

**VIRGINIA:**

At a regular meeting of the Washington County Board of Supervisors held Tuesday, March 13, 2007, 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

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**1. Call to Order**

The meeting was called to order by Mr. Kenneth 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. Owens, second by Mr. Rector, it was resolved to approve the agenda with the following amendments:*

**Addition of New Item 9.a.**

***Consideration of Request for Supplemental Appropriation, Damascus Volunteer Rescue Squad, Inc.***

***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*

**4.     Approval of Minutes**

*On motion of Mr. McCall, second by Mr. Price, it was resolved to approve the following minutes as presented:*

*February 20, 2007 Called Special Meeting*  
*February 27, 2007 Regular 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*

**5.     Public Hearings:**

**a.     Requests for Rezoning:**

**(1).    The Bernard Rolf Simmons Revocable Trust, Property Tax Map #164-A-44A: Request to rezone approximately 268.06 acres of property located on the southeast side of State Route 647 near the intersection of State Route 647/State Route 823 from R-2 (Residential, General), A-2 (Agricultural, General) and A-1 (Agricultural, Limited) to A-2 (Agricultural, General), Wilson Magisterial District**

County Zoning and Subdivision Official Cathie Freeman appeared before the Board to provide introductory remarks for the rezoning and special exception permit applications.

Ms. Freeman explained that William Simmons would like to place a barn on the property in question. It was recommended that Mr. Simmons request that his property be rezoned. She further explained that she did not speak with Mr. Simmons at the time he made his application for rezoning. The Planning Commission advised Mr. Simmons that he could request a Special Exception Permit instead of rezoning his property. Mr. Simmons did not want the delay of going through another public hearing process for a special exception permit and agreed to continue with his request to have the property rezoned. Ms. Freeman advised that the Planning Commission recommended that the first 500' of property from State Route 647 back remain R-2 (Residential, General) and the remainder of the property be rezoned to A-2 (Agricultural, General). This would allow Mr. Simmons to place electricity in the existing barn and would also allow him in the future to construct a new barn.

Mr. Reynolds opened the public hearing and invited comments both in support of and in opposition to the request of The Bernard Rolf Simmons Revocable Trust to rezone the above referenced property.

Mr. William Simmons, Trustee for the Bernard Rolf Simmons Revocable Trust, addressed the Board explaining that he was in agreement with the recommendation of the Planning Commission.

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

Discussion ensued among the Board. Mrs. Mumpower inquired if the barn would be for personal use. Mr. Simmons explained that initially the barn would be for personal used. He stated however that in the future he may want to use the barn to operate a small business. Ms. Freeman advised that Mr. Simmons could use his property for a small business, but would have to obtain a special exception permit.

The following action was taken by the Board:

*On motion of Mrs. Mumpower, second by Mr. Price, the Board acted to follow the recommendation of the Washington County Planning Commission and approve the application of The Bernard Rolf Simmons Revocable Trust to rezone approximately 268.06 acres of property located on the southeast side of State Route 647 near the intersection of State Route 647/State Route 823 from R-2 (Residential, General), A-2 (Agricultural, General) and A-1 (Agricultural, Limited) to A-2 (Agricultural, General), Wilson Magisterial District with the stipulation that the first 500 feet of property from State Route 647 remain R-2 (Residential, General) and the remainder of the property be rezoned to A-2 (Agricultural, General).*

*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>

**b. Requests for Special Exception Permit:**

**(2). Gary Lee Kelley, Property Tax Map #042-2-1,2: Request for a Special Exception Permit to construct a 30' X 60' building and storage bays for mulch, gravel and sawdust in order to operate a small business in general, more specifically a landscaping business to include fencing products on property located on the west side of State Route 19 near the intersection of State Route 19/State Route 802 in a CR (Conservation Recreation) zone, Jefferson Magisterial District**

Ms. Freeman explained that the Planning Commission devoted substantial discussion to the request of Gary Lee Kelley. Mr. Kelley proposes to operate a landscaping business on the property in question. She further explained that the Planning Commission had concerns that the size of building proposed by Mr. Kelley would not fit on the property and they discussed reducing the size of the building and action was taken by the Planning Commission to table action on this request to allow time to for Mr. Kelley to submit detailed drawings along with the intentions of providing water and sewer for the location. Ms.

