

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, FEBRUARY 21, 2006, IN THE BOARD ROOM OF THE  
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: Fred S. Crittenden, Pinetop District  
John D. Miller, Jr., Saluda District  
Robert A. Crump, Saluda District  
Kenneth W. Williams, Pinetop District  
Wayne Jessie, Sr., Jamaica District

Charles M. Culley, Jr., County Administrator  
Michael T. Soberick, County Attorney

**CALL TO ORDER**

Mr. Miller called the meeting to order at 7:30 P.M. and gave a prayer. Mr. Culley led the group in the Pledge of Allegiance.

**PUBLIC HEARING – REZONING APPLICATION #2005-09**

Planning Director, Matthew Higgins, presented the application for rezoning a two-acre parcel from Village Community to General Business, expanding the eight-acre General Business zone approved with Rezoning Application 2005-06. With that rezoning it was proposed that the Urbanna Builders Supply business would move to the site; a shopping center is now proposed for that location, with Urbanna Builders Supply proposed to be located on the property proposed for rezoning with this application. The owners, Douglas and James Gray have submitted proffers including a site plan showing the layout of the proposed development (produced by Hulcher and Associated Inc. and dated December 28, 2005). In addition, the applicants have proffered new architectural drawings showing the design of the proposed shopping center (produced by David R. Barlew and dated December 19, 2005). Architectural drawings showing the design of the Urbanna Builders Supply buildings and written limits on the permitted uses of the property were also submitted. According to Mr. Higgins, the proposed development is consistent with the goals and objectives of the Comprehensive Plan by promoting the layout of commercial centers to preclude strip development and encouraging commercial development to be focused in existing town and hamlet-like settlements.

Mr. Miller opened the hearing for comments from the public. Douglas Gray commented that he would try to address any questions the Board may have. Representatives of the shopping center development and Urbanna Builders Supply were also present. There were no comments from the public.

Mr. Crump made the motion to approve the application with the proffers submitted. The motion was seconded by Mr. Williams and carried unanimously.

**PUBLIC HEARING – ORDINANCE AMENDMENT 2006-01**

Mr. Higgins presented an application to amend Zoning Ordinance Article 7, Low Density Rural; Article 8, Village Community; Article 9, Residential; Article 15, Supplementary District Regulations and Article 22, Definitions. The purpose of this amendment is to permit accessory dwelling units, such as guesthouses, garage apartments and “in-law apartments,” in the Low Density Rural, Village Community and Residential zoning districts. Quite often, citizens question their ability to construct an accessory dwelling unit of this type, only to be denied by the Planning Department. It is believed that many exist “illegally”, as property owners create the living space after final inspection of garages and the like are completed.

The Planning Commission has worked on proposed criteria for allowing the units as permitted uses:

1. Only one accessory dwelling unit would be permitted per lot.
2. An accessory dwelling unit would only be permitted if a single-family dwelling unit were located on the property. An accessory dwelling unit would not be permitted if a manufactured home were located on the property.
3. The accessory dwelling unit could not contain a gross floor area greater than fifty (50) percent of the total living area of the principal dwelling unit or eight hundred (800) square feet, whichever is less.
4. Additional parking would have to be provided for the accessory dwelling unit.

Mr. Miller opened the hearing for comments from the public. John England, chairman of the Planning Commission commented that the Commission has thought for quite a while about the issue. Also, the proposed minimum criteria fall within the guidelines of the building code. There being no further questions, the public portion of the hearing was closed.

Mr. Miller questioned how the dwelling units could be kept from becoming rental units. According to Mr. Higgins, there would be no way to guarantee that they would not become rental units, however, the size will be limited. Applications could be handled on a case-by-case basis if made as a special exception. Mr. Crump commented that use of the accessory units as rental units was the only thing that bothered him, but the need overshadows the concern.

Mr. Crittenden questioned whether this proposed amendment was taking the place of the use of a manufactured home as a second dwelling in the case of a family need. Mr. Higgins responded that it would not.

Mr. Crump made the motion to adopt the amendment as proposed. Mr. Crittenden suggested that the application be by special exception rather than for a permitted use. Mr. Crump amended his motion to adopt the proposed amendment, however adding it as special exception use rather than a permitted use. Mr. Crittenden seconded this motion and the motion carried unanimously.

