

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, AUGUST 19, 2008, IN THE BOARD ROOM OF THE
HISTORIC COURTHOUSE, SALUDA, VIRGINIA:

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

Marcia Jones, Assistant Administrator
Charles M. Culley, Jr., County Administrator

Absent: Michael T. Soberick, County Attorney

CALL TO ORDER

The Chairman Mr. Williams called the meeting to order at 7:30 P.M. Mr. Jessie offered a prayer and Mr. Culley led the Pledge of Allegiance.

PUBLIC HEARING – SPECIAL EXCEPTION 2008-006

Planning Director, Matt Walker, presented this application for Teresa Hill, requesting to be allowed an accessory dwelling unit as per Section 15-22 of the Middlesex County Zoning Ordinance, to be placed at Tax Map 26-22, 11802 Tidewater Trail, just outside of Saluda. The property is a 7.57 acre parcel that already has an older farm house as an existing single family dwelling on the property. The applicant seeks to construct a 728 square foot accessory dwelling unit with an 806 square foot garage underneath, as per plans submitted. This garage/dwelling unit would replace an existing pole shed. The proposed use appears to be in compliance with the requirements of Article 20, Section 20-5-B. The Planning recommended approval of the application.

Mr. Williams opened the public hearing for comments. Mrs. Hillman stated that her plan was to replace the shed with a garage apartment that would allow her to move back onto the property. Ms. Hillman currently rents the existing home and the tenant is not able to adequately maintain the property. Being able to maintain the property together with the tenant would allow them each more time to be with their parents.

Adjoining property owner, Walter Gompers, commented that he would be looking at the side of the new building and believed the building would lower property values. Mr. Gompers questioned whether the new building would have its own well, septic system and electric service. There being no further comments the public portion of the hearing was closed.

Mr. Walker commented that all health and building department regulations would have to be met before permits could be issued.

Board members commented that the new building appeared to be much better than what it would be replacing and there was plenty of screening or room for screening from the Gompers property. The motion to approve the Special Exception Application #2008-006 as proposed was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

PUBLIC HEARING – REQUEST TO ABANDON ROUTE 638

Jack Terran of Christ Episcopal Church was present, representing Father Paul Andersen, who was not able to be at the meeting. The Church has requested the abandonment of Route 638, which divides a 10 acre triangle of land owned by the Church and reducing by more than half the amount of land available for use. The Church has no plans for use of the remaining property at this time.

Mr. Williams opened the hearing for comments from the public. Mr. Dennis Gunn, Operations Manager at Christ Church School, stated that the School uses this road as an egress for charter buses that come to the school and without it, it would be difficult for buses to maneuver and turn around. Mrs. Marcie Parker, VDOT Resident Administrator noted the opposition of VDOT, including that the only basis for abandonment available to the Board of Supervisors was "that no public necessity exists", which could not be defended because the road is actively used by the public. In addition, abandonment without having made improvements to the other connection to Route 33 reduces its current level of capacity and safety for those using Route 33 as well as Route 638. There being no further comments, the public portion of the hearing was closed.

Several members of the Board commented on the VDOT opposition to the request and noted that the County could not afford to make the improvements on Route 33 that would be required. The motion to deny the request was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously.

PUBLIC HEARING – TRUCK RESTRICTIONS

Mr. Williams opened the public hearing for comments regarding proposed truck restrictions to Regent Road and Dirt Bridge Road. There were no comments from the public. Mr. Crump stated that VDOT had placed signs to help direct trucks through the Wake area. The proposed restrictions would not prevent trucks from traveling the road with legitimate business, such as a delivery. Board members asked what size trucks would be restricted. Marcie Parker, VDOT Resident Administrator, stated that the Board could set the restriction. The motion to table action until the day meeting was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

RESOLUTIONS – LEUKEMIA REGATTA

Chairman Williams presented Judy Buis and Carolyn Schmalenberger, co-chairs of the 2008 Leukemia Regatta with resolutions adopted by the Board of Supervisors at their June 2, 2008 meeting.

CONGRESSMAN ROBERT WITTMAN

Congressman Wittman was present to update the Board on activities on the federal level. Regarding the Broad Creek Dredging Project, the Congressman reported that only one of the shallow draft projects received funding, however, he would make the request again next year for funding. In the meantime, the Army Corps of Engineers is to use the funding they do have to survey and prepare the site for dredging. The Congressman noted however, that they may be doing away with the ear-marking process, which would mean he would not be able to prioritize projects. The Congressman has also spoken with Assistant Secretary Woodley and presented a request that any left over money from other projects be used for Broad Creek. The Board may want to look into designating Broad Creek as a “Port of Safety”, which would allow Army Corps to move funds on their own. The Congressman noted that he would work on coordinating a conference call with Army Corps to address the sweep dollars and port of safety issue.

SPECIAL EXCEPTION 2008-002

Board members reviewed correspondence between the County and Mr. Brian Thacker regarding his Special Exception Application for a solid waste collection business at Tax Map 27-84. The public hearing on the application was conducted on April 15, 2008, with action tabled while the County Attorney and staff worked on conditions to place on the application.

Mr. Crump noted that there should be some guarantee of what is in the ground and where it is coming from. There should be some means of testing and monitoring that is economical and practical. It was suggested that two other companies serving the area should be checked to see how they handle any testing required by the county. Mr. Culley noted that these other facilities are not located next to a facility that is currently monitored, as is the County landfill. The County does not want to risk possible additional contamination. Mr. Thacker noted that a refuse facility constructed in 1999 that bordered a stream was only required to construct a berm around the parking area.

