V I R G I N I A:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, May 23, 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 (arrived at 7:30 PM)
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. Kenneth O. Reynolds, Chairman of the Board, who welcomed everyone in attendance.

2. Invocation and Pledge of Allegiance

Supervisor Phillip McCall gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

Discussion ensued concerning beginning the May 25 recessed meeting at 6:00 PM.

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

Addition of 15.d. – Consent Agenda
d. Request for Release of Barter Green Funds

Item 18 - Recess
Recess meeting to 6:00 PM, May 25 for third budget Adjustment Worksession Meeting.

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

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

4. Approval of Minutes

On motion of Mrs. Mumpower, second by Mr. McCall it was resolved to approve the following minutes with corrections as noted:

May 3, 2006 Recessed Meeting

Approved as presented

May 8, 2006 Recessed Meeting

Approved as presented.

May 9, 2006 Regular Meeting

Approved with the following correction:

Item 6: Correct motion to read:

On motion of Mr. Owens, second by Mr. McCall, the Board acted to accept public dedication of the approximately 383 foot strip of land from termination of state maintenance on Regal Drive to the boundary of the adjoining property owned by Earth Treasures, LLC. The wording of Mr. Owens' motion as excerpted from the audiotape of the meeting is as follows: "I move that we accept this road, this piece of property for public dedication, and that the entrance to this property be gated, and that if Mr. Weston ever chooses to change the entrance to that property that he come back to the Board for approval of this."

May 11, 2006 Recessed Meeting

Approved as presented.

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

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

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

5. <u>Public Hearings</u>:

a. Public Hearing and Consideration of Adoption of an Ordinance to Amend Chapter 38, Subsections 38-105, 38-108 through 38-110, 38-112, 38-113, and 38-115 of the Code of the County of Washington, Virginia, to Eliminate the Requirement of Display of a Decal to Prove Payment of County Motor Vehicle License Tax

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

County Attorney Lucy Phillips addressed the Board explaining upon direction of the Board she prepared the proposed ordinance that would eliminate the requirement that a County decal be displayed on the windshields of motor vehicles to prove payment of County motor vehicle license tax and would change the due date for annual payment of the motor vehicle license tax from May 15 to the same due date for payment of local personal property taxes.

County Treasurer Fred Parker addressed the Board explaining that he first brought the issue of eliminating the County decal in 2004 after the County of York, Virginia made the move away from the decal. Mr. Parker explained that the Board could do away with the peel and stick portion of the decal and to place the motor vehicle license fee on personal property tax bills for vehicles licensed in Virginia. He further explained that there is a better chance of collecting motor vehicle license fee in the proposed manner than by the issuing of decals. Mr. Parker stated that if the taxpayer does not pay the fee he could place a stop on services for the taxpayer at the Department of Motor Vehicles. He further stated that he has spoken with Solid Waste Director Coy Martin regarding the proposed ordinance. Mr. Martin has said he believes they can work with the proposed ordinance. There will be one more year of the decal, which will be a transition period. The fiscal impact of the change will be distributed over a two-year period.

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

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

AN ORDINANCE TO AMEND CHAPTER 38, SUBSECTIONS 38-105, 38-108 THROUGH 38-110, 38-112, 38-113, AND 38-115 OF THE CODE OF THE COUNTY OF WASHINGTON, VIRGINIA, TO ELIMINATE THE REQUIREMENT OF DISPLAY OF A DECAL TO PROVE PAYMENT OF COUNTY MOTOR VEHICLE LICENSE TAX AND TO CHANGE THE DUE DATE FOR PAYMENT OF COUNTY MOTOR VEHICLE LICENSE TAX

WHEREAS, Virginia Code section 46.2-752 established the authority of a county to require by ordinance that owners of motor vehicles, trailers, and semi trailers shall pay a motor vehicle license tax and to require by ordinance that it shall be unlawful for any owner or operator of a motor vehicle, trailer, or semi trailer to fail to obtain and display the local license decal to signify payment of such motor vehicle license tax;

WHEREAS, such ordinance had been adopted and made applicable in the County of Washington, Virginia;

WHEREAS, after due consideration, the Board of Supervisors has found it in the best interests of the public welfare no longer to require acquisition and display of the aforementioned local license decal and to adjust the due date for payment of the vehicle license fee to match the due date for payment of personal property taxes; and

WHEREAS, to allow time to adjust systems to accommodate the new payment schedule, the Board finds it in the best interests of the public welfare to make this change effective July 1, 2007;

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 Chapter 38, Subsections 38-105, 38-108 through 38-110, 38-112, 38-113, and 38-115, are amended, as set forth below:

CHAPTER 38 – MOTOR VEHICLES AND TRAFFIC
Article IV. Licenses.