### **ORDINANCE AMENDMENT 2005-06**

The Board of Supervisors, at their meeting on December 20, 2005, conducted a public hearing on the proposed Ordinance Amendment 2005-06. The principal purpose of the amendment is to amend the County's Subdivision Ordinance to comply with the requirements of Section 33.1-72.1 of the Code of Virginia regarding Virginia Department of Transportation (VDOT) rural addition funds. Unless these amendments are adopted, the County will not receive rural addition funding. At the time of the hearing, the Board of Supervisors had numerous questions regarding the impact of not adopting the proposals recommended by VDOT. According to VDOT, the County receives approximately \$22,000 per year in rural addition funds. These funds may be banked by the County, but must be spent within three (3) years on a project. There are currently at least six (6) private roads that citizens have contacted either VDOT or the County about being taken into the State maintenance system. Without the rural addition funds, financing required to improve qualifying roads for acceptance in the State secondary system could either be provided from the County's allocation of general VDOT funds or from private financing from County residents and homeowner's associations.

At the December meeting, the Board also had strong reservations about adopting the family exemption restrictions of the proposed ordinance. Because of State imposed deadlines for counties to adopt minimum highway regulations, Mr. Higgins recommended that the Board adopt the ordinance as proposed in December, excluding the family exemption restrictions at this time. The Department of Transportation will allow continued work on this portion of the ordinance.

Mr. Williams commented that he would not like to lose what funding the county does receive. The motion to adopt the ordinance amendments excluding the family exemption restrictions at this time was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously.

### **COMPREHENSIVE PLAN**

Mr. Williams questioned whether the update of the comprehensive plan could include a separate listing of state mandates so the citizens would know what issues are under the county's control. Mr. Higgins explained that the document could be prepared in any manner the Board wished.

**ENDORSEMENT OF INDUSTRIAL DEVELOPMENT AUTHORITY BOND SALE**

Mr. Culley advised the Board that the County's Industrial Development Authority (IDA) had approved the sale of bonds along with Henrico County to fund a project of the Virginia Blood Services. The IDA has requested the Board's endorsement of the sale. The IDA will collect a fee of 1/8 of 1% of the outstanding bond amount. The motion to endorse the bond sale was made by Mr. Crittenden, seconded by Mr. Crump and carried unanimously.

**RESOLUTION OF THE BOARD OF SUPERVISORS**

**OF MIDDLESEX COUNTY, VIRGINIA**

The Industrial Development Authority of Middlesex County, Virginia (the "Authority"), has considered the application of Virginia Blood Services (the "Applicant"), requesting the issuance of the Authority's revenue bonds in a principal amount not to exceed \$10,000,000 (the "Bonds"). The proceeds of the Bonds will be used to assist the Applicant in financing the acquisition of land and the construction, equipping and development of a new 64,000 square foot headquarters facility, including a collection center, a production facility, a distribution area and other related improvements (together, the "Project") to be owned and operated by the Applicant or its affiliates, including Astraea, Inc. The Project will be located on approximately 9.723 acres of land lying on the south line of Emerywood Parkway in Henrico County, Virginia ("Henrico County"), known as Commerce Center Section A, Block B.

The Project will be used by the Applicant and its affiliates in the furtherance of the Applicant's mission of providing a safe and reliable blood supply for the communities it serves. The Applicant is an independent, community-based blood service serving patients at hospitals whose service area includes, among many other areas, Middlesex County and Henrico County.

The Applicant and Astraea, Inc. are Virginia nonstock, nonprofit corporations that are exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code") and are not organized and operated exclusively for religious purposes. Each has its principal place of business at 2201 Westwood Avenue, Richmond, Virginia 23230.

Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code") provide that the highest elected governmental unit of the locality having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds. The Authority issues its bonds on behalf of Middlesex County. The Board of Supervisors of Middlesex County (the "Middlesex Board") constitutes the highest elected governmental unit of Middlesex County.