Mr. Walker stated that he believed the objective was to prevent water from getting into the containers, and from leaving the containers and trucks and the site itself. The motion to table action until more information on pre-testing was made by Mr. Crittenden, seconded by Mr. Crump and carried unanimously.

IDA RESOLUTION

The motion to endorse the approving resolution between the IDA and the Virginia Baptist Mission Board was made by Mr. Miller, seconded by Mr. Crump and carried unanimously.

APPROVING RESOLUTION OF THE BOARD OF SUPERVISORS OF MIDDLESEX COUNTY, VIRGINIA

WHEREAS, the Industrial Development Authority of Middlesex County, Virginia (*the "Authority"*) has considered the plan of financing application of Virginia Baptist Mission Board, a nonprofit non-stock Virginia corporation (*the "Borrower"*), whose principal business address is 2828 Emerywood Parkway, Richmond, Virginia 23294, requesting the issuance of the Authority's revenue bonds or notes in an amount not to exceed \$4,000,000 (*the "Bonds"*) to be issued at one time or from time to time to assist the Borrower in financing or refinancing the following (**collectively, the "Plan of Financing"**): (1) the costs of designing, constructing, and equipping a renovation of and expansion to the Borrower's existing boys and girls retreat camp center including the conversion of the dining facility to an administration building consisting of approximately 6,200 square feet, the construction of five lodges of approximately 4,220 square feet each and a conference retreat center of approximately 16,000 square feet, and other related facilities and improvements located on the Borrower's camp site, Camp Piankatank, 1586 Stampers Bay Road, Hartfield, Virginia 23071 and (2) amounts, if any, required to fund reserve funds, costs of issuance, and other expenses in connection with the issuance of the Bonds or the projects;

WHEREAS, the financed facility has been or will continue to be used as a youth camp and will also be used as an adult retreat and conference center;

WHEREAS, the Authority held a public hearing on the Borrower's Plan of Financing application on July 17, 2008, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (*the "Code"*), and Section 15.2-4906 of the Code of Virginia of 1950, as amended (*the "Virginia Code"*);

WHEREAS, Section 147(f) of the Code also provides that the governmental unit having jurisdiction over the issuer of private activity bonds must approve the issuance of the bonds;

WHEREAS, the Authority issues its bonds on behalf of Middlesex County, Virginia (*the "County"*) and the Board of Supervisors of Middlesex County, Virginia (*the "Board of Supervisors"*) constitutes the highest elected governmental unit of the County;

WHEREAS, the Authority has recommended that the Board of Supervisors approve the issuance of the Bonds; and

WHEREAS, copies of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing, and a Fiscal Impact Statement have been filed with the Board of Supervisors.

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

1. The Board of Supervisors approves the issuance of the Bonds by the Authority, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, to permit the Authority to assist the Borrower in the Plan of Financing.

2. The Board of Supervisors requests the Authority to designate the Bonds as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code. The Board of Supervisors will not designate more than

\$10,000,000 of qualified tax-exempt obligations in calendar year 2008 and represents that the County, together with its subordinate entities and entities which issue obligations on the County's behalf, will not issue in the aggregate more than \$10,000,000 in tax-exempt bonds in calendar year 2008.

3. *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 Plan of Financing or the Borrower.*

4. *This resolution shall take effect immediately upon its adoption.*

CERTIFICATION OF RESOLUTION

At a regular meeting of the Board of Supervisors of Middlesex County, Virginia, held on the 19th day of August, 2008, the following members were recorded as present:

PRESENT: *Kenneth W. Williams
 Robert A. Crump
 Fred S. Crittenden
 John D. Mille, Jr.
 Wayne H. Jessie, Sr.*

On motion by Mr. Miller seconded by Mr. Crump the attached Resolution was adopted by a majority of the members of the Board of Supervisors of Middlesex County, Virginia by a roll call vote, during an open meeting, the votes being recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
<i>Kenneth W. Williams</i>	<i>aye</i>
<i>Robert A. Crump</i>	<i>aye</i>
<i>Fred S. Crittenden</i>	<i>aye</i>
<i>John D. Mille, Jr.</i>	<i>aye</i>
<i>Wayne H. Jessie, Sr.</i>	<i>aye</i>

[SEAL]

*Clerk, Board of Supervisors
County of Middlesex, Virginia*

WINGS AND WHEELS GRANT

The motion to accept the promotional grant offered by the Department of Aviation for the Wings and Wheels event was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

MILEAGE REIMBURSEMENT

The motion to approve a mileage reimbursement rate of \$0.505 was made by Mr. Miller, seconded by Mr. Crump and carried unanimously.

APPOINTMENTS

No action was taken regarding appointments

PAYROLL

The motion to approve payroll for the month of August was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Checks numbered 62482 through 62557 totaling \$323,312.12 were distributed as approved.

DISBURSEMENTS

The motion to approve the disbursements as corrected was made by Mr. Crump, seconded by Mr. Miller and carried unanimously. Checks numbered 62598 through 62674 totaling \$321,322.67 were disbursed as approved.

CLOSED MEETING

The motion to meet in Closed Session to discuss personnel matters pursuant to §2.2-3711.A1, was made by Mr. Miller, seconded by Mr. Crump and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Crump, seconded by Mr. Miller 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.A1 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 as a result of the Closed Meeting.

ADJOURNED

There being no further business, the meeting was adjourned until the next regular meeting scheduled for September 2, 2008, 9:00 a.m., in the Board Room of the Historic Courthouse.

Kenneth W. Williams, Chairman
Board of Supervisors