Freeman stated that Mr. Kelley requested that size of his building be reduced from a 30' X 60' to a 10' X 20' building. She further stated that Mr. Kelley could not wait another six weeks to open his landscaping business because the season would be over. The Planning Commission then took action to recommend approval of the application for a pre-fab building, not to exceed 8' X 16' and if a permanent building is proposed that Mr. Kelley would have to appear before the Planning Commission and the Board of Supervisors prior to construction.

Discussion ensued among the Board.

Mr. Price inquired about the size of the lot in question and stated that a Special Exception Permit is not required for a building 8' X 16' or smaller.

Mr. Gary Kelley addressed the Board from the audience and explained that his lot would have accommodated his original request for a 30' X 60' building, but due to the concerns of the Planning Commission he agreed to reduce the building size.

Ms. Freeman explained that the concern of the Planning Commission was that after the construction of the building and parking lot there would not be room to install the septic system.

Ms. Kelley stated it was his understanding that before he could obtain a building permit that the septic system had to be designed.

Mr. Reynolds opened the public hearing and invited comments both in support of and in opposition to the request of Gary Lee Kelley for a Special Exception Permit.

Mr. Gary Kelley and his wife Julia Kelley addressed the Board explaining that they have operated a pallet business for 20 years. They use the waste from the pallets for mulch and have been planning to open a landscaping business for several years.

Further discussions ensued among the Board.

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

***On motion of Mr. Price, second by Mr. McCrady, the Board acted to follow the recommendation of the Washington County Planning Commission and approve the application of Gary Lee Kelley for a Special Exception Permit to construct a 8' X 16' building and storage bays for mulch, gravel and sawdust in order to operate a small business in general, more specifically a landscaping business to include fencing products on property located on the west side of State Route 19 near the intersection of State Route 19/State Route 802 in a CR (Conservation Recreation) zone, Jefferson Magisterial District with the stipulation recommended by the Planning Commission that approval be granted for a pre-fab building, not exceeding 8' X 16', and if a permanent building is proposed to be built in the future, the applicant is to re-submit their application and appear before the Planning Commission and Board of Supervisors prior to construction.***

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

<b><i>Mr. McCall</i></b>	<b><i>Aye</i></b>
<b><i>Mr. McCrady</i></b>	<b><i>Aye</i></b>
<b><i>Mrs. Mumpower</i></b>	<b><i>Aye</i></b>

<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>

**(3). Kyle Laymond Cullop II, Property Tax Map #067A1-A-19: Request for a Special Exception Permit to place a double wide manufactured home on property located on the south side of State Route 797 near the intersection of State Route 797/State Route 80 in a V (Village) zone, Monroe Magisterial District**

Ms. Freeman explained that Planning Commission recommends approval of this application.

Mr. Reynolds opened the public hearing and invited comments both in support of and in opposition to the request of Kyle Laymond Cullop II for a Special Exception Permit.

Michelle Cullop addressed the Board explaining that she wants to place a manufactured home on the property.

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

*On motion of Mr. Rector, second by Mr. Owens, the Board acted to following the recommendation of the Washington County Planning Commission and approve the application of Kyle Laymond Cullop II for a Special Exception Permit to place a double wide manufactured home on property located on the south side of State Route 797 near the intersection of State Route 797/State Route 80 in a V (Village) zone, Monroe Magisterial District.*

*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). Mohammad A. Choudary, Property Tax Map #069-A-43: Request for a Special Exception Permit to replace a manufactured home for use by a security guard for a business on property located on the west side of State Route 91 near the intersection of State Route 91/F-033 (Glove Drive) in a B-2 (Business, General) zone, Monroe Magisterial District**

Ms. Freeman explained that the Planning Commission devoted lengthy discussion to this request. She referenced pictures of the manufactured home that is the subject of the request of which were provided in the agenda materials. The manufactured home is currently located on an adjacent parcel of property not owned by Mohammad Choudary. Mr. Choudary proposes to purchase the manufactured home and move it onto his property where his convenience store, Exxon Food Mart, is located. The manufactured home would be used to house a security guard that would watch his business at night. Ms. Freeman further explained that the Planning Commission asked Mr. Choudary if the security guard could be placed inside

the store and that Mr. Choudary stated that was not possible. The Planning Commission further inquired of Mr. Choudary why a security guard was needed. Mr. Choudary explained to the Planning Commission that he has experienced problems with people loitering outside his business and getting in his trash dumpsters. Ms. Freeman explained that several people spoke in opposition to the application. She further explained that the Planning Commission recommended denial of the application because they did not feel the request was reasonable based on responses given by Mr. Choudary. The Planning Commission further felt like the manufactured home was too large and not appropriate for the use proposed by Mr. Choudary.