Sec. 38-105. When license to be purchased; display of tag, etc.
~~Licenses~~ The motor vehicle license tax required under this article shall be ~~purchased from~~ paid to the license agent on or before ~~May 15 of~~ the due date for payment of personal property taxes each year, or before a motor vehicle, trailer or semitrailer required to be licensed under this article is operated, kept or used in the county~~; and a license plate, tag or sticker for each motor vehicle, trailer or semitrailer shall be furnished by the license agent at the time the license is taken out and shall be conspicuously displayed on such motor vehicle, trailer or semi trailer~~. Every person whose duty it is to comply with the provisions of this article, upon payment of the required tax and upon specific request, shall be issued as evidence a receipt showing payment of the applicable license tax.

~~Sec. 38-108. Lost, stolen, etc., tags, etc.~~

~~If a license plate, tag or sticker for a motor vehicle, trailer or semi trailer issued under this article is lost, stolen or destroyed, a duplicate license plate, tag or sticker will be issued upon payment of a fee as provided in the fee schedule in Appendix A to this Code.~~

Sec. 38-109. Transfer of licenses.

Any person who has paid the current license tax required by this article for any motor vehicle, trailer or semi trailer and who desires to ~~change~~ apply the license tax paid to cover another motor vehicle, trailer or semi trailer owned by him shall ~~present the license receipt and license plate, tag or sticker to the license agent for transfer to such other motor vehicle, trailer or semi trailer; such license plate, tag or sticker will be transferred~~ make such request to the county treasurer and the county treasurer shall comply with such request if the requestor submits to the county treasurer a certificate from the state motor vehicle commissioner or other proper state officer that the state license and registration certificate of

the previously licensed vehicle have been surrendered ~~upon payment of a fee as provided in the fee schedule Appendix A to this Code~~.

~~Sec. 38-110. Expired tags, etc.~~

~~It shall be unlawful for any owner of a motor vehicle, trailer or semi trailer to display upon such motor vehicle, trailer or semi trailer any license plate, tag or sticker of such county after the expiration date of such license plate, tag or sticker. Any such owner violating this section shall be guilty of a class 4 misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-15.~~

Sec. 38-112. Refund of tax.

Any person ~~holding a~~ who has paid the current license tax required by this article who disposes of the motor vehicle, trailer or semi trailer for which it was ~~issued~~ paid and who does not purchase another motor vehicle, trailer or semi trailer of the same class subject to the license tax may ~~surrender the license receipt, license plate, tag or sticker to the county treasurer with a statement that the motor vehicle, trailer or semi trailer for which the license was issued has been sold and~~ request a refund for the unused portion of the license tax paid. The county treasurer shall refund a prorated portion of the license tax paid in accordance with the provisions in this section upon proof of payment of the current license tax prior to its due date and submittal to the county treasurer of a certificate from the state motor vehicle commissioner or other proper state officer that the state license and registration certificate of the previously licensed vehicle have been surrendered. ~~The county treasurer shall refund to the applicant half the total cost of the license if application for such refund is made on or before October 1 of the current license year, but such refund shall only be a third of such total cost when the application therefore is made subsequent to October 1 of the current license year, but on or before January 1 of the current license year. No refund shall be made when the application therefore is made after January 1 of the current license year.~~ The county treasurer shall refund to the applicant half the total cost of the license if application for such refund is made on or before June 30 of the current license year. The county treasurer shall refund to the applicant a third of the total cost when the application therefore is made July 1 to September 30 of the current license year. No refund shall be made when the application therefore is made on or after October 1 of the current license year. No refund shall be made to a resident of any incorporated town within the county who has received a credit for the purchase of a town license tag, sticker or decal against the purchase price of a county license as set forth under section 38-106.

