

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, September 14, 2004, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia the following were present:

PRESENT:

John B. Roberts, Sr. Chairman
Phillip B. McCall, Vice Chairman
Bobby D. Ingle
Dulcie M. Mumpower
Odell Owens
Anthony S. Rector
Kenneth O. Reynolds

Mark K. Reeter, County Administrator
Mark W. Seamon, Accounting Manager
Naoma A. Mullins, Recording Clerk

ABSENT:

Lucy E. Phillips, County Attorney

1. Call to Order

The meeting was called to order by Mr. John Roberts, Chairman of the Board, who welcomed everyone in attendance.

2. Invocation and Pledge of Allegiance

Supervisor Odell Owens gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

On motion of Mr. McCall, second by Mr. Rector, it was resolved to approve the agenda as presented.

The vote on this motion was as follows: (7-0)

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

4. Approval of Minutes

On motion of Mr. Reynolds, second by Mr. Rector, it was resolved to approve the minutes of the August 24, 2004, meeting as presented.

The vote on this motion was as follows: (7-0)

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

5. Public Hearings

- a. (1) Public Hearing and Consideration of Adoption of an Ordinance to Reenact Chapter two, Subsection 2-193(b) and to Amend Chapter Two, Section 2-193, of the Code of the County of Washington, Virginia, to Broaden Uses Allowed for the Courthouse Security Fee and to Authorize Apportionment of the Processing Fee Between the Sheriff’s Office and the Southwest Virginia Regional Jail Authority

County Administrator Mark Reeter addressed the Board providing an overview of the proposed ordinance. Mr. Reeter explained that the ordinance contained two components. First, there is currently a fee in the amount of five dollars (\$5) that is part of court costs in each criminal or traffic case in its district or circuit court in which a defendant is convicted. Revenues from the assessment were to be used to fund increased courthouse and courtroom security. The ordinance that allowed the fee to be assessed was set to expire July 1, 2004; however, during the 2003-04 session of the General Assembly legislation was passed that reenacted the law that established the fee. The language in the proposed ordinance parallels the State legislation and allows the continuation of the five dollar (\$5) fee. The proposed ordinance also broadens allowed uses of the revenue from the courthouse security fee to include funding of equipment and other personal property to be used in connection with courthouse security.

The second component of the proposed ordinance would amend the County Code to allow apportionment of the processing fee between the Sheriff’s Office and Southwest Virginia Regional Jail Authority by resolution adopted by the Board of Supervisors. The County Code provides for collection of a fee not to exceed twenty-five dollars (\$25) on any individual admitted to a county or regional jail following conviction to be appropriated to the Sheriff’s Office to help cover expenses of processing arrested persons. State law allows revenues from this fee to be divided proportionately as determined by the local governing body between the sheriff’s office and a regional jail system if processing costs are to be incurred by both a sheriff’s office and a regional jail. At the time the County adopted the ordinance in 2002, the ordinance did not provide for apportionment between the Sheriff’s Office and the Southwest Virginia Regional Jail Authority because the regional jail system was not in operation. Now, the Regional Jail Authority anticipates that the system will begin to house criminally convicted individuals in 2005 and, therefore, would begin in 2005 to incur costs of processing arrested persons.

Mr. Roberts opened the public hearing to receive comments both in support of and in opposition to the proposed ordinance.

There being no comments, Mr. Roberts declared the public hearing closed.

Discussion ensued among the Board.

On motion of Mr. Ingle, second by Mr. McCall, it was resolved to adopt the following ordinance:

***AN ORDINANCE TO REENACT CHAPTER TWO,
SUBSECTION 2-193(b) AND TO AMEND CHAPTER TWO,
SECTION 2-193, OF THE CODE OF THE COUNTY OF WASHINGTON, VIRGINIA, TO
BROADEN USES ALLOWED FOR THE COURTHOUSE SECURITY FEE AND TO AUTHORIZE
APPORTIONMENT OF THE PROCESSING FEE BETWEEN THE SHERIFF'S OFFICE AND
THE REGIONAL JAIL***

WHEREAS, the Governor approved as law to become effective July 1, 2004, Senate Bill 214 and House Bill 504 regarding assessment of fees in certain criminal and traffic prosecutions that result in convictions; and

