

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, JULY 17, 2007, IN THE BOARD ROOM OF THE  
WOODWARD BUILDING, SALUDA, VIRGINIA:

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

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

**CALL TO ORDER**

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

**PUBLIC HEARING – SPECIAL EXCEPTION 2006-11**

Mr. George Hayfield, Planning Director, presented Special Exception Application 2006-11, an application to place a manufactured home as a second residential structure at Tax Map 29-6-1B. The owner of the property is Harvey Cox; Charles Riley is the applicant and is purchasing the property by making payments to Mr. Cox. This application had been heard by the Planning Commission in January, however, action was continued to allow Mr. Riley to make arrangements for transferring the land to his name. At their last meeting, the Planning Commission recommended denial of the application because it did not meet the requirements for approval.

The Chairman opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed. Mr. Williams commented that there should be some way to approve the application, because although the deed to the land was not in his name, the applicant was buying the land. Mr. Soberick stated that financing arrangements could be amended to allow Mr. Riley to have a deed and Mr. Cox to still hold the deed of trust. Mr. Riley stated that the issue has been resolved and he no longer needed the special exception approval. Mr. Soberick stated that the Board still needed to take action on the application since it had not been withdrawn. The motion to deny the application was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

**PUBLIC HEARING – ORDINANCE AMENDMENT 2007-05**

Mr. Hayfield presented the application for amendment of the Zoning Ordinance to include "mortuary" as a special exception use in the Village Community District, to add "crematorium" as a special exception use in the Light Industrial District, and a

definition of crematorium. The original application submitted by Randolph Lane requested a funeral parlor as a permitted use in the Village Community District. In review of the application, the Commission agreed that traditionally funeral parlors are well-maintained, stable uses, but often generate high amounts of traffic and parking. The zoning ordinance already includes a definition for mortuary which would technically include a funeral parlor within its classification. Mortuaries are currently only permitted in the General Business zoning district, and there is no listing or definition for crematorium. At their meeting on July 12, 2007, the Planning Commission voted unanimously to approve the staff recommendations.

Mr. Miller opened the hearing for comments from the public. Mr. Randolph Lane thanked the Board for considering the application. There being no additional comments, the public portion of the hearing was closed. The motion to approve the amendment as proposed by Mr. Hayfield was made by Mr. Crump, seconded by Mr. Williams, and carried unanimously.

### **CAPITAL IMPROVEMENT PLAN**

The Board reviewed the Capital Improvement Plan for FY 08-FY 13 as prepared by the steering committee. Mr. Miller opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed. The motion to adopt the Capital Improvement Plan as proposed was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

### **SPECIAL EXCEPTION 2007-04**

Discussion continued regarding this request for multi-family dwellings to be located at Tax Map 9-7-1 that was tabled from the May 15, 2007, Board meeting. Mr. Jessie commented that a meeting was held between the developer and citizens of Water View and the majority of those in attendance felt that condominiums were not a good fit for the community.

The motion was made by Mr. Jessie, seconded by Mr. Crump to deny the application. Mr. Crump stated that road improvements need to be made and with the property zoned as Village Community other uses can be made of the property. Mr. Williams and Mr. Crittenden agreed with Mr. Crump. The vote to deny the application was carried unanimously. Mr. Miller thanked Mr. Jessie for assisting in the meeting.

### **DISBURSEMENTS**

The motion to approve disbursements was made by Mr. Jessie, seconded by Mr. Crump and carried unanimously. Checks numbered 58972 through 59045 for \$187332.37 were disbursed as approved.

## **PAYROLL**

The motion to approve payroll for the month of July was made by Mr. Williams, seconded by Mr. Crump and carried unanimously. Checks numbered 58900 through 58971 totaling \$310,001.02 were distributed as approved.

## **COMPLAINT**

Mr. Crittenden stated that the operator of Locklies Creek Marina had made comments that the County increasing his taxes following Hurricane Isabel prevented him from rebuilding the marina or being able to sell fuel. It was noted that the County and state adopted emergency permitting procedures to assist marinas in getting back operational.

## **APPOINTMENT**

Mr. Williams made a motion to appoint Edward Harrow, Sr. to the Planning Commission, pending his acceptance. This motion was seconded by Mr. Crittenden and carried unanimously.

## **CLOSED MEETING**

The motion to meet in Closed Session for consultation with legal counsel regarding potential litigation pursuant to §2.2-3711.A7, was made by Mr. Crump, seconded by Mr. Jessie 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 §2.2-3711.A7 as identified in the motion by which the Closed Meeting convened were heard, discussed, or considered by the public body.

Action:

There was no action taken on the closed meeting.

## **ADJOURN**

There being no further business, the meeting was adjourned until the regular meeting on August 7, 2007.

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