~~Sec. 38-113. Violations; penalties.~~
~~Any person violating or failing to comply with any provisions of this article for which no punishment is prescribed shall be guilty of a class 4 misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-15.~~

Sec. 38-115. Waiver of license fee for volunteer firefighters and volunteer rescue squad members.–In recognition of the valuable contribution and service provided to the health, safety and welfare of the county by volunteer firefighters and volunteer rescue squad members, the board of supervisors hereby provides that the license fee provided for in section 38-106 will be waived for active volunteer members of those volunteer fire

departments and volunteer rescue squads recognized in the county by the board of supervisors in accordance with the specific provisions of this section.

(1) In order to qualify for a waiver of the license fee, an individual must be certified by the chief of the individual fire department or captain of the individual rescue squad to have been a full-fledged, active and continuous volunteer member of the department or squad for one year prior to ~~March 1~~ August 1 of the year in which the waiver of the license fee is sought.

(2) The chief of each fire department and captain of each rescue squad must certify under oath a list of its members who have been active on a continuous basis in the department or squad for ~~the~~ one year ~~next~~ immediately preceding ~~March 1~~August 1 of the year in which the waiver of the license fee is sought, which certification shall reach the county treasurer by no later than ~~April 30 of each year~~ September 1 of the year in which the waiver of the license fee is sought. Such information as may be requested by the county treasurer shall be provided by the captain of each squad and the chief of each department. The county treasurer shall provide appropriate forms requesting the necessary information to each qualified department and squad and may establish such internal procedures as deemed necessary to distribute these licenses to qualified individuals.

~~(3) The county treasurer is instructed to provide distinctive separate licenses for volunteers qualified to receive them under this section in order to distinguish them from the regular paid licenses issued in the county.~~

(~~4~~ 3) This section applies only to individuals who own vehicles taxed in the county and does not apply to individuals who own vehicles taxed in the incorporated towns within the county or in other localities.

(~~5~~ 4) An individual is entitled to only one free license under this section regardless of the number of fire departments or rescue squads he may be a member of, and regardless of the number of vehicles the individual owns.

(~~6~~ 5) In order to qualify for the waiver provision of this section, the vehicle for which the license is issued must be registered in the name of the individual volunteer qualified to receive the waiver of the license fee or jointly in the name of the volunteer and another.

(~~7~~ 6) An individual is not entitled to a waiver of the license fee if there are any outstanding delinquent taxes owing to the county in his name, or in his name jointly with another.

(~~8~~ 7) If an individual who is not entitled or qualified to receive the waiver of the license fee receives a volunteer license under this section based upon an improper certification, the individual receiving the fee license improperly and the chief or captain of the organization improperly certifying his entitlement to a free license shall be barred from ever receiving a waiver of the license fee in the future in the county. The organization of which the chief or captain and individual are members shall also be barred from having any of its members qualify for the waiver of the license fee for a period of five years in the county where there has been a false certification of an individual's entitlement to waiver of the license fee.

(~~9~~ 8) An individual is not entitled to the license under this section unless and until the applicant for such license has complied with section 38-104.

Appendix A
~~CHAPTER 38. MOTOR VEHICLES AND TRAFFIC~~

Code Section	*Description*	*Fee*
~~*38-108*~~	~~*Lost, stolen or destroyed; duplicate license plate, tag or sticker*~~	~~*$1.00*~~
~~*38-109*~~	~~*Transfer fee for license plate, tag or sticker*~~	~~*$1.00*~~

****

2. The Treasurer is directed, as appropriate, to pro-rate the Motor Vehicle Tax due on the due date for payment of personal property tax in 2007 so that taxpayers shall be charged a pro-rated portion of the tax for the period from January 1, 2008 through December 31, 2008, which would reflect prior payment of the tax for the period May 16, 2007 through May 15, 2008; and to apply refunds, transfers, and fees in accordance with the ordinance in effect immediately prior to July 1, 2007, for any decals purchased for the May 16, 2007, through May 15, 2008 time period.

3. 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.

4. That this ordinance shall become effective July 1, 2007.

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

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

b. Public Hearing and Consideration of Adoption of an Ordinance to Amend Chapter 58, Subsections 58-86, 58-281, and 58-282, of the Code of the County of Washington, Virginia, to Change Due Date for Payment of Local Taxes to November 30 of Each Year

County Attorney Lucy Phillips addressed the Board explaining that upon direction of the Board of Supervisors she prepared the proposed ordinance which would change the due date for annual payment of local taxes from December 20 to November 30. Ms. Phillips explained that the ordinance is proposed to be effective immediately upon its adoption.