WHEREAS, SB 214 and HB 504 reenacted section 53.1-120 of the 1950 Code of Virginia, as amended, by eliminating the July 1, 2004, sunset provision on the statute that provided that any county may assess a sum not in excess of five dollars (\$5) as part of court costs in each criminal or traffic case in its district or circuit court in which a defendant is convicted and that such assessment shall be collected by the clerk of the court, remitted to the treasurer, and held by the treasurer subject to appropriation by the governing body to the sheriff's office for the funding of courthouse security; and

WHEREAS, SB 214 and HB 504 amended section 53.1-120 of the Code of Virginia, 1950, as amended, by broadening the use of the five dollar (\$5) fee collected by the courts for assessment for courthouse and courtroom security to allow the fee to be used to fund equipment and other personal property to be used in connection with courthouse security, if requested by the sheriff, and not just security personnel as was the law prior to July 1, 2004; and

WHEREAS, Section 15.2-1613.1 of the Code of Virginia, 1950, as amended authorized the county to enact an ordinance to assess a fee not to exceed twenty five dollars (\$25) on any individual admitted to a county or regional jail following conviction, and to divide proportionately as determined by the local governing body between the sheriff's office and a regional jail the revenues from such fee if processing costs are incurred by both a sheriff's office and a regional jail;

WHEREAS, the County adopted such an ordinance, which is codified at Washington County Code Section 2-193(a), but the ordinance did not provide for apportionment between the sheriff's office and a regional jail because, at the time of adoption, arrested persons were not processed by a regional jail; and

WHEREAS, the Southwest Virginia Regional Jail Authority anticipates that the Southwest Virginia Regional Jail system will begin to house criminally convicted individuals in 2005 and, therefore, the regional jail will begin in 2005 to incur costs of processing arrested persons; and

WHEREAS, the Sheriff of Washington County, Virginia, recommended to the Board of Supervisors of Washington County, Virginia, that it amend Washington County Code section 2-193(a) to allow apportionment of revenues from the processing fee between the Sheriff's Office and the Southwest Virginia Regional Jail Authority; that it reenact County Code section 2-193(b); and that it amend County Code section 2-193(b) to allow use of the revenues for equipment and other personal property used in connection with courthouse security; and

WHEREAS, the Board of Supervisors of Washington County having found it in the best interests of the public health, safety, and welfare to act in accordance with the recommendation of the Sheriff and the act of the General Assembly;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of Washington County, Virginia, after notice and public hearing, as required by law:

1. *That the Chapter Two (Administration), Article Four (Finance), Section 2-193 of the Code of Washington County, Virginia, is hereby amended, as set forth below:*

Section 2-193. Assessment of Costs in Criminal and/or Traffic Prosecutions that Result in Convictions.

- (a) *In addition to other fees prescribed by law, a processing fee as set forth in Appendix A is imposed on every individual admitted to the county or regional jail following conviction in a district or circuit court. The processing fee shall be ordered as part of court costs collected by the clerk, deposited into the account of the treasurer of the county, and shall be appropriated to the sheriff to defray the costs of processing arrested persons into the local jails shall be divided proportionately as determined by resolution of the local governing body between the sheriff's office and the regional jail to defray the costs of processing arrested persons into county or regional jails. Such resolution may be part of the appropriations resolution adopted annually by the local governing body.*
- (b) *In addition to other fees prescribed by law, any person convicted of a violation of any criminal or traffic offense shall pay a fee as set forth in Appendix A to defray the costs of courthouse security. The clerks of the district and circuit courts shall charge and collect this assessment as a part of the fees taxed as costs. After collection by the clerk of the court in which the case is heard, the assessment shall be remitted to the county treasurer and held subject to appropriation by the Board of Supervisors to the sheriff for funding courthouse security personnel, equipment, and other personal property used in connection with courthouse security. ~~The provisions of this subsection shall expire on July 1, 2004.~~*

* * *

2. *That should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Washington County Code.*
3. *That this ordinance shall be effective as of July 1, 2004.*

The vote on this motion was as follows: (7-0)

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

In another related matter, Mr. Reeter explained to the Board that at their stations was a proposed resolution for consideration that would dedicate the entire processing fee to the Sheriff’s Office until the Regional Jail Authority begins to incur expenses.

