

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS HELD  
ON TUESDAY, DECEMBER 15, 2009, IN THE BOARD ROOM OF THE HISTORIC  
COURTHOUSE, SALUDA, VIRGINIA:

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

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

Absent: John D. Miller, Jr., Saluda District

**CALL TO ORDER**

Mr. Crump called the meeting to order and a prayer was offered by Mr. Crittenden. Mr. Culley led the Pledge of Allegiance.

**PUBLIC HEARING – SPECIAL EXCEPTION #2009-006**

Mr. Walker, Planning Director, presented this application from Carol Norris, a request to allow the creation of a lot less than 2.5 acres in the Low Density Rural Zoning District as per Section 3-7b of the Middlesex County Subdivision Ordinance. The applicant has an existing single family dwelling on a 3.06 acre property. The property is split by a state maintained road, Route 727. The applicant seeks special exception approval to separate (subdivide) the 27,800 square foot portion of the property which lies across Route 727 for the purpose of sale or gift to her son. The Planning Commission has voted to recommend approval of the application.

Mr. Crump opened the public hearing. There being no comments, the public portion of the hearing was closed. The motion to approve the application was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously.

**PUBLIC HEARING – SPECIAL EXCEPTION #2009-007**

Mr. Walker presented this application from Carol Llewellyn requesting approval of a special exception to allow an accessory dwelling unit as per Section 15-22 of the Middlesex County Zoning Ordinance. The applicant seeks to construct a 679 square foot accessory dwelling unit with a garage underneath. The application meets the requirements of Article 15, Section 15-22 of the Zoning Ordinance and also seems harmonious with surrounding zoning and land uses. The Planning Commission

recommended approval of the application with the condition that the accessory dwelling be no more than 800 square feet of total living area.

Mr. Crump opened the hearing for comment. There being no comments, the public portion of the hearing was closed. The motion to approve the application as recommended was made by Mr. Jessie, seconded by Mr. Crittenden and carried unanimously.

### **PUBLIC HEARING – REZONING APPLICATION 2009-003**

Mr. Walker presented the request from K G Investments, as represented by Kage Buckley, to rezone 9.19 acres in two parcels, Tax Map 28-153 and 153d, from Low Density Rural District to the General Business District. The purpose of the application is to allow the relocation of several businesses, a Napa Auto Parts Retail Store, auto service center, used automobile sale lot and classic car showroom, all currently located on rental property at Cooks Corner. All these uses are permitted in a General Business district. The applicant has also submitted two possible layouts of buildings as conceptual site sketches, including sample building construction and proposed signage. A list of proffers regarding buffer areas, building size, screening, vehicle parking, lighting and landscaping has been included with the request.

Mr. Walker noted that the applicants had purchased the property with the belief that it was already zoned General Business. Mr. Walker confirmed that information from the Commissioner of Revenue's Office and the Virginia Mass Appraisal Network had reported the property as General Business. Mr. Walker found that in some instances, the use of the property, in this case as a general business, caused the reassessment firm to report the property with that actual zoning designation, when in fact, it was Low Density Rural. This has since been corrected. The applicant made application to rezone the property back in December, 2008, however, elected to defer the hearing until the county had the opportunity to complete its comprehensive plan update. The Comprehensive Plan future land use map designates this area for commercial uses; the rezoning would be consistent with this commercial designation.

The Planning Commission recommended approval of the application with the acceptance of the applicants amended proffers to include landscaping of the front knoll with low lying plantings and screening the impound lot from adjoining properties. Mr. Crump opened the hearing for comments from the public. Mr. Daniel Downs, Hartfield, spoke in favor of the project. There being no further comments, the public portion of the hearing was closed.

Mr. Crittenden asked about the zoning of the property next door, where a restaurant was located. Mr. Walker noted that that property is zoned Low Density Rural, and the applicants were granted a special exception to operate their restaurant. If the owner wanted to rezone the property they could come in and request it. Other Board members spoke in favor of the application. The motion to approve the

application as recommended by the Planning Commission, with amended proffers, was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously.

### **APPROPRIATION REQUESTS**

The motion to approve the following appropriation was made by Mr. Jessie seconded by Mr. Williams and carried unanimously: FROM: 3-1-41060-0001, \$1,500.00, Fund Balance TO: 4-1-53010-5715, \$1,500.00, VIEW Working and Transitional Child Care. Additional funds were approved by the State for VIEW daycare (\$30,000), requiring a 5% local match.

### **PAYROLL**

The motion to approve payroll for the month of December was made by Mr. Jessie, seconded by Mr. Williams and carried unanimously. Checks numbered 66462 through 66519 totaling \$304,854.58 were disbursed as approved.

### **DISBURSEMENTS**

The motion to approve the disbursements was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously. Checks numbered 66520 through 66576 totaling \$107,979.05 were disbursed as approved.

### **PUBLIC COMMENT**

Gary Thimsen, Urbanna, suggested that the Board needed to take the lead in cleaning up the waters going into the Chesapeake Bay, including recommending approval of the Tier 3 application by the Town of Urbanna. Mr. Thimsen requested that the Board invite Mr. David Whitehurst from the Department of Environmental Quality to attend a Board meeting, hold a public hearing, vote to recommend approval of the Tier 3 application and look for alternative methods of sewage treatment. Mr. Thimsen added later in the meeting that the number or type of boats currently moored in the creek had no impact on making application for Tier 3 status.

Lewis Briggs, Jr. commented that the condition of Route 619 had declined since repairs were initially made by VDOT and he encouraged Board members to visit the road to see what he was talking about. Mr. Crump suggested that Mr. Briggs bring his comments back to VDOT at the January 5<sup>th</sup> meeting.

### **OLD/NEW BUSINESS**

David Lee, owner of property across Route 33 from the airport runway has given permission for the County to have the pecan tree trimmed from the airspace, but not

removed. The motion was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously to obtain prices for pruning the tree.

### **APPOINTMENT**

The motion to appoint Wesley Dolezal as an alternate on the Wetlands Board, replacing Mary Ann Willis, was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously. Mr. Dolezal will serve a five year term, beginning immediately and ending September 30, 2014.

### **PRESENTATION OF PLAQUES**

Mr. Culley presented plaques to Mr. Crump and Mr. Williams representing their years of service on the Board of Supervisors.

### **CLOSED SESSION**

The motion to convene in closed session for consultation with legal counsel, pursuant to Code of Virginia, §2.2-3711.A7 was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Crittenden, 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 as a result of the closed session.

### **ADJOURNED**

There being no further business, the meeting was adjourned until the annual organizational meeting scheduled for January 5, 2010.

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Robert A. Crump, Chairman  
Board of Supervisors