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

County Treasurer Fred Parker addressed the Board explaining that the number one complaint his office receives is that taxes are due so close to Christmas. Mr. Parker explained that the proposed ordinance to change the due date for payment of taxes is brought to the Board for their consideration. He further explained that November 30 is recommended so that sufficient time is allowed to get both blocks of assessment information from the Commissioner of Revenue, to get the tax tickets mailed on time and to give the taxpayer 30 days to pay their tax bills. Mr. Parker stated that he has contacted mortgage companies and was informed that they factor in a percentage increase each year so the November 30 proposed date would not have an adverse affect on the mortgage companies.

A question and answer period ensued.

Responding to an inquiry if changing the tax due date to November 30 would solve problems and help Washington County citizens, Mr. Parker explained that the number one complaint his office receives is that taxes are due so close to Christmas. Responding to another inquiry, Mr. Parker explained that he would continue the Pre-Payment Tax Program. He further explained that he would like to do more advertising of this program.

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

Substantial discussion ensued among the Board concerning the proposed ordinance. Board members stated that after speaking to their constituents they do not believe that changing the tax due date to November 30 would help the taxpayer.

A motion was made by Mrs. Mumpower to adopt the ordinance. The motion did not receive a second; therefore, the proposed ordinance was not adopted.

The Board requested that the County Treasurer place a notice in the upcoming tax bills advising the tax payer about the pre-payment program and that they have the option to pay their taxes early.

c. Public Hearing and Consideration of Amendment of County Operating Budget for FY 2005-2006 and Supplemental Appropriation Request

Accounting Manager Mark Seamon addressed the Board explaining that several times a year due to various supplemental appropriations a request is brought before the Board to amend the County Operating Budget. Mr. Seamon explained that a public hearing concerning amendment of the FY 2005-2006 County Operating Budget is required due to the large number of supplemental appropriations being made

during the past six months. The total requested amendment to the current County budget is $2,585,446.00.

Mr. Reynolds opened the public hearing and invited comments concerning the proposed amendment of the County Operating Budget for FY 2005-2006.

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

On motion of Mr. Rector, second by Mr. Owens, the Board acted to amend the FY 2005-2006 County Budget to $103,222,112, and to approve a supplemental appropriation of $224,396.00 to the General School Fund (#312).

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***

d. Public Hearing and Consideration of Conveyance to Washington County Service Authority of a Public Water Line Easement across County Property

County Attorney Lucy Phillips addressed the Board explaining that the Washington County Service Authority has requested that a public waterline be installed in a path crossing alongside the "old closed landfill" but not in any area that was actually used for waste disposal. Ms. Phillips explained that State Code requires that a public hearing be held before the Board prior to conveyance of any interest in real property owned by the locality.

Supervisor Phillip McCall (and Washington County Service Authority Commissioner) addressed the Board explaining that the Washington County Service Authority has worked with Jeff Sullins for a while to get water to his property. Mr. McCall explained that County Solid Waste Manager Coy Martin has confirmed that installation of the waterline will not disturb the cap over the closed landfill, and the Virginia Department of Environmental Quality (DEQ) has confirmed that DEQ should not be involved if the proposed easement will not effect any area where solid waste has been disposed or which has been capped. He further explained that the water line easement could possibly benefit future plans of the Sheriff Department's to construct a shooting range at the Closed County Landfill. A tap could be added to the line to provide water to the shooting range facility.

Mr. Reynolds opened the public hearing and invited comments concerning the request for conveyance of a public water line easement across County Property.

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

On motion of Mr. Rector, second by Mr. Price, the Board acted to convey to the Washington County Service Authority an easement for installation and maintenance of a waterline across property associated with the closed County Landfill.

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***

6. Presentation of Update Concerning County Recreational Sports Complex

Mr. Scott Wilson provided the Board of Supervisors with an update on the proposed County Recreational Sports Complex Project. Mr. Wilson explained that two 40-acre properties in the County have been identified and are believed to be good candidates for a sports complex. The owners of the property have been identified and have confirmed the property is available for sell for the development of a sports complex. He further explained that both properties have been toured and preliminary layouts have been completed to identify how many fields each property would produce and to determine how much site development work would be required. Mr. Wilson stated that a meeting with the Washington County Park Authority has been scheduled for May 25 and it is anticipated that the project will be given to the Park Authority for them to continue.

Discussion ensued among the Board.