Discussion ensued among the Board.

Mr. Reynolds opened the public hearing and invited comments both in support of and in opposition to the request of Mohammad A. Choudary for a Special Exception Permit.

Mr. Choudary was not present at the Board meeting.

Mr. Mannix provided comments regarding the application by Mr. Choudary for a special exception permit.

Mr. McCall stated that the manufactured home seems a little large to house a security guard. The County has had a similar problem down the road from this property. There is a mobile home that sits on a hill above a business and it eventually became a residence for someone. He inquired if the County has a policy for structures that would house security for a business such as this.

Responding to an inquiry from the Board, Ms. Freeman explained that M. Choudary could build a structure on his property to house a security guard.

Mr. Price inquired if Mr. Choudary had given the reason he wanted to use the manufactured home as opposed to building a structure for the security guard. Ms. Freeman stated that Mr. Choudary had told the Planning Commission that he had all of his money invested in the service station and did not give a clear answer as to why he wanted to use the manufactured home for a security guard's house.

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

***On motion of Mr. Rector, second by Mr. McCrady, the Board acted to follow the recommendation of the Washington County Planning Commission and deny the application of Mohammad A. Choudary for a Special Exception Permit to replace a manufactured home for use by a security guard for a business on property located on the west side of State Route 91 near the intersection of State Route 91/F-033 (Glove Drive) in a B-2 (Business, General) zone, Monroe Magisterial District because of the manufactured home not being suitable for a commercial zone because of it being a large residential unit.***

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

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

*Mr. Reynolds*                      *Aye*

**c. Public Hearing and Consideration of Adoption of an Ordinance to amend Chapter 10, Section 10-32, of the Code of the County of Washington, Virginia to restrict the running at large of dogs**

County Attorney Lucy Phillips provided introductory remarks. Ms. Phillips explained that adoption of the ordinance would clarify the County's current prohibition against running at large of dogs to state that the owner and/or custodian of a dog found to be running at large shall be in violation of the ordinance. The current language uses the phrase, "permits a dog to run at large," which implies affirmative action by the owner to allow the dog to run at large. The amendment would clarify that finding a dog running at large is sufficient evidence to establish a violation without necessity to prove the owner's mental state of mind regarding whether the owner intended to allow the dog to run at large. A court would still have discretion to consider mitigating factors. Running at large is defined to mean when a dog is roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. Ms. Phillips stated that the proposed amendment makes it clear if a dog is found running at-large it the owner would be charged and found guilty of a misdemeanor offence.

Ms. Phillips explained that this amendment comes about as a result of a recent court case where a visiting judge in General District Court found a dog owner not guilty of allowing their dog to run at large for the reason that the dog owner had an invisible fence.

Mr. McCrady stated that he could support the proposed amendment if it did not have an affect on hunters that use dogs. He further stated that he is concerned with the problem of vicious dogs in the County, and that the County does not have sufficient fines that would keep a dog owner from allowing their dogs to run at-large.

Ms. Phillips explained that the proposed ordinance does not affect hunters using dogs. A hunter can go onto another person's property to retrieve their dog, but cannot take a weapon onto the property. She further explained that the Board had directed her to look at putting more "teeth" in the County's animal control ordinance. Ms. Phillips stated that this amendment does not fix all of the problems, and that further amendments would be brought to the Board in the future for review.

Mr. Rector stated that he has been getting a lot of complaints about cats. He requested that the County look into this problem.

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

Mr. Patrick Mannix made comments to the Board concerning the proposed ordinance.

Mr. Lacy Love addressed the Board.

Mr. Bud Parks addressed the Board explaining that he was a fox hunter, and that it is hard to keep the a dog under your control when hunting. Mr. Parks further explained that he believes if a dog kills livestock then the dog should be killed. He stated that he is concerned that County is taking rights from its citizens

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

Further discussions ensued among the Board.

