

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, January 24, 2006, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia the following were present:

PRESENT:

Kenneth O. Reynolds, Chairman
Jack R. McCrady, Jr., Vice Chairman
Phillip B. McCall,
Dulcie M. Mumpower
Odell Owens
Paul O. Price
Anthony S. Rector

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

1. Call to Order

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

2. Invocation and Pledge of Allegiance

Supervisor Jack McCrady gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

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

Addition of Item 16.a.

Consideration of Amendments to Board By-Laws and General Policies for Calendar Year 2006

- a. Proposed Amendment of By-Laws Articles 7.2, 8.1 and 8.5 – Addition of Citizen Comments to Board Meeting Agenda and Clarification of Parliamentary Procedures***

Removal of Item 23.a.

Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(1) for discussion and consideration of performance of specific public officers, appointees or employees of the public body; specifically the County Administrator.

Addition of Item 23.c.

Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(7) for consultation with the County Attorney and with retained legal counsel, Richard Cranwell by teleconference, where such consultation and briefing in open meeting would adversely affect the negotiating or litigating posture of the Board of Supervisors and which require the provision of legal advice by legal counsel regarding probable litigation in the matter of the landowner-initiated annexation petition filed against Washington County and City of Bristol by Leonard L.P., Henard Enterprises, Inc., J.H. Spurgeon, R&J Development Co. LLC, and Crown Point Development, Inc.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

4. Approval of Minutes

On motion of Mr. Owens, second by Mr. McCrady, it was resolved to approve the minutes of the January 10, 2006 Organizational Meeting with the following corrections:

Page 14122, Item h., correct motion to read:

On motion of Mr. Price second by Mr. Rector, it was resolved to appoint Supervisor Jack McCrady to represent Washington County on the Southwest Virginia Regional Jail Authority.

Page 14127, Item j., correct vote to read:

The vote on this motion was as follows: (6-0-1)

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Abstained</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

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

Mr. McCall Aye
Mr. McCrady Aye
Mrs. Mumpower Aye
Mr. Owens Aye
Mr. Price Aye
Mr. Rector Aye
Mr. Reynolds Aye

Scrivener's Note: Corrections to the above referenced minutes have been made.

5. Presentation of Employee Service Pins and Certificates and Recognition of Employee Professional Certifications

Chairman Kenneth Reynolds and County Administrator Mark K. Reeter presented the following service pins:

David Hatfield
5 Years of Service
General Services

Doug Cassell
5 Years of Service
Building Inspection

Christianne Parker
10 Years of Service
Assistant County Administrator

Frank Canter
15 Years of Service
General Services

Jerry Williams
20 Years of Service
Solid Waste

Cathie Freeman
25 Years of Service
Zoning Administration

Mr. Reynolds and Mr. Reeter expressed their appreciation for the superior service received from these employees.

In addition, two employees received special recognition for their work in obtaining the following professional certifications during the past year:

- Christy Parker, Assistant County Administrator – Certified Economic Developer (CED) – awarded September 25, 2005. Certification awarded by the International Economic Development Council (IEDC).
- Wally Horton, County Planner – American Institute of Certified Planners (AICP) – Awarded November 15, 2005. Certification awarded by American Planning Association (APA).

6. Presentation Concerning Virginia Highlands Airport Expansion Project

Ms. Lee Saltonstall addressed the Board to present remarks about the proposed expansion of the Virginia Highlands Airport Commission. Ms. Saltonstall first thanked the Board for allowing her the opportunity to speak. She explained that several years ago she made the decision to move to Washington County because of the history and culture of Abingdon and because of the people. Ms. Saltonstall further explained that she visited the website for the Virginia Highlands Airport and looked at the “Frequently Asked Questions” section and learned that the owners of the airport are the citizens of Washington County. She stated that at this point, the “owners” do not feel any sense of ownership in the airport. There has been little public involvement in the decisions that have been made pertaining to the expansion plans of the airport. Ms. Saltonstall further stated that the Airport Commission Chairman told those attending the November 9, 2005, meeting at the airport that if the citizens had concerns about the expansion, they should take them to the Board of Supervisors because the Airport Commission was simply following the Board’s direction. Therefore, many concerned citizens have taken this advice and are in attendance at this meeting to express their concerns about the expansion project to the Board.

Ms. Saltonstall explained that she along with other concerned citizens are not opposed to economic development. However, she asserted that much has changed since the initial expansion plans were first envisioned. Ms. Saltonstall stated that the group of concerned citizens are asking the Board to consider the idea that it is in everyone’s best interest to go back to the table to reevaluate the assumptions upon which the expansion plans were made nearly ten years ago. Ms. Saltonstall stated that over the course of the ten years, the population and density of the area around the airport has grown right up to the airport’s boundaries with communities, businesses, and churches. The Town of Abingdon also expanded to within a half mile of the airport, and will be even closer if additional land acquisitions are made. This creates a situation where the growth of the airport directly impacts all those around it. She stated that the goal of the concerned citizens is for the presentations to shed some light on factors that deserve careful consideration.

Ms. Catherine Harper addressed the Board explaining that she is a native of Southwest Virginia and has relocated to Washington County after retiring from the Federal Aviation Administration just over a year ago. Ms. Harper explained her concerns that nearly \$2.5 million dollars in federal, state and county funds have been spent on the current construction and improvements without holding public hearings on the project. She stated that the expenditure of public funds should warrant a public hearing before a project is started. Ms. Harper further explained that the absence of a public hearing on the airport expansion, before any work was begun, is especially disturbing in light of eminent domain being exercised against a reported 41 property owners near the east end of the runway to either acquire their property or obtain aviation easements. Ten of those property owners have had petitions of condemnation filed against them because they have not agreed to the Airport Commission’s terms. She further stated that an appraiser from Roanoke was hired by Delta Airport Consulting, and that it is hard to imagine that local appraisers familiar with the area’s property values and economics were not available to perform this task.

Ms. Harper explained what it meant to have an avigation easement recorded against a piece of property. She stated that it becomes a permanent attachment to a deed which allows the airport to “cause in said airspace such noise, vibrations and fumes as may be inherent in or useful for the operation of aircraft used in the airspace.” The easement will show up in a title search when the owner tries to sell their property or home. That usually will be cause for the prospective buyer to cancel their offer if they find it objectionable. The easement also gives the airport unlimited access to the property to remove perceived obstacles as they deem necessary. A property owner basically forfeits any right to complain in the future about airport operations even if planes get larger or noise gets louder. Ms. Harper stated that what is not said in the easement document is that those aircraft are at very low altitudes, typically 200 to 500 feet, over homes or businesses for noisy takeoffs and final approach landings, during which the majority of aircraft accidents occur. It does not take into account the emotional distress of living with the possibility of an expensive lawsuit by the Airport Commission, nor of being asked to leave a family farm where a person grew up as a child and where they raised their own children.