After discussion by the Board, the following action was taken:

On motion of Mr. Rector, second by Mr. Owens, it was resolved to adopt the following resolution:

RESOLUTION 2004-19

WHEREAS, Section 15.2-1613.1 of the Code of Virginia, 1950 as amended, authorized governing bodies of localities to enact an ordinance to assess a fee not to exceed twenty five dollars (\$25) on any individual admitted to a county or regional jail following conviction, and to divide proportionately as determined by the local governing body between the sheriff’s office and a regional jail the revenues from such fee if processing costs are incurred by both a sheriff’s office and a regional jail; and

WHEREAS, the Washington County Board of Supervisors enacted such an ordinance, which is codified at Washington County Code section 2-193(a), and, effective July 1, 2004, by amendment to said ordinance, authorized apportionment of the revenues from the assessment between the Washington County Sheriff’s Office and the Southwest Virginia Regional Jail by resolution of the Board of Supervisors; and

WHEREAS, the Southwest Virginia Regional Jail as of July 1, 2004, has not begun to incur processing costs for admission of persons into the regional jail; and

WHEREAS, the Washington County Sheriff’s Office continues to incur processing costs for admission of persons into the Washington County Jail;

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Supervisors hereby designates that all revenues from the assessment made pursuant to Washington County Code section 2-193(a) and Virginia Code section 15.2-1613.1 shall be dedicated to pay expenses incurred by the Washington County Sheriff’s Office for processing persons for admission into the Washington County Jail until such time as this Board of Supervisors may designate otherwise by separate resolution.

The vote on this motion was as follows: (7-0)

<i>Mr. Ingle</i>	<i>Aye</i>
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<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

b. Request for Rezoning of Property:

(1). *Rocky Prater, Tax Map #082-A, 41C:* Request to rezone approximately located on the west side of State Route 910 near the intersection of State Route 910 near the intersection of State Route 910/Route 58 from R-2 (Residential, General) to A-2 (Agricultural, General), Harrison Magisterial District, B-01 Election District

Mr. Roberts opened the public hearing to receive comments both in support of and in opposition to the application of Rocky Prater to rezone property.

Mr. Rocky Prater addressed the Board explaining that he wishes to have his property rezoned in order that he may place a doublewide manufactured home on the site to upgrade current living conditions for his family. Mr. Prater further explained that the current home located on the property would be demolished.

There being no further comments, Mr. Roberts declared the public hearing closed.

On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved to follow the recommendation of the Washington County Planning Commission and approve the application of Rocky Prater to rezone approximately 2.29 acres located on the west side of State Route 910 near the intersection of State Route 910/Route 58 from R-2 (Residential, General) to A-2 (Agricultural, General), Harrison Magisterial District, B-01 Election District.

The vote on this motion was as follows: (7-0)

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

c. Requests for Special Exception Permit:

(2). *Dan G. Coalson, Property Tax Map #053-A-34:* Request for a Special Exception Permit to operate a small business in general, more specifically, an open-air “flea market” on property located on the north side of State Route F-034 near the intersection of State Route F-034/Route 751 in an A-2 (Agriculture, General) zone, Monroe Magisterial District

Mr. Roberts opened the public hearing to receive comments both in support of and in opposition to the application of Dan G. Coalson for a Special Exception Permit.

Mrs. Lana Coalson addressed the Board regarding the application for a Special Exception Permit to operate an open air "flea market." Mrs. Coalson addressed with the Board concerns that had arisen when the application was presented to the Washington County Planning Commission, specifically parking and trash. She explained that she was issued a special permit from the Virginia Department of Transportation for parking and an abandoned roadbed and further that cars would not be permitted to park along the road. She stated that her business would be responsible for trash pickup and assured the Board this would not be a problem. Mrs. Coalson requested the Board approve the application for a Special Exception Permit and allow her the opportunity to operate the proposed business.

Responding to inquiries from Board members, Mrs. Coalson explained that a flea market is currently operating on Route 11 doing business as Snap's Trading Post. She further explained that number of vendor spots for the proposed flea market was downsized to 100 at the request of the Washington County Planning Commission.

Mrs. Lois Farris addressed the Board in opposition to the flea market. Mrs. Farris explained that she and her husband are residents of Farris Drive where they own a farm. She stated that their future plans are to turn the farmland into a nice subdivision, and is concerned that the flea market would decrease the value of their property. Mrs. Farris explained that Farris Drive is a farm service road and was not constructed to accommodate the volume of traffic that the proposed flea market would create. She further expressed concerns regarding potential sewer and litter problems created by the proposed flea market, and the types of vendors that may rent spaces.