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

**ORDINANCE NO. 2007-04  
AN ORDINANCE TO AMEND CHAPTER 10, SECTION 10-32,  
OF THE CODE OF THE COUNTY OF WASHINGTON, VIRGINIA,  
TO RESTRICT THE RUNNING AT LARGE OF DOGS**

*WHEREAS, the Board of Supervisors of the County of Washington, Virginia, finds it in the best interests of the public health, safety, and welfare to restrict the running at large of dogs in the County; and*

*WHEREAS, language in the County ordinance requires amendment to clarify that the owner of any dog found to be running at large may be prosecuted for a criminal misdemeanor for violation of the County prohibition of running at large of dogs.*

*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 10, Subsection 10-32, is amended, as set forth below; underline and italic indicates language to be added; strikethrough indicates language to be deleted:*

*Chapter 10  
ARTICLE II. DOGS & CATS  
DIVISION 1. GENERALLY*

*Sec. 10-32. Dogs running at large prohibited.*

*The running at large of dogs in the county is prohibited. For the purposes of this section, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. ~~Any person who permits his dog to run at large, or remain unconfined, unrestricted or not penned up~~ The owner and/or custodian of any dog found running at large shall be deemed to have violated the provisions of this section.*

*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)*

<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>

*Mr. Rector*                    *Aye*  
*Mr. Reynolds*                *Aye*

**d. Public Hearing and Consideration of Adoption of an Ordinance to Vacate Lots 19 and 20 from a recorded subdivision plat (Plat Book 5, Book 2 – Chip Ridge Farm Plat) to allow it to be divided into parcels of smaller acreage in the Harrison Magisterial District in Washington County, Virginia**

Ms. Phillips explained that this request comes to the Board at the request of the property owner Buford Blackwell, who is in attendance. She further explained that Mr. Blackwell owns lots 19 and 20 recorded on the Chip Ridge Farm Subdivision plat. Mr. Blackwell would like to subdivide and sell lots 19 and 20. In order for him to do this, the lots must be vacated from the recorded subdivision plat.

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

Mr. Buford Blackwell addressed the Board explaining that the land in questions is located across from his residence and that it has been surveyed. He stated that he wants to sell a lot to Mr. Bill Edmondson.

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

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

***ORDINANCE NO. 2007-05  
AN ORDINANCE TO VACATE LOTS 19 AND 20 FROM THE CHIP RIDGE FARM SUBDIVISION  
(PLAT BOOK 5, PAGE 2) IN THE HARRISON MAGISTERIAL DISTRICT OF THE COUNTY OF  
WASHINGTON, VIRGINIA***

*WHEREAS, a subdivision of land in the Harrison Magisterial District of the County of Washington, Virginia, was made by recordation of a plat titled, “Chip Ridge Farm 2 mi. North of Abingdon, Va. To be sold at auction June 11, 1947 by A. T. Booher & K. S. Bordwine,” in the land records of the Clerk of Court of Washington County, Virginia (Land Records), in Plat Book 5, Page 2 (Chip Ridge Farm Plat); and*

*WHEREAS, by deed recorded as Deed Book 693, Page 656 in the Land Records, Buford W. Blackwell acquired Lots 19 and 20 as more specifically described by the Chip Ridge Farm Plat; and*

*WHEREAS, Mr. Blackwell wishes to divide Lots 19 and 20, which contains 1.7 and 2.5 acres, respectively, more or less, into parcels of smaller acreage; and*

*WHEREAS, the Board of Supervisors of Washington County, Virginia, after public notice and public hearing, pursuant to Virginia Code § 15.2-2272(2) (1950, as amended), does hereby find that vacation of Lots 19 and 20 from the Chip Ridge Farm Plat for purpose of further division would not harm the public interest or public safety.*

*NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of Washington County, Virginia, that the Board does hereby adopt the following ordinance pursuant to Virginia Code § 15.2-2272(2):*

*Lots 19 and 20 of the Chip Ridge Farm Plat (Plat Book 5, Page 2) are hereby vacated pursuant to Virginia Code § 15.2-2272(2) from the recorded subdivision plat; and*

*Pursuant to Virginia Code § 15.2-2276, after the effective date of this ordinance, the Clerk of Circuit Court of Washington County, Virginia is directed to mark Lots 19 and 20 as “Vacated” on the Chip Ridge Farm Plat recorded at Plat Book 5, Page 2 and record a certified copy of this ordinance in the Office of the Clerk of Circuit of Washington County, Virginia indexed to Plat Book 5, Page 2 pursuant to Virginia Code § 15.2-2272(2); and*