Ms. Harper stated that it appears property owners on the west of the runway are targeted to be affected by the expansion project. She presented two recommendations to the Board: 1. Hold a County sponsored public hearing as soon as possible; 2. Conduct a feasibility study for relocating the airport.

Mr. Stephen Jett addressed the Board explaining that he was a Professor of Geography and addressed the issue of an environmental impact study being conducted. Mr. Jett explained that there are concerns with air pollution resulting from the fueling of airplanes and the burning of the fuel. There are further concerns with water pollution resulting from oil leaks in an airplane’s engine and the fact that when it rains, in the absence of a drainage holding pond such residue on the pavement may be carried off in the draining water and flow into the nearest stream. He further explained that other areas of concern are flooding, wetlands, tree-cutting and noise pollution.

Ms. Margaret Singleton owner of Singleton Auto Parts Center addressed the Board expressing concerns both as a resident of Washington County and a business owner about the possible erosion problems, noise and safety issues. Ms. Singleton explained that the Airport Commission has approached her about the removal of trees behind her business, but they have not presented a plan for water run-off. She stated her concerns about how water runoff would affect her business, as well as her neighbors. Ms. Singleton further stated that she also has concerns with the impact the airport expansion project could have on her business and all businesses on the west end of Abingdon. She urged the Board to listen to the concerns of the citizens. Ms. Singleton stated that she is not opposed to expansion of the airport, but is opposed to the expansion at its current proposed location.

Mr. David Farris addressed the Board explaining that it is very discouraging that so little time has been given to public comment on the airport expansion project especially considering the magnitude of the project. Mr. Farris further explained that a public hearing should be held. Many citizens are in attendance at tonight’s meeting and they have valid concerns. He stated that statistics prove that if an airport is expanded there will be an increase in flights. Mr. Farris expressed his concerns with air pollution, noise and decreases to property values. He further stated that he does not believe the airport should be expanded at the proposed location. Mr. Farris asserted that the projected cost of the expansion project is \$12 million for an initial additional three to four flights per day. He stated that a feasibility study should be conducted and that public hearings need to be held. Mr. Farris further stated that many people are retiring in Abingdon and further that none of the articles promoting Abingdon as a good place to retire contribute it to the airport.

Mr. Gerald Cole addressed the Board stating that the people would appreciate the airport expansion project being placed on the ballot during a general election.

Ms. Reva Spry addressed the Board explaining that she was a resident of Oak Hill Estates, which is the largest body of neighbors closest to the airport. Ms. Spry requested that the Oak Hill Estates residents be more involved in the airport expansion project.

Mr. Henry McCarthy addressed the Board explaining that he moved back to Washington County from Boone, NC. Mr. McCarthy commended the Board for their hard work and service to the citizens of Washington County. He stated that people are moving to Washington County because it is a good place to live, and not because of a larger airport. Mr. McCarthy requested that the Board look to the future and what would be in the best interest of the citizens before making decisions concerning airport expansion project. He also encouraged the Board to conduct a feasibility and growth study.

Ms. Jan Hurt addressed the Board explaining that she moved to Abingdon seven years ago. Ms. Hurt explained that she chose the area because it was quiet. Before moving to Washington County, she lived within a flight zone in Texas. Ms. Hurt stated that had she known that she might live in another flight pattern that she would not have chosen Abingdon. She encouraged the Board to conduct a public hearing on the matter.

Mr. Jerry Eggers addressed the Board explaining that he lives behind the airport and has many safety concerns. Mr. Eggers further explained that he has concerns with the trees that are proposed to be cut at Forest Hills Cemetery in area which the cremains are buried because of the possibility of erosion. He stated that the expansion of the airport is not an issue related to economic development.

Mr. Robert Hilt addressed the Board requesting that they conduct a public hearing on the proposed airport expansion project. Mr. Hilt explained that he owns a farm that was impacted many years ago by the eminent domain process and felt he was not given a fair deal.

Chairman Kenneth Reynolds addressed the audience explaining that there will be other opportunities for residents to express their comments regarding the proposed airport expansion project. Mr. Reynolds further stated that the Airport Commission would be conducting public meetings concerning the project as part of project's environment assessment process. He commented that Washington County is a wonderful place to live and that efforts are being made to attract people to relocate to Washington County. Mr. Reynolds stated that this item could be placed on the Agenda again for a future Board of Supervisors meeting to allow the citizens another opportunity to address the Board.

Supervisor Dulcie Mumpower addressed the Board requesting that a special meeting be scheduled to hear the concerns of the residents regarding the proposed airport expansion project. Mrs. Mumpower stated that the Board of Supervisors needs to set aside specific time as soon as possible to listen to the citizens concerns.

Further discussions ensued among the Board. The Board members felt strongly that a special meeting should be scheduled to hear the concerns of the citizens. The special meeting should include the Airport Commission Members and the Airport Manager. It was consensus of the Board to direct the County Administrator to work with the Airport Commission to schedule a joint public hearing.

At this time, the Board took a brief recess.

7. Presentation Concerning Proposed Saltville to Glade Spring Rails-to-Trails Project

Ms. Shirley Ann Bailey addressed the Board to present concerns regarding the proposed Saltville to Glade Spring Rails-to-Trails Project. Ms. Bailey explained that the property owners adjacent to the proposed trail learned of the project through the news media and she does not feel this was the right way to handle the issue. The courteous way to handle the matter would have been to approach the landowners affected by the proposed project. She further explained that she has asked the Town of Saltville to conduct a complete title search of the railroad to prove their ownership. Ms. Bailey asserted that they do not own the property. If it is proven that the Town does not own the railroad then the adjoining property owners would like to ask the Board of Supervisors for assistance in having the old, dilapidated trestles torn down in order that the property owners could get decent roads in the area. Currently they have to take their cattle trucks and big trailers through Emory, VA or Glade Spring because the trestles on the railroad limit access to their property. Ms. Bailey stated that she walked though the old trail and found two sink holes. One of the sinkholes was identified near her house at Clinchburg and the second sinkhole was identified between Clinchburg and Ten Bridge Hollow. There is a sinkhole in the middle of the track that would make unsafe conditions for hikers and bikers. The location of the proposed trail is currently zoned A-1 and does not allow for recreational uses. In order for the proposed trail to be constructed the property would have to be rezoned. Ms. Bailey stated that it would be the hope of the affected property owners that the Board of Supervisors would not rezone the property. The affected property owners have chosen to live in the area because it is quite and peaceful. Everybody knows each other and it is a safe community. It is a proven fact that there have been at least three to four murders on the Creeper Trail, as well as assaults, rapes and theft. The adjoining property owners of the proposed rails to trails project do not want this type of trouble in their community. Many of the affected property owners live very close to the proposed trail. She stated that her house is within 100' of the track and she does not want people coming through her backyard. She wants privacy. Some of her neighbors along the track live within 25' of the track. Overall the residents are concerned for the safety of their families, the protection of their property and their privacy. Ms. Bailey feels that a public meeting should be held on the proposed project. She asserted that Saltville is currently in the process of taking up the tracks and it is her understanding that they have sold the tracks to a company in Salt Lake City, Utah. Ms. Bailey stated that it is not right for the Town to do this since they have not proven ownership of the railroad. In closing, Ms. Bailey inquired about the policing of the proposed trail.