Responding to inquiry from the Board, Mrs. Farris stated that approximately nine families live along Farris Drive.

Mr. William Fletcher addressed the Board in opposition to the proposed flea market. Mr. Fletcher explained that he was an adjacent property owner and was concerned with the increased traffic that the proposed flea market would create. He further explained that the site plan shows a turning lane for flea market traffic and that the turning lane would be at his driveway.

Mr. Ronnie Widener addressed the Board in opposition to the proposed flea market. Mr. Widener explained that he lives adjacent to the proposed flea market, and had concerns with the hours of operation and parking. He is also worried that cars will park in front of his property.

Ms. Margaret Preston addressed the Board in favor of the proposed flea market. Mrs. Preston explained that she would be a vendor at the flea market selling handmade crafts. She further explained that she is unemployed and the opportunity to sell her crafts would be a source of income.

There being no further comments, Mr. Roberts declared the public hearing closed.

Discussion ensued among the Board.

On motion of Mr. Rector, second by Mr. Ingle, it was resolved to follow the recommendation of the Washington County Planning Commission and deny the application of Dan G. Coalson for a Special Exception Permit to operate a small business in general, more specifically, a open-air "flea market" on property located on the north side of State Route F-034 near the intersection of State Route F-034/Route 751 in an A-2 (Agriculture, General) zone, Monroe Magisterial District.

The vote on this motion was as follows: (7-0)

Mr. Ingle	Aye
Mr. McCall	Aye
Mrs. Mumpower	Aye
Mr. Owens	Aye
Mr. Rector	Aye
Mr. Reynolds	Aye
Mr. Roberts	Aye

(3). *Kyle L. Cullop, Property Tax Map #067A1-A-21*: Request for Special Exception Permit to place a doublewide manufactured home on property located on the south side of State Route 797 near the intersection of State Route 797 and Holly Lane in a V (Village) zone, Monroe Magisterial District

Mr. Roberts opened the public hearing to receive comments both in support of and in opposition to the application of Kyle L. Cullop for a Special Exception Permit.

Ms. Doris Cullop addressed the Board explaining that she would like to place a new doublewide manufactured home on the property, which would replace an existing older mobile home. The existing structure would be torn down.

There being no further comments, Mr. Roberts declared the public hearing closed.

On motion of Mr. Rector, second by Mrs. Mumpower, it was resolved to follow the recommendation of the Washington County Planning Commission and approve the application of Kyle L. Cullop for a Special Exception Permit to place a doublewide manufactured home on property located on the south side of State Route 797 near the intersection of State Route 797 and Holly Lane in a V (Village) zone, Monroe Magisterial District.

The vote on this motion was as follows: (7-0)

Mr. Ingle	Aye
Mr. McCall	Aye
Mrs. Mumpower	Aye
Mr. Owens	Aye
Mr. Rector	Aye
Mr. Reynolds	Aye
Mr. Roberts	Aye

(4). *MacFarland Gamble, Property Tax Map #028-A-17*: Request for a Special Exception Permit to operate a small business in general, more specifically, a planning mill to include the importation and exportation of logs on property located on the north side of State Route 689 near the intersection of State Route 689 in Clapp Lane in a CR (Conservation Recreation) zone, Jefferson Magisterial District

Mr. Roberts opened the public hearing to receive comments both in support of and in opposition to the application of MacFarland Gamble for a Special Exception Permit.

Mr. MacFarland Gamble addressed the Board explaining that his operation is a small sawmill that handles three-four loads of timber per week and that the business would not grow any larger. Mr. Gamble stated that he has complied with all the requests made by the Board of Supervisors when his request was first brought before them. The sawmill has been moved to another site, and the log trucks have been rerouted to use only a portion of Mallard Lane.

Responding to an inquiry regarding maintenance of Mallard Lane, Mr. Gamble explained that he has a written agreement with Mr. Robert Wood who owns the road. The agreement provides him with a right-of-way to haul and widen the road if necessary for the purpose of his log trucks traveling to and from the sawmill. The agreement further states that he will be responsible for graveling and drainage of the road. Mr. Gamble stated that in addition to the sawmill, the road would also serve four families including his son.

Supervisor Bobby Ingle asked Mr. Gamble if he would allow the maintenance agreement to be used as an attachment and stipulation to the Special Exception Permit, if approved.