Following a public hearing held by the Authority on February 16, 2006, the Authority adopted a resolution (the "Inducement Resolution") in which it recommended and requested that the Middlesex Board approve of the issuance of the Bonds by the Authority. A copy of the Summary of Middlesex Public Hearing, including the Inducement Resolution, a reasonably detailed summary of the comments expressed at the Authority's public hearing and the Applicant's Fiscal Impact Statements has been filed with the Middlesex Board.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MIDDLESEX COUNTY, VIRGINIA:**

The Middlesex Board approves the issuance of the Bonds by the Authority in a principal amount not to exceed \$10,000,000, which may be issued in one or more series and from time to time, for the benefit of the Applicant, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, to permit the Authority to assist in the development and financing of the Project in Henrico County and approves the Authority's

designation of the Bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code for calendar year 2006.

The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Applicant. Further, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the Authority, Middlesex County, the Economic Development Authority of Henrico County, Virginia (the "Henrico Authority") nor Henrico County shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the Authority, Middlesex County, the Henrico Authority and Henrico County, shall be pledged thereto.

The Middlesex Board understands that the Authority has requested the Board of Supervisors of Henrico County similarly to approve the issuance of the Bonds and to concur with the Inducement Resolution. The Middlesex Board supports such requests.

This resolution shall take effect immediately upon its adoption.

Adopted: February 21, 2006

#### CERTIFICATION

The undersigned Clerk of the Board of Supervisors of Middlesex County, Virginia hereby certifies that the foregoing constitutes a true, correct and complete copy of a Resolution duly adopted by the Board of Supervisors of Middlesex County, Virginia at a meeting duly called and held on the 21st day of February, 2006 and during which a quorum was present and acting throughout, by the vote set forth below, and that such Resolution has not been repealed, revoked, rescinded or amended:

<u>Board Member</u>	<u>Present/Absent</u>	<u>Vote</u>
Fred S. Crittenden	<u>X</u>	<u>Aye</u>
Robert A. Crump	<u>X</u>	<u>Aye</u>
Wayne H. Jessie, Sr.	<u>X</u>	<u>Aye</u>
John D. Miller, Jr.	<u>X</u>	<u>Aye</u>
Kenneth W. Williams	<u>X</u>	<u>Aye</u>

WITNESS, my hand and the seal of the Board of Supervisors of Middlesex County, Virginia, this 24th day of February 2006.

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Clerk, Board of Supervisors of Middlesex  
County, Virginia

### **LIBRARY AD**

The motion to approve renewal of a County advertisement in the Middlesex Library Business Guide was made by Mr. Williams, seconded by Mr. Crump and carried unanimously.

### **FENCE PROPOSALS**

The motion to approve the proposal submitted by Rosenbaum Fence, for \$4,560.00, for installation of fencing at the new animal shelter was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously. Other proposals had been received from Lawson and Son - \$5,787.00 and A-Plus Fence - \$5,992.00.

### **PAYROLL**

The motion to approve payroll for the month of February was made by Mr. Williams, seconded by Mr. Crump and carried unanimously. Checks numbered 54340 through 54415 totaling \$250,476.68 were distributed as approved.

### **DISBURSEMENTS**

The motion to approve disbursements was made by Mr. Jessie, seconded by Mr. Crump and carried unanimously. Checks numbered 54332 through 54339 totaling \$7,462.50 and 54416 through 54476, totaling \$118,235.18 were disbursed as approved.

### **CLOSED SESSION**

The motion to meet in Closed Session for discussions regarding the Rosegill and Courthouse litigation and land acquisition pursuant to Code of Virginia, §2.2-3711.A6 and .A7 was made by Mr. Jessie, seconded by Mr. Crump and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously:

- To the best of the members' knowledge only public business matters lawfully exempted from open meeting requirements under Code of Virginia §2.1-3711.A6 and .A7 as identified in the motion by which the Closed Meeting convened were heard, discussed, or considered by the public body.

### **JOINT MEETING WITH SCHOOL BOARD**

Mr. Culley asked if the Board of Supervisors wanted to meet with the School Board regarding the budget. The Supervisors said to schedule the meeting.

**JUDGING AT HIGH SCHOOL**

Mr. Williams agreed to participate as a judge in the “Mr. Charger” contest at the High School on March 1<sup>st</sup>.

**ADJOURN**

There being no further business, the meeting was adjourned by motion of Mr. Williams, seconded by Mr. Crump and carried unanimously. The next regular meeting is scheduled for Tuesday, March 7, 2006, at 9:00 A.M.

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John D. Miller, Jr., Chair  
Board of Supervisors