*That should any section or provision of this ordinance be decided by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or of the Washington County Code; and*

*That this ordinance shall become effective thirty (30) days after its adoption unless an appeal pursuant to Virginia Code § 15.2-2272(2) is filed within that time period, in which case, this ordinance shall become effective as directed by a court of competent jurisdiction.*

*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>

**e. Public Hearing to solicit input on the proposed Community Development Block Grant Application to be submitted to the Virginia Department of Housing and Community Development for the Rush Creek Road Housing Rehabilitation Project**

Mr. Reynolds opened the public hearing and invited comments regarding the Community Development Block Grant (CDBG) application to the Virginia Department of Housing and Community Development for the Rush Creek Road Housing Rehabilitation Project.

Mr. Bryan Phipps with People Incorporated presented the Board with an overview of the CDBG Application to be submitted to the Virginia Department of Housing and Community Development for the Rush Creek Road Housing Rehabilitation Project. Mr. Phipps explained that since August of 2006, People Incorporated has been working with the County on the Housing Assessment Project. This work was financed through a CDBG Planning Grant. He further explained that the CDBG application is for \$451,171.00 in grant funds to be coupled with \$150,950.00 in Indoor Plumbing and Rehabilitation Program funds and \$120,000.00 in funding from People Incorporated of Southwest Virginia for a total of \$722,121.00 to provide substantial reconstruction of 15 qualifying homes in the Rush Creek Road area. The housing rehabilitation project will include the rehabilitation of six homes, the substantial reconstruction of nine homes, the installation or repair of thirteen septic systems, and three homes will be equipped with handicapped accessible items. There will be a total of 25 low-to moderate income persons to benefit from the project.

Discussion ensued among the Board.

Mr. McCall inquired about the impact of this project on people residing in manufactured homes in the Rush Creek Road area. Mr. Phillips explained that nine of the homes in the housing rehabilitation project that are going to be substantially rehabilitated were manufactured homes.

Further discussions were devoted to the project management for the housing rehabilitation project and trash cleanup along Rush Creek Road.

Responding to inquiries from the Board, Mr. Phipps explained that life skill classes would be given to the landowners participating in the program to teach them about maintenance of their homes. He further explained that People Incorporated takes good care to carefully explain the housing rehabilitation program to prospective landowners. They are told of any monies they are expected to pay which includes an increase in real estate taxes.

Mr. Reeter explained that at this time there is no local funding included in the project.

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

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

**RESOLUTION 2007-08**

*WHEREAS, stakeholder surveys and housing inspections in the Rush Creek Road area of Washington County reveal a high concentration of housing units with an urgent need for rehabilitation and/or substantial reconstruction; and*

*WHEREAS, the Virginia Community Development Block Grant program provides grant funding to address the need for housing rehabilitation services in the Commonwealth of Virginia; and*

*WHEREAS, the County of Washington desires to apply for said funds to address housing needs in the Rush Creek Road area; and*

*WHEREAS, the Mount Rogers Planning District Commission has agreed to serve as the Administrator for the project; and*

*WHEREAS, People Incorporated of Southwest Virginia has agreed to provide rehabilitation specialist services for the project; and*

*WHEREAS, People Incorporated of Southwest Virginia will administer an additional \$150,950 in state funds and leverage \$120,000 in private support for the project; and*

*WHEREAS, a total of \$722,121 will therefore be available to provide housing rehabilitation services in the Rush Creek Road community; and*

*WHEREAS, the proposed project will meet the National Objective of providing benefit to low to moderate income persons through the rehabilitation and/or substantial reconstruction of 15 homes in the Rush Creek Road project area, serving a total of 35 extremely low to low-to-moderate income persons;*

***NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that, pursuant to two public hearings advertised in accordance with the standards set forth In the 2007 Virginia Community Development Block Grant Citizen Participation Plan for Local Government Applicants, the County of Washington, in partnership with the Mount Rogers Planning District Commission and People Incorporated of Southwest Virginia, requests \$451,171 in Virginia Community Development Block Grant funds in support of the Rush Creek Road Housing Rehabilitation Project.***