Ms. Christina Kiser addressed the Board in opposition to the proposed trail. Ms. Kiser explained that her family purchased their property because of the privacy and that the proposed trail would take away the privacy they now enjoy. She further explained that there are concerns that the spring located within a few feet of the proposed trail, which is their only water source would become contaminated. There are concerns with safety, including safety of the children and with the possibility of crime. Ms. Kiser requested the County's assistance in preventing the trail from being constructed. She further requested that a public meeting be conducted.

Supervisor Paul Price addressed the Board explaining that he met with some citizens from Saltville and told them that he would be glad to conduct a public meeting at the Clinchburg Community Center. Mr. Price stated that the County Administrator had given the citizens the name and telephone number of the Pearl Smith, the contact person for the Clinchburg Community Center. Mr. Price stated that he believes the proposed rails to trails project is preliminary at this point and that there are legal issues for the Town of Saltville to work through before the construction of the trail could take place. He stated that a public meeting would be scheduled for a Saturday morning in the near future at the Clinchburg Community Center. It is his understanding that representatives from the Town of Saltville would attend the public

meeting to answer questions. Mr. Price further stated that if the Board would like to conduct a public hearing he would be in support.

Chairman Kenneth Reynolds told those in attendance that if their questions were not answered during the public meeting to be scheduled at Clinchburg Community Center to come back to the County to request time on a future Board meeting agenda.

Supervisor Tony Rector requested that County Administrator Mark Reeter contact the Mayor and Town Manager for the Town of Saltville to coordinate a public meeting that would include the two previous mentioned representatives from Saltville, as well as County Administrator Mark Reeter, County Attorney Lucy Phillips, Board Chairman Kenneth Reynolds, Supervisor Paul Price and himself. Also, if there was a need the Board of Supervisors could arrange a joint meeting with the Saltville Town Council. Mr. Rector stated that all the issues concerning the proposed project needed to be identified.

Further discussions ensued. Mr. Price stated when he spoke with representatives from the Town of Saltville they indicated they had a deed to the railroad property. Mr. Price stated that he questioned if the deed had been researched and was told that it had not been researched. He stated that he suggested to the Town that they have the deed researched before proceeding with the project.

Mr. Rector referenced a deed that he had seen that was signed in 1895 for a 100-year lease that expired in 1995 and reverted back to the property owner.

8. Public Hearings:

a. Public Hearing and Consideration of Adoption of an Ordinance to Amend Chapter 26 of the Code of the County of Washington, Virginia (2002), by adding new Section 26.2 to Establish Requirements for the Participation in Volunteer Fire Fighting Companies of Minors Who are Sixteen (16) Years of Age or Older

County Attorney Lucy Phillips addressed the Board explaining that the proposed ordinance was prepared at the recommendation of the County Emergency Services Committee that had consulted with the volunteer fire fighting companies to allow participation by minors, aged 16 years and older, in volunteer fire fighting departments in the County. Ms. Phillips explained that State law requires that certain minimum requirements be met in order for such a program to be in place and that the proposed ordinance meets the state requirements.

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

There being no comments, Mr. Reynolds closed the public hearing.

Discussion ensued among the Board.

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

ORDINANCE NO. 2006 - 01

**AN ORDINANCE TO AMEND CHAPTER 26 OF THE
CODE OF THE COUNTY OF WASHINGTON, VIRGINIA (2002),
BY ADDING NEW SECTION 26.2 TO ESTABLISH REQUIREMENTS FOR THE
PARTICIPATION IN VOLUNTEER FIRE FIGHTING COMPANIES OF
MINORS WHO ARE SIXTEEN (16) YEARS OF AGE OR OLDER**

WHEREAS, the Commonwealth of Virginia General Assembly enacted HB 1703, effective July 1, 2005, to establish requirements for persons aged 16 years or older to participate with local volunteer fire fighting companies, subject to certain requirements including the adoption by the locality of an ordinance to allow such participation within its jurisdiction; and

WHEREAS, the Emergency Services Committee for Washington County, Virginia, (Committee) after consultation with the volunteer firefighting companies in the County recommended to the Board of Supervisors of the County of Washington, Virginia (Board) that adoption of an ordinance as referenced above would be in the best interests of the public health, safety, and welfare; and

WHEREAS, after notice and public hearing, as required by law, the Board finds that adoption of an ordinance as recommended by the County's Emergency Services Committee, and as set forth herein, would serve the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of the County of Washington, Virginia:

1. That Chapter 26 of the Code of the County of Washington, Virginia (2002) shall be amended by adding a Subsection 26-2, as set forth below:

Section 26-2. Participation in Volunteer Fire Fighting Companies by Minors, 16 years of age and older.

a. Subject to any restriction established by the individual volunteer fire fighting company, any minor who is 16 years of age or older, a resident of the Commonwealth of Virginia, and a member of a volunteer fire fighting company in the County, is authorized to work with or to participate fully in all activities of a volunteer fire fighting company in the County; provided the volunteer fire fighting company has satisfied insurance requirements as set forth in this section and provided such person has first given to the volunteer fire fighting company written record of the following:

- 1. Proof of residency in the Commonwealth of Virginia;*
- 2. Written record of his or her parent's or guardian's approval of such participation; and*
- 3. Certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the state department of fire programs.*

b. The written records of residency; certification under National Fire Protection Association 1001, level one, firefighter standards; and parental or guardian consent shall be kept on file in the office of the volunteer fire fighting company for each participant who is enrolled in a volunteer fire fighting company pursuant to this section.

c. Any volunteer fire fighting company that allows any minor, 16 years of age or older, to participate in its activities pursuant to this section shall maintain insurance that provides

coverage for injuries to, or the death of, such minor in the performance of activities under this section.

d. Any trainer or instructor of a minor who is 16 years of age or older and participating in the activities of a volunteer fire fighting company pursuant to this section and any member of a paid or volunteer fire fighting company who supervises any such person(s) shall be exempt from the provisions of section 40.1-103 of the Code of Virginia, provided the provisions of section 40.1-100 of the Code of Virginia have not been violated, when engaged in activities of a volunteer fire fighting company, and provided the volunteer fire fighting company has satisfied the terms set out in this section and other such requirements as may be established by law.