Responding to an inquiry from the Board, Mr. Wilson explained that the group he represents is not necessarily looking to construct only one sports complex. He stated that assistance is needed in identifying other properties in the County that would be suitable for a sports complex.

Supervisor Phillip McCall stated that he has contacted a landowner in his district that has offered 15 acres for a sports complex.

Supervisor Jack McCrady stated that he has met with the Town of Damascus and the Town has agreed to donate land for a sports complex. Mr. McCrady expressed his support of multiple sports complexes throughout the County so that all the children in the County would benefit.

Further discussions ensued.

7. Presentation Concerning Farmers Markets for Damascus and Glade Springs

Mr. Tom Peterson with Appalachian Sustainable Development and Ms. Melissa Dickenson with the Glade Springs Farmers Market addressed the Board. Mr. Peterson explained that they do not have a formal presentation for the Board, but are present to provide the Board with clarification concerning the grant application submitted to the USDA Farmers Market Promotion Program. He explained that the grant provides start-up funds for new potential markets in Glade Spring and Damascus, help fund the formation of a Virginia Highlands Farmers Market Association, which would work to provide promotional support for Farmers Markets throughout Southwest Virginia, and to help coordinate events

and demonstrations between markets with the goal of increasing the opportunities for local farmers to successfully sell their goods to the public.

Discussion ensued among the Board. Responding to inquires from the Board, Mr. Peterson explained that the grant to the USDA does not require matching funds. He further explained that it is not anticipated that the Farmers Market Association would have staff members or a Board of Directors, and that Appalachian Sustainable Development would coordinate activities for the Association. Mr. Peterson stated that the potential exists to support multiple farmers markets.

Responding to an inquiry from the Board concerning solicitation of farmers to the farmers markets, Ms. Dickenson explained that the Glade Spring Farmers Market produced a brochure that was sent out into the Community. The Glade Spring Farmers Market has received a huge response. She stated that several farmers would be participating in the opening date scheduled for May 27.

8. Consideration of Resolution Recognizing Vietnam War Veterans from Washington County in anticipation of May 28, 2006 Memorial Day Service at Abingdon's Veterans Memorial Park

On motion of Mr. McCrady, second by Mrs. Mumpower, it was resolved to adopt the following resolution:

RESOLUTION 2006-06
RECOGNIZING WASHINGTON COUNTY
VETERANS OF THE VIETNAM WAR

WHEREAS thousands of American servicemen and women answered the nation's call to check the spread of communism in the 1960's; and

WHEREAS, halting of communist aggression in Southeast Asia was essential to the fight for democracy not only in the Republic of South Vietnam but also throughout the world; and

WHEREAS many of those men and women were from Washington County, Virginia, who were then ready as they had been from the beginning of this nation to sacrifice their lives and liberty in order that others may be free; and

WHEREAS young men from Washington County, Virginia, gave their lives in the Vietnam War; and

WHEREAS the people of Washington County have always been ready, willing, and able to answer the call of their nation beginning with the Overmountain Men during the American Revolution and have always played an instrumental and pivotal role in the ongoing fight for freedom; and

WHEREAS men and women of Washington County continue to proudly serve in the country's armed forces throughout the world;

NOW THEREFORE BE IT RESOLVED, that the Washington County Board of Supervisors and the citizens of Washington County do hereby recognize and honor the service men and women who served in the Vietnam War; and

BE IT FURTHER RESOLVED that the Washington County Board of Supervisors and the citizens of Washington County further acknowledge our indebtedness to all the service men and women and their families who have given and continue to give of their lives, hopes, and dreams so that others may be free.

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. <u>Consideration of Resolution Concerning Regional Water Supply Planning</u>

County Administrator Mark Reeter addressed the Board explaining that the General Assembly has adopted regulation to require local and regional water supply planning administered by the Department of Environmental Quality. Mr. Reeter explained that the Mount Rogers Planning District Commission (MRPDC) is asking each locality in their service area to participate in a regional water supply plan for the Mount Rogers region.