***BE IT FURTHER RESOLVED that Washington County’s Chief Administrative Official, Mark K. Reeter, is hereby authorized to complete, sign and submit appropriate documents for the Virginia Community Development Block Grant proposal referenced herein.***

*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>

**6. Consideration of Approval of Proposed Six Year Plan for Secondary Highway Improvements, FY 2007-08 to FY 2012-13**

Mr. Steve Buston, Resident Administrator for the Abingdon Residency of the Virginia Department of Transportation (VDOT), provided the Board with a review of the proposed Six Year Plan for Secondary Highway Improvements for FY 2007-08 through FY 2012-13 and other related documents. The following is a summary of the Six Year Plan revisions for July 1, 2007:

Projects Removed due to Lack of State Funding

State Route 670 – Vance Mill Road  
State Route 699 – Waldon Road  
State Route 672 – Parks Mill Road  
State Route 672 – Parks Mill Road

Unpaved Projects Removed

State Route 623 – Walker’s Mountain Road (project complete)  
State Route 854 – Bethesda Road (project complete)

Projects Added

State Route 611 – Spring Branch Road (storage list – now federal eligible)  
State Route 1718 – Westinghouse Road (new federal eligible project)  
State Route 616 – Walnut Groove Road (new federal eligible bridge project)

Mr. Buston distributed to the Board a revised sheet of figures for the Six Year Plan that reflects a slight increase. He advised the Board that the current situation now with funding is changing continuously. Mr. Buston further stated that there may be additional increases in funding for the Six Year Plan.

Discussion ensued among the Board.

Mr. Reynolds stated that it is hard to explain to his constituents about how the funding for the Six Year Plan is now distributed by VDOT. Many of the constituents believe that it is the Board of Supervisors voting to take a road off of the list. He further stated that many of the citizens in his district had become optimistic about getting their roads improved and are now disappointed because their roads were removed from the Six Year Plan. Mr. Buston explained that he understands the frustrations. He further explained the best way to explain the current funding situation is that funding has "dried" up and that most money received must now go toward federal eligible projects.

Mr. Reynolds inquired about what impact there would be if the Board did not adopt the Resolution approving the Six Year Plan. Mr. Buston explained that the County went down that road a few years ago. He further explained that ultimately the VDOT Commissioner would take action to institute the Six Year Plan for the County as presented.

Further discussions ensued about the Six Year Plan.

McCall inquired about status of the swinging bridge in the Rush Creek area. Mr. Buston explained that VDOT has not done any maintenance to the swinging bridge.

*On motion of Mrs. Mumpower, second by Mr. Rector, the Board acted to adopt the following resolution:*

**RESOLUTION 2007-09  
APPROVAL OF SIX YEAR SECONDARY ROAD PLAN 2007-2013**

*BE IT HEREBY RESOLVED that the Washington County, Virginia Board of Supervisors does hereby approve the FY 2007-08 to 2012-13 Virginia Department of Transportation Secondary System Six Year Plan for Washington County, Virginia; and*

*BE IT FURTHER RESOLVED, that the Washington County, Virginia Board of Supervisors approves the first year of the plan titled, Details of Washington County, Virginia Secondary Construction Budget for July 1, 2007 through June 30, 2013.*

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

<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>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Nay</i>

*Sciuenex's Note: The Six Year Secondary Road Plan may be found in Minutes Exhibit 2007-03-13-A.*

Mr. Buston advised the Board that a VDOT Public Design Hearing on the Exit 14 Interchange project would be held on March 15 at the Southwest Virginia Higher Education Center. The Exit 14 Interchange project comes as a result of a commercial development on property within the Town of Abingdon. The proposed improvements are estimated to cost about \$7,000,000.00 and will be paid for by the developer. The proposed improvements will increase the capacity of the Exit 14 interchange.

Discussions ensued among the Board.

**7. Consideration of Request for Supplemental Appropriation, Washington County Little League**

Mrs. Mumpower addressed the Board explaining that the Washington County Little League is responsible for maintenance of all their ball fields. They are requesting \$5,200.00 to purchase attachments for their mower. She stated that because of the embezzlement that occurred within the organization they have been struggling financially.

Discussion ensued among the Board.