* * *

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 become effective immediately upon its enactment.

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

Mr. McCall	Aye
Mr. McCrady	Aye
Mrs. Mumpower	Aye
Mr. Owens	Aye
Mr. Price	Aye
Mr. Rector	Aye
Mr. Reynolds	Aye

9. Presentation by the Crooked Road Heritage Music Trail

Mr. Bill Smith, Executive Director for the Crooked Road Heritage Music Trail Project, made a presentation to the Board concerning the Crooked Road. The presentation provided an overview of the Crooked Road Project and the ways in which it is being marketed nationally and internationally. Mr. Smith explained that his primary purpose for appearing before the Board is to request a contribution of \$5,000 to assist with the expenses involved in marketing and to request that the Crooked Road be considered in the County’s annual budget process.

Substantial discussion ensued among the Board. Responding to inquiries from the Board, Mr. Smith explained that the annual budget for the Crooked Road is approximately \$50,000-\$75,000 and the marketing budget is around \$400,000. He further explained that the Crooked Road Project has been in existence for two years and that realistically the Project could never support itself financially. Mr. Smith stated that the primary focus of the advertisements for the Crooked Road begin with using the music as the metaphor to promote other tourism destinations along the Crooked Road. He further stated that advertisements for the Crooked Road provides Washington County with national marketing attention and also that Washington County is marketed in some prestigious magazines across the country.

On motion of Mr. McCall, second by Mrs. Mumpower, it was resolved to appropriate \$5,000.00 from Reserve for Contingencies for The Crooked Road Heritage Music Trail Project.

The vote on this motion was as follows: (6-1)

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Nay</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

10. Consideration of Amendment of Resolution 2005-37 Allowing Earlier Effective Date for Change in Concept and Partial Termination of Wallace Meadows Planned Unit Development

County Attorney Lucy Phillips addressed the Board explaining that Mr. Jim Bowie with ABC Development would be presenting this item to the Board.

Mr. Jim Bowie one of the three owners of ABC Development Corporation addressed the Board explaining that on October 11, 2005, the Board adopted Resolution 2005-37, approving a change in the master development plan and partial termination of Wallace Meadows, a Planned Unit Development, causing the acreage no longer included in the Planned Unit Development to revert to its original agricultural zoning designation. The adopted resolution established an effective date of termination as June 1, 2006, or earlier if all conditions required of the ABC Development have been met. Mr. Bowie explained that the Board of Supervisors was provided with a copy of the Certificate of Compliance signed by at least one owner of every lot in Wallace Meadows stating that all conditions of the agreement have been met. Therefore, ABC Development Corporation is requesting that the resolution be amended to establish the effective date of termination to be as soon as possible.

Discussion ensued among the Board.

Ms. Jo Ann Dent representing the property owners in Wallace Meadows addressed the Board explaining that the property owners feel that ABC Development has met all the requirements as outlined in the settlement agreement.

Further discussions ensued among the Board regarding the uses of the terminated property that would revert back to its original zoning designation of A-2.

On motion of Mrs. Mumpower, second by Mr. Owens, it was resolved to amend the following Resolution 2005-37 to strike the effective date of June 1, 2006, and substitute an effective date of January 25, 2006, or upon recordation of the required declaration of restrictive covenants and of the plat that shows the change in concept and partial termination, whichever latter occurs:

**AMENDED RESOLUTION 2005-37
RESOLUTION TO APPROVE WALLACE MEADOWS CHANGE IN CONCEPT
AND PARTIAL TERMINATION SUBJECT TO CONDITIONS**

WHEREAS ABC Development Corp., a Virginia corporation (Developer), is the developer of Wallace Meadows, a Residential Planned Unit Development under the zoning ordinance of the County of Washington, Virginia; and

WHEREAS Developer has petitioned the Board of Supervisors of the County of Washington, Virginia (Board) for approval of a change in concept and partial termination of the master plan for Wallace Meadows, which the Board originally approved in 1997; and

WHEREAS the proposed change in concept and partial termination would result in a change in the Master Plan from a 41-acre, 141 lot, three-phase development to an 11-acre, 31-lot, single-phase development and the acreage no longer included in the Planned Unit Development would revert to its original Agricultural-General zoning designation; and

WHEREAS the owners of lots in phase I of the development (Owners), who purchased their lots in reliance on development of Wallace Meadows in accordance with the approved Master Plan have agreed that they will not object to the proposed change in concept and partial termination if certain contingencies as set forth in a proposed settlement agreement are met; and

WHEREAS, the Planning Commission of the County of Washington, Virginia (Commission) after public hearing and consideration of the proposal on September 26, 2005, recommended that the Board approve the proposed change in concept and partial termination subject to the terms set forth in the settlement agreement; and

WHEREAS, the Board, on October 11, 2005, held a public hearing and heard the presentation of representatives of the Developer and of the Owner and deliberated thereon;

NOW, THEREFORE, BE IT RESOLVED that the Board finds it in the best interests of the public health, safety, and welfare and consistent with good zoning practice to approve the proposed change in concept and partial termination subject to the conditions of the settlement agreement, which is attached hereto and made a part of this resolution as if it were fully set out herein; and

BE IT FURTHER RESOLVED that the Board finds that, after this approval of the change in concept and partial termination, phase I of Wallace Meadows shall remain in the P-1 zoning classification and shall be deemed to satisfy all requirements for continuation as a P-1 district; and, pursuant to Section 66-663 of the Washington County Code, shall not be rezoned unless the Declaration of Protective Covenants, Conditions and Restrictions for Wallace Meadows and the Wallace Meadows Property Owners' Association are terminated; and

BE IT FURTHER RESOLVED that the following conditions shall also apply:

- 1. This resolution and the Board's approval of the Developer's proposal for change in concept and partial termination shall be effective as of January 25, 2006, or upon recordation of the required declaration of restrictive covenants and of the plat that shows the change in concept and partial termination, whichever latter occurs ~~June 1, 2006, unless the Board takes action~~*

~~prior to that date either to amend to an earlier effective date if all conditions required of the Developer by the settlement agreement have been met or to amend to a later effective date or revoke the resolution if, after receiving written notice from the Owners no later than May 11, 2005, the Board confirms that the Developer has not met the conditions required by the settlement agreement prior to the effective date of this resolution; and~~

(Scrivener’s Note: As amended by motion of the Board of Supervisors at its regular meeting on January 24, 2006.)