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

RESOLUTION 2006-07

WHEREAS, the Virginia General Assembly has mandated the development of water supply plans throughout the Commonwealth and the State Water Control Board has developed regulations to implement this planning process, and

WHEREAS, based upon these regulations, Washington County is required to complete a water supply plan that fulfills the regulations by November 2, 2011, and

WHEREAS, the Virginia Department of Environmental Quality (DEQ) has announced the availability of grant funds to assist localities offset some of the costs related to the development of these plans and are encouraging localities to submit applications for grant funds using regional water supply plans, and

WHEREAS, regional water supply planning is a sensible approach to developing a water supply plan since watershed boundaries do not follow political boundaries and since there will likely be cost savings to all jurisdictions participating, and

WHEREAS, the Mount Rogers Planning District Commission has previously managed the development of successful regional plans and is a logical entity to organize and manage a regional water supply planning process, and

WHEREAS, the Mount Rogers Planning District Commission desires to participate in a regional water supply plan and desires to secure DEQ grant funds to help offset the cost of the plan development.

NOW THEREFORE BE IT RESOLVED that Board of Supervisors of Washington County, Virginia authorizes the Mount Rogers Planning District Commission to develop an application for water supply planning grant funds and to develop a regional water supply plan which will meet mandated regulations, and

BE IT FURTHER RESOLVED that the County Administrator authorized to sign the DEQ grant contract and other appropriate documents related to the source water planning grant and the regional source water supply plan.

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***

10. Consideration of Appointments to Various Boards, Authorities and Commissions Expiring June 30, 2005

Highlands Community Services Board

On motion of Mrs. Mumpower, second by Mr. Rector, it was resolved to appoint Lillian Spicer to serve At-Large on the Highlands Community Services Board for a three year term to be effective July 1, 2006, and expire on June 30, 2009.

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***

Virginia Highlands Airport Commission

On motion of Mr. Rector, second by Mr. Price, it was resolved to appoint Marty Large to represent the C-01 "Madison" Election District on the Virginia Highlands Airport Commission for a four year term beginning July 1, 2006 and expiring on June 30, 2010.

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***

Southwest Virginia Artisan Center Committee

On motion of Mr. McCrady, second by Mr. Rector, it was resolved to appoint Assistant County Administrator Christy Parker to represent Washington County on the Southwest Virginia Artisan Center Committee.

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***

Washington County Board of Social Services

On motion of Mrs. Mumpower, second by Mr. Rector, it was resolved to reappoint Lisa Andis to represent the G-01 "Wilson" Election District on the Washington County Board of Social Services for a four year term beginning July 1, 2006, and expiring on June 30, 2010.

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. Recess

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

12. <u>County Administrator Reports</u>:

a. Third Annual Employee Picnic, August 6

County Administrator Mark Reeter advised the Board that the Third Annual County Employee Picnic is scheduled for Sunday, August 6. Mr. Reeter explained that for the past two years the picnic has been held at the Leo Sholes Park and Pool in Glade Spring. He stated that the Board has discussed holding the picnic at the Washington County Park.

Discussion ensued among the Board. It was Board consensus to schedule the Third Annual Employee at the Washington County Park on Sunday, August 6.

13. <u>County Attorney Reports</u>:

a. Report Concerning Appalachian Juvenile Commission

County Attorney Lucy Phillips addressed the Board explaining that Smyth County has made inquiries concerning the Appalachian Juvenile Commission. Some members of the Smyth County Board of Supervisors have issues with the actions taken by the Commission when they accepted additional member jurisdictions without first getting consent of the existing members. Additionally, Smyth County has issue over the Commission's merging of the Highlands Juvenile Detention Center with another group in order to provide more bed space. There are further issues concerning bonuses given to employees of the Commission and the approval of a policy for retirement health benefits for former employees. The Smyth County Board of Supervisors has requested a meeting with the City of Bristol, Washington County and the Appalachian Juvenile Commission to discuss the issues.

14. <u>Board Information</u>

There was no Board Information reviewed.

15. <u>Consent Agenda</u>

Accounting Manager Mark Seamon addressed the Board explaining that the Barter Theatre made a request in March of the year for release of funds budgeted in FY 2004-05 and FY 2005-2006 totaling $50,000 for the Barter Green Project. Mr. Seamon explained the Board did not take action on the request because it was thought that the funds requested were for matching funds for a grant from the Appalachian Regional Commission in which the Barter did not receive. He further explained that the funds were actually to match several grants received by the Barter.

Discussion ensued among the Board concerning the Barter Theatre's request.

On motion of Mr. McCall, second by Mrs. Mumpower, it was resolved to approve the following consent agenda items:

a. Supplemental Appropriation – Sheriff's Office for Property Damage Check Received
b. Supplemental Appropriation – Sheriff's Office for Miscellaneous Revenues Received

c. Supplemental Appropriations – Department of Social Services for Additional State Program Funds
d. Request for Release of Barter Green Funds totaling $50,000.