*On motion of Mrs. Mumpower, second by Mr. McCrady, the Board approved an appropriation of \$5,200.00 from Reserve for Contingencies to the Washington County Little League.*

*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>

**8. Consideration of Resolution Endorsing Southwest Virginia Regional Affiliation with Keep America Beautiful**

County General Services Manager Stephen Richardson made a presentation to the Board concerning the Southwest Virginia affiliation with Keep America Beautiful. Mr. Richardson explained that the Upper Tennessee River Round Table, Inc. an organization comprised of Bristol, Tennessee and the Counties of Southwest Virginia (Buchanan, Dickenson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise and the cities of Bristol and Norton) is applying for a regional affiliation with Keep America Beautiful. This affiliation would be a tool used by the Southwest Virginia localities to assist with litter control and beautification efforts. He stated that if each locality tried to take on this project individually it would cost the localities a lot of money and participating in the program regionally will provide the same benefits. Mr. Richardson advised the Board that the certification ceremony is schedule for April 21. Invitations to this ceremony will be sent to the Board.

Discussion ensued among the Board.

Responding to an inquiry from the Board, Mr. Richardson explained that the Keep America Beautiful Program does not utilize people on probation. He stated however that he is working with the Assign-a-Highway Program and they will be utilizing these individuals

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

**RESOLUTION 2007-10  
IN SUPPORT OF UPPER TENNESSEE RIVER ROUNDTABLE, INC.  
SEEKING REGIONAL AFFILIATION FROM KEEP AMERICA BEAUTIFUL, INC.**

*WHEREAS, the Upper Tennessee River Roundtable, Inc. organizes a litter prevention and recycling committee to seek solutions to prevent littering and to increase recycling; and*

*WHEREAS, the Upper Tennessee River Roundtable, Inc. litter prevention and recycling committee includes representation from the counties of Lee, Wise, Scott, Dickenson, Buchanan, Tazewell, Russell, Smyth and Washington as well as the cities of Bristol and Norton; and*

*WHEREAS, Washington County, Virginia is an active participant in this litter prevention and recycling committee; and*

*WHEREAS, the litter prevention and recycling committee has applied for regional affiliation from Keep America Beautiful, Inc. and through the Upper Tennessee River Roundtable, Inc.; and*

*WHEREAS, the litter prevention and recycling committee has chosen the name of Keep Southwest Virginia Beautiful for this regional affiliate; and*

*WHEREAS, the litter prevention and recycling committee agrees to work with all above-named localities to complete certification requirements and to maintain certification through Keep America Beautiful, Inc.; and*

*WHEREAS, the litter prevention and recycling committee shall be called Keep Southwest Virginia Beautiful and shall focus on litter prevention, beautification, community improvement, and waste reduction through individual responsibility, education, private-public partnerships, and volunteer action.*

***NOW, THEREFORE BE IT RESOLVED*** by the Board of Supervisors of Washington County, Virginia that Washington County does hereby endorse the Upper Tennessee River Roundtable’s application for regional affiliation through Keep America Beautiful, Inc. and agrees to support the efforts of Keep Southwest Virginia Beautiful.

*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>

*Mr. Reynolds Aye*

At this time, Mr. Rector requested that Mr. Richardson contact the Saltville Town Manager regarding junk cars in the Smokey Road area of Saltville.

**9. Consideration of Resolution of Support for Application of CDBG Funds by Town of Damascus for Orchard Hill Community Development Project**

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

**RESOLUTION 2007-11  
IN SUPPORT OF A  
VIRGINIA COMMUNITY DEVELOPMENT BLOCK GRANT  
APPLICATION BY THE TOWN OF DAMASCUS FOR THE  
ORCHARD HILL ROAD COMMUNITY DEVELOPMENT PROJECT**

*BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that it hereby endorses and supports the Application by the Town of Damascus, Virginia for Community Development Block Grant funds for the Orchard Hill Community Development 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*

**9.a. Consideration of Request for Supplemental Appropriation, Damascus Volunteer Rescue Squad, Inc.**

Mr. Reeter explained that the Damascus Volunteer Rescue Squad is requesting a supplemental appropriation from Reserve for Contingencies in the amount of \$2,947.50 as matching funds for the purchase of equipment. The County Emergency Services Committee considered this request at the Committee’s January 23, 2007, meeting and recommend the amount be provided.