- 2. *The Board’s approval is subject to the condition that there shall be no vehicular access to or from either of the terminated phases II and III through phase I of Wallace Meadows; vehicular access to each of the terminated phases II and III shall be separate and apart from the vehicular access to and within phase I; and*
- 3. *After reverting to the A-2 zoning classification, the land contained in the terminated phases II and III shall not be put to any of the following uses, even if otherwise permitted by right or with a special exception: agricultural uses involving the keeping of animals or fowl; veterinary or related uses; group homes and day care centers; hotels and restaurants; sawmills, planning mills, agriculturally related businesses, or light industry; nonagriculturally related storage facilities; waste and wastewater treatment plants; or land application of human waste sludge or industrial sludge; and*
- 4. *If any provision in this resolution shall be held in a court of law to be invalid or, otherwise, unenforceable, such invalidity or unenforceability shall not affect the effectiveness of the other provisions of this resolution.*

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

Mr. McCall	Aye
Mr. McCrady	Aye
Mrs. Mumpower	Aye
Mr. Owens	Aye
Mr. Price	Aye
Mr. Rector	Aye
Mr. Reynolds	Aye

11. Consideration of Resolution Authorizing the Execution and Delivery of a Continuing Disclosure Agreement in Connection with the Issuance by the Virginia Public School Authority of its School Financing Bonds (1997 Resolution) Refunding Series 2003 D

County Attorney Lucy Phillips addressed the Board explaining that the Washington County Public School System requests that the Board adopt the proposed resolution to allow the County to receive from the Virginia Public School Authority (VPSA) a refund in the amount of \$41,340.30 for use in capital school projects. Ms. Phillips explained that the refund must be spent within six months of receipt. She stated that the refund comes about from a reduction in interest, which resulted from refinancing of a series of school bonds. Ms. Phillips further stated that the proposed resolution outlines the history and reason for the refund and obligates the County to meet procedural requirements of the federal Securities and Exchange Commission to allow receipt of the refund. Ms. Phillips explained that the obligations on the

part of Washington County include a promise to submit the Continuing Disclosure Agreement; the County must certify a Use of Proceeds Certificate; and the County must comply with other requirements of the Securities Exchange Commission.

Discussion ensued among the Board.

On motion of Mr. McCall, second by Mr. McCrady, the Board acted to adopt the following resolution as presented and, upon receipt, they be appropriated for use by the School Board:

RESOLUTION 2006-02

AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY OF ITS SCHOOL FINANCING BONDS (1997 RESOLUTION) REFUNDING SERIES 2003 D, A PORTION OF THE PROCEEDS OF WHICH REFUNDED THE COUNTY OF WASHINGTON GENERAL OBLIGATION SCHOOL BONDS, REFUNDING SERIES 1994 A AND SERIES 1995A; AND AUTHORIZING ANY OTHER ACTIONS NECESSARY TO ACHIEVE THE OBJECTIVES CONTEMPLATED HEREBY

WHEREAS, the Virginia Public School Authority (the "Authority") pursuant to (i) a bond resolution adopted on August 13, 1987, as amended and supplemented (the "1987 Resolution"); (ii) a bond resolution adopted on June 26, 1991, as amended, restated and supplemented (the "1991 Resolution"); and (iii) a bond resolution adopted on October 23, 1997, as amended, restated and supplemented (the "1997 Resolution") issued bonds (respectively, the "1987 Resolution Bonds", the "1991 Resolution Bonds" and the "1997 Resolution Bonds") for the purpose of purchasing general obligation school bonds of certain cities and counties within the Commonwealth of Virginia;

WHEREAS, the Authority used a portion of the proceeds of certain 1987 Resolution Bonds to purchase certain duly authorized and issued general obligation school bonds of the County of Washington, Virginia (the "County") designated the County of Washington General Obligation School Bonds, 1992 Series A ("Prior Local School Bonds");

WHEREAS, the Authority has issued under the 1987 Resolution a series of 1987 Resolution Bonds designated as "School Financing Bonds (1987 Resolution) 1993 Refunding Series B" (the "Series 1993 B Bonds");

WHEREAS, the Authority has issued under the 1991 Resolution a series of 1991 Resolution Bonds designated as "School Financing Bonds (1991 Resolution) Series 1995 A" (the "Series 1995 A Bonds");

WHEREAS, the Authority refunded certain 1987 Resolution Bonds with a portion of the proceeds of its Series 1993 B Bonds and, in connection therewith, the County exchanged its Prior Local School Bonds with a duly authorized and issued general obligation school bond designated the County of Washington General Obligation School Bond, Refunding Series 1994 A (the "1994 A Local School Bond");

WHEREAS, the Authority used a portion of the proceeds of the Series 1995 A Bonds to purchase certain duly authorized and issued general obligation school bonds of the County designated the County of Washington General Obligation School Bonds, [Series 1995A] (together with the 1994 A Local School Bond, the "Local School Bonds");

WHEREAS, the Authority refunded its Series 1993 B Bonds and Series 1995 A Bonds (“Refunded Bonds”) with a portion of the proceeds of its Virginia Public School Authority School Financing Bonds (1997 Resolution) Refunding Series 2003 D (the “Refunding Bonds”) issued pursuant to the 1997 Resolution;

WHEREAS, the Authority in refunding the Refunded Bonds has pledged the Local School Bonds for the benefit of the holders of bonds issued under its 1997 Resolution;

WHEREAS, the Authority is required to assist the underwriters (the “Underwriters”) of the Refunding Bonds with their duty to comply with Securities and Exchange Commission (“SEC”) Rule 15c2-12 (the “Rule”);

WHEREAS, the Authority has requested the County to execute a Continuing Disclosure Agreement in order for the Authority to assist the Underwriters in complying with the Rule, and;

WHEREAS, the Board of Supervisors of the County of Washington, Virginia considers it to be advisable for the County to fulfill the request of the Authority to execute a Continuing Disclosure Agreement;

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

1. Continuing Disclosure Agreement.

The Chairman of the Board of Supervisors, the County Administrator and such officer or officers as they may designate are hereby authorized to enter into a Continuing Disclosure Agreement in the form attached as Appendix A hereto, containing such covenants as may be necessary in order for compliance with the provisions of the Rule, and any other documents the Authority deems necessary to comply with the SEC rules and any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

2. Use of Proceeds Certificate.

The Chairman of the Board of Supervisors, the County Administrator and such officer or officers as they may designate are hereby authorized to enter into a Use of Proceeds Certificate in the form attached as Appendix B hereto, containing such covenants as may be necessary in order for compliance with any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

3. Further Actions.

The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the execution and delivery of the Continuing Disclosure Agreement and the Use of Proceeds Certificate and maintaining the tax-exempt status of the bonds, and any such action previously taken is hereby ratified and confirmed.