Mr. Gamble explained that would agree to Mr. Ingle's request.

Ms. Virginia Sawyer addressed the Board in favor of the sawmill operation. Ms. Sawyer explained that she is an adjacent property owner and believes Mr. Gamble's sawmill operation would not interfere or cause problems for any residents in the vicinity.

There being no further comments, Mr. Roberts declared the public hearing closed.

Supervisor Bobby Ingle addressed the Board explaining that the sawmill is located in his district, and he has been working to find a solution that would be of interest of both Mr. Gamble and the residents that have concerns with the sawmill operation. Mr. Ingle further explained that when Mr. Gamble initially came before the Board with his request, it was denied due to noise and traffic issues that affected the residents neighboring the sawmill. Mr. Gamble was then ordered to stop his operations. At the request of the Board, Mr. Gamble moved his operation to a location that is out of site any residences other than his son's home. Mr. Ingle stated that there is still an issue with the log truck traffic. The log trucks would continue to use a portion of Mallard Lane, but would turn before getting close to the neighboring homes. The primary issues of the residents now are that Mallard Lane, which is currently in good condition, will not be maintained, and the parking of the log trucks along the road that keeps the school age children from getting to their bus.

Discussion ensued among the Board.

On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved by the Board to follow the recommendation of the Washington County Planning Commission and approve the application of MacFarland Gamble for a Special Exception Permit to operate a small business in general, more specifically, a planning mill to include the importation and exportation of logs on property located on the north side of State Route 689 near the intersection of State Route 689 and Clapp Lane in a CR (Conservation Recreation) zone, Jefferson Magisterial District, contingent upon Mr. Gamble's compliance with the maintenance agreement for the portion of Mallard Lane used by Mr. Gamble to access his property, which addresses gravel, drainage and widening of a portion of the road that the trucks will use to make the turn onto Clapp Lane. The Board further requested that Mr. Gamble if at all possible prohibit the log trucks from traveling Mallard Lane between the hours that the children board and depart the school bus.

The vote on this motion was as follows: (7-0)

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

Scrivener’s Note: The Maintenance Agreement referenced above is included as Minutes Exhibits Item 2004-09-14-A.

(5). *Larry F. Nash, Property Tax Map #160A-A-19A:* Request for a Special Exception Permit for a non-agriculturally related storage facility in an existing structure for use as a personal auto storage facility with storage of tools to do light repair for personal use on property located on the south of State Route 641 near the intersection of State Route 641/Route 681 in an A-2 (Agricultural, General) zone, Tyler Magisterial District

Mr. Roberts opened the public hearing to receive comments both in support of and in opposition to the application of Larry F. Nash for a Special Exception Permit.

Mr. Larry Nash addressed the Board explaining that he was owner of property in question. Mr. Nash explained that there is a 30 x 30 building located on his property. He would like to have electricity placed in this building and use the building for maintenance on his farm equipment and personal vehicles.

There being no further comments, Mr. Roberts declared the public hearing closed.

On motion of Mr. Owens, second by Mr. Rector, it was resolved to follow the recommendation of the Washington County Planning Commission and approve the application of Larry F. Nash for a Special Exception Permit for a non-agriculturally related storage facility in an existing structure for use as a personal auto storage facility with storage of tools to do light repair for personal use on property located on the south of State Route 641 near the intersection of State Route 641/Route 681 in an A-2 (Agricultural, General) zone, Tyler Magisterial District.

The vote on this motion was as follows: (7-0)

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

(6). *Spec-Four Properties on behalf of Virginia Federation of Humane Societies, Property Tax Map #143A2-A-19A*: Request for a Special Exception Permit to operate a veterinary clinic, more specifically, a spaying and neutering clinic on property located on the south side of State Route 11 near the intersection of State Route 11 and Saffron Lane in a B-2 (Business, General) and A-2 (Agricultural, General) zone, Wilson Magisterial District

Mr. Roberts opened the public hearing to receive comments both in support of and in opposition to the application of Spec-Four Properties on behalf of Virginia Federation of Humane Societies for a Special Exception Permit.

Ms. Theresa Dockery addressed the Board on behalf of the Virginia Federation of Humane Societies. Ms. Dockery explained that they are proposing to operate a spay/neutering clinic in a building previously used a medical practice. The clinic would be operated in compliance with all applicable state rules and regulations. She stated that eventually the clinic e would have 15 employees including three veterinarians. The clinic would be operated Monday through Thursday.

