficiencies related to the required language that relates to plans of development and subdivisions and a draft ordinance was sent to DEQ for review and verbal confirmation was received. There will be more in September at the Board of Supervisors meeting.

Mr. Kretz briefly discussed the following Planning Department projects:

- Tractor Supply: The last agency approvals have been provided to the Department and final site plan and erosion and sediment control approval can now be issued.
- HRSD Interceptor Sewer System: The Department continues to review site plans and erosion and sediment control plans on various pump station sites and the transmission force main. Sites include Saluda, Urbanna, Locust Hill and Hartfield.
- Final zoning, building and land disturbance approval is being issued for the previously approved communications tower in Deltaville located near the rescue squad building. Installation of this facility should greatly improve cell service in far eastern sections of the county.

**County Engineer Update:
Sewer System Update – Timmons – Ken Turner**

Mr. Turner provided a brief review of the letter from the Department of Conservation and Recreation in response to the environmental assessment letters that were sent out. He said the Department of Historic Resources are requesting an archeological phase one investigation along the force main and pump station property for the Topping sewer system. He added that James River Institute of Archaeology had submitted a proposal in the amount of \$31,671.00 to perform the required work and is requesting the Boards approval to proceed with the work. He briefly discussed the steps taken with the archeological investigation.

- A shovel test per the Department of Historic Resources guidelines for conducting historic resources surveys in Virginia (2017). He added that the shovel tests will be done at 50-foot intervals along the force main alignment and at the pump station site. If a positive shovel test yielding cultural resources is encountered, additional shovel tests will be performed radially around the positive test at 25-foot intervals.
- All artifacts recovered will be processed and catalogued at the James River Institute of Archaeology laboratory in Williamsburg, VA and will remain property of the landowner or will be prepared for permanent curation.
- Final reports will be submitted to the Department of Historic Resources and other regulatory agencies.

Mr. Turner then provided a brief review of the sewer system project:

1. Deltaville: He said the field survey is complete for all three phases and are in the QC review process for phase one and once finished the design on phase one will begin this month. To avoid surprises, he said they will walk every inch to ensure what is on the survey actually reflects what is in the field. He also said with the Health Department's requirements, the hydraulic model for the Deltaville low pressure system has been updated.
2. Saluda: The LIDAR survey was completed and additional physical surveys will begin this month.

Mr. Turner provided project costs, stating the only update was the environmental assessment cost for Topping of \$31,671.00. He said the total cost of the project, including the purchase of 1000 grinder pumps is approximately \$41.4 million.

Mr. Koontz asked about any scheduling concerns in the upcoming months. Mr. Turner said advertising for the Topping project is still on target to happen by the end of the year, which is ahead of HRSD.

A motion approving the phase one archaeological work was made by Mr. Koontz and seconded by Mr. Jessie and carried by the following roll call: Mr. Williams – Aye, Mr. Koontz – Aye, Mr. Harris – Aye, Mr. Jessie – Aye and Mr. Kimbrough – Aye.

Mr. Walker suggested having a monthly work session only for the sewer project.

REGULAR AGENDA ITEMS:

Citizen Appointments

Ms. Ricardi said the staff recommendations are for Mrs. Brewington to be appointed to the vacant position on the Recreation Committee, and to reappoint Ms. Cardwell and Mr. Snead to the Social

Services Advisory Board, reappoint Mr. Schafer to the Wetlands Board and reappoint Mr. Lewis to the Airport Committee.

A motion approving the staff recommendations was made by Mr. Koontz and seconded by Mr. Harris and carried by the following roll call: Mr. Koontz – Aye, Mr. Harris – Aye, Mr. Jessie – Aye, Mr. Williams – Aye and Mr. Kimbrough – Aye.

KMB - Budget Supplement Request FY24-1

Ms. Ricardi said this was for the Keep Virginia Beautiful Grant for the event recycling program in the amount of \$1,000.00. She explained the \$1,000.00 will be used to purchase recycling bins to take to events throughout the county.

A motion approving Budget Supplement Request FY24-1 was made by Mr. Harris and seconded by Mr. Jessie and carried by the following roll call: Mr. Harris – Aye, Mr. Jessie – Aye, Mr. Williams – Aye, Mr. Koontz – Aye and Mr. Kimbrough – Aye.

FROM:	AMOUNT	TO:	AMOUNT
3-1-024040-0930	(\$1,000.00)	4-00-042020-5403	\$1,000.00

Airport – Budget Supplement Request FY24-2

Ms. Ricardi explained this request was to move the airport revenue and expenditures out from the general fund into its own separate enterprise fund and added this does not affect operations. She said these enterprise funds are used when you want to attempt to match the revenues and the expenditures and see it as a business enterprise.

A motion approving Budget Supplement Request FY24-2 was made by Mr. Harris and seconded by Mr. Koontz and carried by the following roll call: Mr. Jessie – Aye, Mr. Williams – Aye, Mr. Koontz – Aye, Mr. Harris – Aye and Mr. Kimbrough – Aye.

FROM:	AMOUNT	TO:	AMOUNT
3-065-010020	(\$199,000.00)	4-065-012080	\$222,236.00

ADMINISTRATOR UPDATES

Cigarette Report

Report Only.

Staff Report

Report Only.

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 June 6, 2023.

PUBLIC COMMENT

Chairman Kimbrough opened the public comment session at 6:09 p.m.

There were no public comments.

Chairman Kimbrough closed the public comment session at 6:09 p.m.

CLOSED SESSION

Pursuant to Virginia Code Section 2.2-3711 (A)(3) and (A)(8), for the discussion 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 specific legal questions about said acquisition of real property.

A motion to go into closed session was made by Mr. Koontz and seconded by Mr. Jessie and carried by the following roll call: Mr. Williams – Aye, Mr. Koontz – Aye, Mr. Harris – Aye, Mr. Jessie – Aye and Mr. Kimbrough – Aye.

RETURN TO OPEN SESSION

A motion to return from closed session with the following statement was made by Mr. Jessie and seconded by Mr. Koontz and carried by the following roll call: Mr. Koontz – Aye, Mr. Harris – Aye, Mr. Jessie – Aye, Mr. Williams – Aye and Mr. 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 was considered or discussed in said closed session.

ADJOURN

The Board unanimously agreed to adjourn until the next regular meeting scheduled for August 1, 2023 at 3:30 p.m.

Lud H. Kimbrough, III
Chairman, Board of Supervisors