4. Effective Date.

This resolution shall take effect immediately.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

12. Consideration of Appointment of Chief Local Elected Officials Consortium, Workforce Investment Board

On motion of Mr. Owens, second by Mr. Rector, it was resolved to appoint Kenneth Reynolds as Washington County’s representative on the Chief Local Elected Officials Consortium Workforce Investment Board.

The vote on this motion was as follows: (6-0-1)

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Abstained</i>

At this time the Board took a five-minute recess.

13. Consideration of Motion to Rescind Compensation Adjustment Plan for Administrative Division Personnel

County Administrator Mark Reeter addressed the Board explaining that at the January 10, 2006, meeting, the Board acted to direct that consideration of a motion to rescind the Compensation Adjustment Plan adopted by the Board on December 13, 2005 be placed on the Agenda for the January 24 meeting.

Supervisor Tony Rector inquired whether the motion made at the January 10, 2006, meeting to rescind the previously adopted motion to adopt the recommendation of the personnel committee at the December 13, 2005, meeting of the Board should, in fact, have been held to have passed. It was held at the time of the January 10 meeting to have failed after the County Attorney advised that a 2/3 majority was required for it to have passed.

County Attorney Lucy Phillips responded to Mr. Rector's question that the ruling at the January 10, 2006, that the motion at issue failed remained in effect. She further explained that after the January 10, 2006, Board meeting, Supervisor Paul Price had pointed out to her some information contrary to the advice she had given to the Board at the January 10 meeting regarding procedures for a motion to rescind. Ms. Phillips researched the information provided by Mr. Price and confirmed that the current Roberts Rules of Order Newly Revised (10th edition) (RONR, 10th edition) provides that a motion to rescind is carried by a majority of members of the board if all members were present. She had advised the Board at the January 10 meeting that a 2/3 majority was required, which was incorrect. She explained that her advice was based on email correspondence with attorneys on the Local Government Attorneys email list service and on her review of an out-of-date, non-official copy of Roberts Rules that was in the Office of the County Attorney since the time that she began her employment with the County. Ms. Phillips apologized for the error. She explained, however, that the Chairman had ruled at the January 10, 2006, meeting that the motion failed, and, at the time, no member of the Board appealed the Chairman's determination on this point of order. Under RONR, 10th edition, a point of order cannot be appealed at a meeting subsequent to the meeting at which the action occurred. Therefore, the proper remedy, which had already occurred, was for the proposed motion to be placed on an agenda for a subsequent meeting for consideration by the Board.

Discussions ensued among the Board concerning the motion to rescind the Compensation Adjustment Plan at the January 10 meeting. Subsequently the following action was taken:

On motion of Mr. Price, second by Mr. Rector it was resolved to rescind the action taken on December 13, 2005, approving the Compensation Adjustment Plan and to send the Plan back to the Personnel Committee for further investigation.

Further discussions ensued at this time before the call for question was made. The following substitute motion was offered:

On motion of Mr. McCrady, second by Mr. Owens, a substitute motion was offered to rescind the action taken by the Board of Supervisors on December 13, 2005 to approve the Compensation Adjustment Plan and further to approve a 4% pay increase for all permanent/full-time Administrative Division employees effective January 1, 2006. It was further moved to send all recommended position adjustments included in the Compensation Adjustment Plan back to the Personnel Committee for further investigation. It was further moved to establish a panel comprised of the Constitutional Officers and members of Board of Supervisors for the purpose of reviewing the compensation of all County employees excluding the Administrative Division employees, employees wholly funded by the State, and School Board employees for the purpose of standardizing pay raises and to develop a salary compensation plan for all such employees.

Substantial discussion ensued among the Board prior to call for the question.

The vote on this motion was as follows: (5-1-1)

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Abstained</i>
<i>Mr. Rector</i>	<i>Nay</i>

Mr. Reynolds *Aye*

14. Report Concerning Recent Discussions with Johnson County, TN and Watauga, NC Concerning Coordinated Economic Development Efforts

Assistant County Administrator Christy Parker addressed the Board concerning the recent establishment of a relationship with Johnson County, TN and Watauga, NC for the purposes of coordinated economic development efforts. Ms. Parker explained the initial meetings with Johnson County, TN and Watauga County, NC have been very well received with many ideas for interstate regional initiatives. She stated that before the project moved forward she wanted to get the Board's endorsement to continue participation in the discussions and to authorize the Chairman and one other Board member to participate.

Discussion ensued among the Board.

On motion of Mr. Rector, second by Mr. Price, it was resolved to designate Board Chairman Kenneth Reynolds and Jack McCrady to participate in on-going discussions with Johnson County, TN and Watauga County, NC on regional economic development projects.

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

Mr. McCall *Aye*
Mr. McCrady *Aye*
Mrs. Mumpower *Aye*
Mr. Owens *Aye*
Mr. Price *Aye*
Mr. Rector *Aye*
Mr. Reynolds *Aye*

15. Report Concerning County Economic Development Activities, 1995-2005

Assistant County Administrator Christy Parker provided the Board with a ten-year (1995-2005) report on economic development activities in Washington County. Ms. Parker explained that nearly \$300 million in new private investment and over 2,500 new jobs have been created during this period. There have been 30 industry announcements with a good balance of new industry and existing industry expansion (14 new and 17 existing). She stated that over the ten-year period, Washington County has been able to leverage its local incentive dollars to draw down over \$17 million in state and federal grants.

Ms. Parker explained that successful economic development efforts are always a team effort. She stated that Washington County is very fortunate to receive strong leadership and support from the Board of Supervisors, the Washington County Industrial Development Authority, the Washington County Service Authority, Virginia's A-Corridor, the Virginia Economic Development Partnership, the Virginia Tobacco Commission, local state and federal legislators, the Virginia Department of Transportation, local training and educational partners, the Chamber of Commerce, realtors, bankers and local industry leaders.