Responding to inquiries from the Board, Ms. Dockery explained the clinic would be regional and accept animals from outside of Washington County. She further explained that the clinic would be geared toward low-income families and provides sterilization services to the animal shelter. One of the primary goals of the clinic is for animals to be sterilized prior to being adopted from the shelter.

There being no further comments, Mr. Roberts declared the public hearing closed.

Supervisor Dulcie Mumpower addressed the Board explaining that several years ago she and Supervisor Phillip McCall served on a Committee to establish a spay/neutering clinic for Washington County. The committee learned that it would not be financially feasible to establish such a facility. Since that time, Teresa Dockery has continued to work on identifying a way to make the clinic a reality. Mrs. Mumpower extended her personal gratitude and appreciation to Ms. Dockery for her hard work and dedication in identifying a way to make the clinic a reality.

On motion of Mrs. Mumpower, second by Mr. McCall, it was resolved to follow the recommendation of the Washington County Planning Commission and approve the application of Spec-Four Properties on behalf of Virginia Federation of Humane Societies for a Special Exception Permit to operate a veterinary clinic, more specifically, a spaying and neutering clinic on property located on the south side of State Route 11 near the intersection of State Route 11 and Saffron Lane in a B-2 (Business, General) and A-2 (Agricultural, General) zone, Wilson Magisterial District.

The vote on this motion was as follows: (7-0)

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

6. Consideration of Request for Supplemental Appropriation to Washington County School Board

Washington County School Superintendent Dr. Alan Lee addressed the Board explaining that the School Board is requesting a supplemental appropriation in the amount of \$424,353.00 for carryover/outstanding commitments from the 2003-2004 fiscal year. Dr. Lee provided an overview of the programs and projects that the funds would be appropriated.

On behalf of the Washington County School Board, Dr. Lee thanked the Board for their continued support of the Washington County School System.

Discussion ensued among the Board.

On motion of Mr. Rector, second by Mr. Owens, the Board acted to approve a supplemental appropriation of \$424,353.00 to the Washington County School Board.

The vote on this motion was as follows: (7-0)

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

7. Consideration of Request for Supplemental Appropriation for Funding of Engineering Design, U. S. Highway 11 Drainage Project

Assistant County Administrator Christy Parker addressed the Board regarding the U. S. Highway 11 drainage project. Ms. Parker explained that not only would this project address the runoff from the Highlands Business Park, but would also correct drainage problems that exist on Route 11. She advised the Board that costs continue to escalate on this project and the Virginia Department of Transportation (VDOT) has indicated that the cost estimate presented to the Board in June of this year in the amount of \$374,500 would not be adequate. VDOT has requested authorization to design the drainage system to determine the actual project costs. At this time, VDOT would like to move into a design phase and conduct a detailed preliminary engineering report that will cost \$50,000. They require that the \$50,000 come from Washington County, since the project is entirely in Washington County. SWIFA is asking that Washington County forward the local match of \$25,000 to VDOT and Smyth County will forward their half of the match, \$12,500, to Washington County immediately.

On motion of Mr. Ingle, second by Mr. Rector, it was resolved to approve a supplemental appropriation in the amount of \$25,000 as a local match to VDOT with \$12,500 coming from Smyth County and \$12,500 from reserves for contingencies to the road improvement fund for a \$50,000 revenue sharing project to conduct a preliminary engineering study for the Route 11 Drainage Project contingent upon receipt of \$12,500 contribution from Smyth County.

The vote on this motion was as follows: (7-0)

Mr. Ingle *Aye*
Mr. McCall *Aye*
Mrs. Mumpower *Aye*
Mr. Owens *Aye*
Mr. Rector *Aye*
Mr. Reynolds *Aye*
Mr. Roberts *Aye*

8. Consideration of Request to Apply for \$30,000 Appalachian Regional Commission Grant for Virginia Highlands Small Business Incubator

Ms. Parker provided the Board with an update on the Virginia Highlands Small Business Incubator Project (VHSBI). She explained that the project is approximately 80% complete and should be finished by the end of the current calendar year. Ms. Parker further explained that the monies to cover the operational costs for the project through the Virginia Department of Business Assistance were not funded in the FY 2003-04 session of the General Assembly. Therefore, the VHSBI Board of Directors has been working to identify additional sources of funding to assist with the operational costs so that the localities involved with the Incubator Project do not have to bear the entire burden. Mr. Todd Christensen with the Department of Housing and Community Development and Congressman Rick Boucher has identified a potential grant source through the Appalachian Regional Commission (ARC). The ARC grant, if received, would provide a one-time grant in the amount of \$50,000 to help cover operating expenses.