The vote on this motion was as follows: (5-2)

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

16. <u>Board Member Reports</u>

Supervisor Dulcie Mumpower commended the County employees that were involved with the County's American Cancer Society Relay for Life Team. Mrs. Mumpower stated that the County's team had a representative on the track for the entire 24 hours. She further stated that Washington County as a whole raised over $200,000 for the American Cancer Society and ranked 14th in the nation.

Supervisor Paul Price reported that several people have spoken with him concerning the length of time it takes to get survey plats back from the surveyors. Mr. Price inquired if the County provided the surveyors with the information they needed to complete and plat, and he asked if the County could hold a training session for the surveyors. Mr. Reeter explained that a meeting has been held in the past to educate the surveyors on the County's ordinances, and that another training session could be scheduled.

Mr. Price inquired about the County's policy for junk vehicles and the procedures followed to determine if a letter would be sent to someone in violation. Mr. Reeter explained that violation letters are normally initiated by complaints received. He further explained that there is State law addressing junk vehicles and a County Ordinance based upon the State law. Mr. Price inquired why the County's ordinance is not enforced Countywide instead of just by complaints.

Supervisor Tony Rector reported that the Senate Finance Committee had adopted a budget for the next biennium; however, the Senate had delayed action on transportation funding.

Supervisor Odell Owens reported that Highlands Community Services Executive Director Hunter Widner is retiring, but has agreed to work an additional month until his successor can be hired.

Supervisor Phillip McCall reported that Robert Vinyard, Attorney for the Washington Service Authority is retiring. Mr. Vinyard will remain as legal counsel through the end of June to allow the Service Authority more time to hire another attorney.

Supervisor Kenneth Reynolds reported that Barry Firebaugh who is involved with the Employer's Support of the Guard and Reserve is putting together a trip for civilian leaders to tour facilities. The event is scheduled for May 30-June 1. Mr. Reynolds stated that the cost of the trip is $300 per person and that if any Board member or County staff is interested that he has more information about the trip.

Supervisor Jack McCrady inquired about a 25-acre tract of industrial land in Damascus owned by the Washington County Industrial Development Authority (IDA). Mr. McCrady stated that an individual is interested in purchasing the property to construct an upscale campground and also a church has been interested in the property. He stated that he plans to attend the next meeting of the IDA to ask what their plans are for the property.

Mr. Reeter stated that there are deed covenants for the property that prohibit certain residential development.

17. <u>Closed Meeting</u>

a. Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(5) 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.

On motion of Mr. Rector, second by Mr. McCall, the Board acted to convene in Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(5) 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. It was further resolved to include in the closed meeting County Administrator Mark Reeter, County Attorney Lucy Phillips, Assistant County Administrator Christy Parker, County Treasurer Fred Parker and the following representatives from Davenport and Company: David Rose and Roland Kooch.

The Board took a five-minute recess prior to beginning the Closed Meeting.

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***

After returning to the meeting, the Chairperson noted that upon motion of Mr. Rector, second by Mr. Mumpower, 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)

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

County Attorney Lucy Phillips distributed materials to the Board from the law firm of Sands Anderson Marks & Miller wherein they are making a proposal to act as Bond Counsel for the Highlands Project. Ms. Phillips explained that in anticipation of the upcoming events with the Highlands Project she recommends the Board proceed with obtaining Bond Counsel. She advised the Board that representatives from Sands Andersons Marks & Miller could attend the June 13 Board meeting to make a presentation. Ms. Phillips stated that the legal fees would be paid from the bond proceeds.

On motion of Mr. Rector, second by Mr. McCall, the Board acted to retain Sands Anderson Marks & Miller to act as Bond Counsel for the Highlands Project.

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: The above reference correspondence is included as Minutes Exhibit 2006-05-23-A.

18. <u>Recess to 6:00 PM May 25 Third Budget Adjustment Worksession Meeting</u>

On motion of Mr. Owens, second by Mr. Rector, it was resolved to recess to 6:00 PM on May 25 for the third budget adjustment worksession meeting.

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***

****

Prepared by:

_____

Naoma A. Mullins, Recording Clerk

Approved by the Washington County Board of Supervisors:

_____

Kenneth O. Reynolds, Chairman