Chairman Reynolds on behalf of the Board of Supervisors complimented Ms. Parker's efforts and the efforts of the Washington County Industrial Development Authority in marketing Washington County.

County Administrator Mark Reeter addressed the Board explaining that no other Virginia county in comparable size to Washington County can boast of Washington County’s economic development record over the past decade.

16. Consideration of Amendments to Board By-Laws and General Policies for Calendar Year 2006

a. Proposed Amendment of By-Laws Articles 7.2, 8.1 and 8.5 – Addition of Citizen Comments to Board Meeting Agenda and Clarification of Parliamentary Procedures

County Administrator Mark Reeter addressed the Board explaining at the January 10 Organizational Meeting, the Board requested that consideration of amendment of the Board’s By-laws for Calendar Year 2006 to reinstate an open public comment period (“Citizen Comments”) as a standing item on the Board’s Meeting Agendas be placed on the January 24 Agenda. Mr. Reeter explained that a proposed resolution amending the Board’s By-laws has been provided for their consideration. He further explained the second resolution is being proposed that would amend Board By-laws Article 8.1 to state that the newly revised tenth edition of Roberts Rules of Order would be the edition the Board would generally follow except as otherwise stated in the Board’s By-Laws.

Discussion ensued among the Board about the Roberts Rules of Orders.

On motion of Mr. Rector, it was resolved to adopt the resolutions reinstating an open public comment period as part of the Board’s Meeting agenda and further to adopt the newly revised tenth edition of the Roberts Rules of Order would be the edition the Board would generally follow.

The motion above was not seconded. At this time, discussions ensued among the Board concerning Citizen Comments. Most Board members would like to see a standing citizen comments period on Board agendas; however, the Board would like the rules strengthened to keep Citizen Comments from being abused.

The following substitute motion was offered concerning citizen comments:

On motion of Mr. McCrady, second by Mrs. Mumpower, it was moved to table action on amendment of Board By-laws reinstating an open public comment period as part of the Board’s Meeting Agenda until the February 14, 2006 Board meeting.

The vote on this motion was as follows: (6-1)

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Nay</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

On motion of Mr. Price, second by Mr. McCrady, it was resolved to adopt the following resolution amending the Board's By-Laws to adopt the newly revised tenth edition of the Roberts Rules of Order to be the edition the Board would generally follow:

**RESOLUTION 2006-03
AMENDMENT OF BY-LAWS OF THE BOARD OF SUPERVISORS
FOR CALENDAR YEAR 2006**

BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that Article 8.1 of the Board of Supervisors' By-Laws for Calendar Year 2006 be amended as follows (as italicized and underscored):

ARTICLE 8. CONDUCT OF MEETINGS OF THE BOARD OF SUPERVISORS

8.1. The Board shall generally follow Roberts' Rules of Order Newly Revised (10th edition) (~~Roberts, Henry M.; Rules of Order and Parliamentary Practice~~), the provisions of Article 8.4. notwithstanding.

BE IT FURTHER RESOLVED that this amendment shall take effect upon adjournment of the regular meeting of the Board on January 24, 2006.

The vote on this motion was as follows: (6-0-1)

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Abstained</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

b. Proposed Amendment of General Policies Article 6. Budget Policy – County Employee Salaries

Mr. Reeter explained that at the January 10 Organizational Meeting, the Board requested that consideration of amendment of the Board's General Policies for Calendar Year 2006 to restrict the Board from taking action on County employee salaries in the period immediately following Board member elections be placed on the Agenda for tonight's meeting.

Discussions ensued among the Board. Some Board members did not feel the policy was appropriate.

On motion of McCall, second by Mrs. Mumpower, it was resolved to deny approval of the amendment of Board's General Policies restricting action on employee salaries immediately following Board member elections.

The vote on this motion was as follows: (3-4)

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Nay</i>

<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Nay</i>
<i>Mr. Rector</i>	<i>Nay</i>
<i>Mr. Reynolds</i>	<i>Nay</i>

The motion failed. Subsequently the following action was taken:

On motion of Mr. Price, second by Mr. McCrady, it was moved to adopt the following resolution:

**RESOLUTION 2006-04
AMENDMENT OF GENERAL POLICIES OF THE BOARD OF SUPERVISORS
FOR CALENDAR YEAR 2006**

BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that Article 6. of the Board of Supervisors' General Policies for Calendar Year 2006 be amended as follows (as italicized and underscored):

ARTICLE 6. BUDGET POLICY

6.1. General

6.1.1. The Washington County Board of Supervisors (hereinafter the Board) vests the day-to-day management of monies appropriated to the various Funds of the County Operating Budget; and, specifically, to the budgetary departments within those Funds, to the administrative, executive or elected heads of various offices, departments, agencies and organizations subject to the provisions set forth in this Article.

6.1.2. The fiscal year County Operating Budget shall be set out so as to allocate the total amount appropriated to the various Funds and their respective budgetary departments among one or more line-items. Such line-items shall be established so as to provide for the convenient, adequate and accountable management of the budgetary department as a whole.

6.1.3. Unless otherwise prescribed by law or the Appropriation Resolution, or pursuant to action by the Board or established practice all line-items within budgetary departments representing a single total appropriation to a specific office, department, agency or organization shall be disbursed in four (4) equal quarterly payments during the County fiscal year. The County Administrator at his discretion may authorize the disbursement of up to one hundred (100%) percent of the appropriated amount of any such line-item not to exceed \$10,000.00 upon written request of the recipient office, department, agency or organization and with good cause shown.

6.1.4. Effective July 1, 2005 and for each successive fiscal year thereafter, the Board shall not disburse annually appropriated funds other than on the basis of Paragraph 6.1.3. to any non-County governmental, regional governmental or non-profit agency or organization where the total appropriation is greater than \$10,000.00.

6.1.5. County government organizations such as its various boards, authorities and commissions may request disbursement of appropriated funds other than on the basis of Paragraph 6.1.3. as needed subject to approval by the Board as an Item of General Business or Consent Agenda.

6.1.6. In the interim between election of new members to the Board in November of election years and the seating of such new members at the first meeting of the Board the following January, the Board shall refrain from taking action to affect the salaries of employees of the County.

BE IT FURTHER RESOLVED that this amendment shall take effect upon adjournment of the regular meeting of the Board on January 24, 2006.