Ms. Parker advised the Board that Mount Rogers Planning District Commission (MRPDC) has been retained by the VHSBI to be grant administrator for the proposed grant from the Appalachian Regional Commission (ARC). She introduced Mr. Aaron Sizemore with MRPDC.

Mr. Aaron Sizemore addressed the Board explaining that MRPDC has been working on the grant application to be submitted to ARC on behalf of the VHSBI. Mr. Sizemore further explained that the grant application was originally for \$30,000, but that MRPDC has just been notified that the grant amount has been increased to \$50,000. Therefore, MRPDC is seeking permission from the Board to apply for a \$50,000 grant from ARC.

Discussion ensued among the Board.

On motion of Mr. Ingle, second by Mr. Reynolds, the Board acted to approve a grant application for a \$50,000 operating grant to the Appalachian Regional Commission and authorize the County Administrator to sign all necessary grant documents and to submit on behalf of the Virginia Highlands Business Incubator.

The vote on this motion was as follows: (7-0)

Mr. Ingle *Aye*
Mr. McCall *Aye*
Mrs. Mumpower *Aye*
Mr. Owens *Aye*
Mr. Rector *Aye*
Mr. Reynolds *Aye*

Mr. Roberts *Aye*

9. Consideration of Board Appointment to Washington County Jamestown 2007 Steering Committee

It was consensus of the Board to appoint Supervisor Dulcie Mumpower to the Washington County Jamestown 2007 Steering Committee.

10. Recess

It was consensus of the Board not to take a recess.

11. County Administrator

No report.

12. County Attorney Reports

On motion of Mrs. Mumpower, second by Mr. Ingle, the Board acted to authorize disposal of certain records of the County Attorney’s office.

The vote on this motion was as follows: (7-0)

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

13. Board Information

County Administrator Mark Reeter drew attention to materials in the Board Information section. Particularly minutes of the Washington County Planning Commission’s August 30, 2004, meeting, construction progress photographs of the Abingdon, Duffield and Haysi Regional Jail facilities, and correspondence from the Wolf Hill – Black Fort Chapter of the Overmountain Victory Trail Association inviting Board members to the Trail Certification Ceremony on September 24 at 10:00 AM.

14. Consent Agenda

On motion of Mr. Rector, second by Mr. Owens, it was resolved to approve the following consent agenda items:

- a. Payment of Bills, August 2004*
- b. Revenue Refund – Recreation Fee*
- c. Supplemental appropriation to the Forfeited Asset Sharing Fund*
- d. Revenue Refunds – Animal Sterilization Fees*
- e. Canceled checks – General Fund*
- f. Transfer from Reserves for Contingencies – State/Local Hospitalization Program*
- g. Supplemental Appropriation – County Library Fund*
- h. Budget Status Reports for August 2004*

The vote on this motion was as follows: (7-0)

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

15. Board Member Reports

Supervisor Odell Owens reported that he recently attended a videoconference regarding workforce training and economic development issues. One of the primary focuses of the videoconference was the promotion of economic development in areas that do not have adequate workforce development programs. Mr. Owens stated that both the state and federal governments seem very interested in this subject, and he would like the County to be aggressive in its workforce development training and economic development measures.

Supervisor Phillip McCall encouraged Board members to attend the County Fair.

Chairman John Roberts reported that Vice Chairman Phillip McCall and he attended the Town of Damascus’ Centennial Celebration and presented the resolution adopted by the Board of Supervisors. Mr. Roberts remarked that the ceremony was nice.

16. Adjourn

On motion of Mr. Rector, second by Mr. Owens, it was resolved to adjourn the meeting.

The vote on this motion was as follows: (7-0)

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>

Mrs. Mumpower *Aye*
Mr. Owens *Aye*
Mr. Rector *Aye*
Mr. Reynolds *Aye*
Mr. Roberts *Aye*

Prepared by:

Naoma A. Mullins, Recording Clerk

Approved by the Washington County Board of Supervisors:

John B. Roberts, Sr., Chairman