The vote on this motion was as follows: (4-3)

<i>Mr. McCall</i>	<i>Nay</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Nay</i>
<i>Mr. Owens</i>	<i>Nay</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

17. Recess

No recess was taken at this time.

18. County Administrator Reports:

a. VML/VACo Legislative Day and Chairpersons’ Institute – February 9, 2006

County Administrator Mark Reeter requested that Board members let his office know if they would be attending the VML/VACo Legislative Day on February 9 and/or the Chairpersons’ Institute scheduled for February 9-11.

19. County Attorney Reports

a. Closed Meeting Prior to February 14 Regular Meeting

County Attorney Lucy Phillips addressed the Board proposing that they recess tonight’s meeting to 5:30 PM on February 14 to conduct a closed meeting with Attorney Richard Cranwell to discuss the current annexation issues and litigation.

Discussion ensued among the Board. It was consensus of the Board to recess tonight’s meeting to 6:15 PM on Tuesday, February 14.

20. Board Information

Mr. Reeter reviewed the following information contained in the Board information section of the agenda:

- Correspondence from Washington County Service Authority to Town of Abingdon.

- Correspondence from the New River/Mount Rogers Workforce Investment Board regarding the appointment of Curtis Fleenor.

On motion of Mr. Owens, second by Mr. Rector, it was resolved to reappoint Curtis Fleenor to represent Washington County Businesses on the New River/Mount Rogers Workforce Investment Board for a three-year term effective April 1, 2006.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

- VACo Capitol Contact Newsletter – January 13, 2006
- VACo Capitol Contact Newsletter – January 18, 2006
- Virginia Department of Transportation Board of Supervisors Manual (2006)

21. Consent Agenda

On motion of Mr. Rector, second by Mr. Owens, it was resolved to approve the following Consent Agenda Items:

- a. Accounts Payable Listing – December 2005*
- b. Request for Refund of Sterilization Fees*
- c. Supplemental Appropriation – Sheriff’s Office for Miscellaneous Revenues Received*
- d. Supplemental Appropriation – Sheriff’s Office for Forfeited Asset Sharing Program*
- e. Revenue Refund – Building Permit Fee*
- f. Supplemental Appropriation – State EMS Four-for-Life Funds Increase*
- g. Canceled Checks – General Fund*
- h. Budget Status Reports for December of 2005*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

22. Board Member Reports

Supervisor Odell Owens addressed the Board explaining that the Library is in need of a vehicle. Mr. Owens stated that the Library would like the County to give them a car that was recently surplus by the Sheriff's Department.

Accounting Manager Mark Seamon stated the he has spoken with Library Administration and there has been a trade of vehicles, which has taken care of their problem.

Supervisor Phillip McCall reported that Dr. David Dawson, General Manager of the Washington County Service Authority was terminated. Mr. McCall stated that a special meeting will be held to appoint an interim General Manager.

Supervisor Kenneth Reynolds requested the Board designate a member to serve on the Board of Directors for the Virginia's aCorridor.

On motion of Mrs. Mumpower, second by Mr. McCall, it was resolved to appoint Kenneth Reynolds to represent the Washington County Board of Supervisors on the Virginia's aCorridor Board of Directors.

The vote on this motion was as follows: (6-0-1)

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Abstained</i>

23. Closed Meetings:

- a. **Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(1) for discussion and consideration of performance of specific public officers, appointees or employees of the public body; specifically the County Administrator (REMOVED FROM AGENDA)**
- b. **Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A) for discussion concerning prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; specifically prospective businesses proposed for location in The Highlands commercial development at Exit 7.**
- c. **Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(7) for consultation with the County Attorney and with retained legal counsel, Richard Cranwell by teleconference, where such consultation and briefing in open meeting would adversely affect the negotiating or litigating posture of the Board of Supervisors and which require the provision of legal advice by legal counsel regarding probable litigation in the matter of the landowner-initiated annexation petition filed against Washington County and City of**

Bristol by Leonard L.P., Henard Enterprises, J.H. Spurgeon, R&J Development Col LLC, and Crown Point Development, Inc.

On motion of Mr. Rector second by Mr. Owens, the Board acted to convene in closed meetings pursuant to Virginia Code Section 2.2-3711(A) for discussion concerning prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; specifically prospective businesses proposed for location in The Highlands commercial development at Exit 7 and pursuant to Virginia Code Section 2.2-3711(A)(7) for consultation with the County Attorney and with retained legal counsel, Richard Cranwell by teleconference, where such consultation and briefing in open meeting would adversely affect the negotiating or litigating posture of the Board of Supervisors and which require the provision of legal advice by legal counsel regarding probable litigation in the matter of the landowner-initiated annexation petition filed against Washington County and City of Bristol by Leonard L.P., Henard Enterprises, J.H. Spurgeon, R&J Development Col LLC, and Crown Point Development, Inc. It was further resolved to include the following representatives from Newton Oldacre MacDonald in the first closed meeting (Agenda Item 23.b.): Mike McGuffin, Mark MacDonald, Bill Oldacre, Woody Camp. In addition it was resolved to include County Administrator Mark Reeter, County Attorney Lucy Phillips and Assistant County Administrator Christy Parker. The Board further acted to include County Administrator Mark Reeter, County Attorney Lucy Phillips and Assistant County Administrator Christy Parker and possibly Richard Cranwell via teleconference in the second closed meeting (Agenda Item 23.c.).

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

After returning to the meeting, the Chairperson noted that upon motion of Mr. Owens, second by Mr. Rector, and favorable vote, the Board of Supervisors reconvened in open meeting. The Chairperson called for any participant in the closed meeting(s) who believed that there was a departure from the requirements of the Virginia Freedom of Information Act during the closed meeting(s), to state the substance of the departure that they believed took place. No members of the Board responded to the Chairperson's call for statements.

On motion of Mr. McCrady, second by Mr. Rector, the members of the Board certified the closed meeting(s) in accordance with the requirements of the Virginia Freedom of Information Act. By vote in favor of this motion, each member certified that the closed meeting were conducted in conformity with Virginia law, and that only public business matters lawfully exempted from open meeting requirements and identified in the motion by which the closed meeting were convened were heard, discussed, or considered in the closed meeting.

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

<i>Mr. McCall</i>	<i>Aye</i>
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<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

24. Adjourn or Recess to 6:15 PM February 14, 2006

On motion of Mr. Rector, second by Mr. Owens, it was resolved to recess to 6:15 PM on February 14, 2006.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

Prepared by:

Naoma A. Mullins, Recording Clerk

Approved by the Washington County Board of Supervisors:

Kenneth O. Reynolds, Chairman