*On motion of Mr. Rector, second by Mr. McCrady, the Board approved an appropriation in the amount of \$2,947.00 from Reserve for Contingencies to the Damascus Volunteer Rescue Squad.*

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

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

<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

**10. Recess**

*On motion of Mr. McCrady, second by Mr. Price, it was resolved to take a five minute recess.*

*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>

**11. County Administrator Reports:**

- a. Board of Supervisors Retreat, March 16-18

Mr. Reeter reviewed the Board retreat schedule for the upcoming retreat scheduled for March 16-18. He asked that Board members let his office know who will be traveling by personal vehicles versus car pooling in County vehicles. Mr. Reeter stated that everyone should leave by mid-day on Friday, March 16. He also asked Board members to let him know if any of them would be leaving the Retreat on Saturday, March 17.

- b. National Association of Counties Annual Conference, July 13-17, Richmond

Mr. Reeter advised the Board that the National Association of Counties will be holding its Annual Conference in Richmond, VA, July 13-17. The Virginia Association of Counties is encouraging all Virginia counties to send attendees to this conference.

- c. Review of FY 2007-08 County Operating Budget Meetings Calendar

Mr. Reeter explained that at Board stations was a revised Budget Calendar for the FY 2007-2008 Budget cycle for their review. He advised the Board that County Treasurer Fred Parker has requested that the presentation of revenue projections be rescheduled to 6:00 PM on April 10. This change is reflected on the revised Budget Calendar. Mr. Reeter stated that he hopes to present the County Administrator's recommended and proposed budget to the Board on April 24, but this will be predicated on receiving the revenue projections from the County Treasurer. He asked the Board to review the Budget Calendar and advise him if they wish any changes in meeting dates to be made.

Mr. Reeter reported that The Nature Conservancy would be holding a press conference at 2:00 PM on March 14 at The Nature Conservancy Office to announce appropriation of funding for the purchase of the Brumley Mountain property.

**12. County Attorney Reports:**

- a. County Personnel Committee Recommendation Concerning Fingerprinting of Prospective County Employees

Ms. Phillips reported that the County Personnel Committee met on March 5 to consider the matter of requiring prospective new County employees to be fingerprinted in order to facilitate a thorough background check. The current background check methodology used by many County agencies does not permit as complete a check on a prospective employee's background as may be desired. Fingerprinting will allow a comprehensive background check to be performed on a nationwide basis. She explained that Virginia law does permit localities to fingerprint prospective employees by adoption of an ordinance to that effect. Ms. Phillips further explained that the Personnel Committee directed her to prepare a draft ordinance to be reviewed by the Board for authorization to advertise for public hearing. A copy of the draft ordinance has been distributed at Board stations.

Discussion ensued among the Board. Responding to an inquiry from the Board, Ms. Phillips explained that the if adopted by the Board, the new fingerprinting policy would apply immediately to Administrative Division employees and for other County agencies that may wish to adopt a similar policy.

Mr. Seamon addressed the Board explaining that he sent e-mails concerning the proposed fingerprinting policy to the Constitutional Officers. They all have indicated they do not have a problem with the proposed policy. He stated that the Department of Social Services and Library have their own individual background check procedures for new employees.

The Board by consensus authorized the County Attorney to proceed with scheduling a public hearing on the proposed ordinance.

Ms. Phillips provided the Board with an update on the annexation trail. She explained that the judges gave an oral ruling, but they still have not provided a written opinion. The written opinion will be distributed to the Board once it is received. The proposed final orders have been submitted to the judges for their consideration.

Ms. Phillips advised the Board of three pending lawsuits that involved the County. They are as follows:

1. Worthington Partners concerning the ordinance adopted by the Board last year to vacate a void plat for Worthington Place Subdivision. This case is scheduled to be in court in May.
2. A tax appeal case involving Die Cast Connections. This company was purchased four years ago at a lower price than the assessed value. The new company feels that their assessed value should be the purchase price.
3. A tax appeal case involving county resident LeVonda Heath. She is disputing the tax assessment on a piece of property she owns at South Holston Lake. A hearing has been held and the ruling favored the County. Ms. Heath has appealed the decision.

Ms. Phillips reported that the County's decision on the tattoo parlor in Glade Spring continues to be under advisement by the Circuit Court judge.

In conclusion, Ms. Phillips asked for Board consensus to proceed with an ordinance to amend the County’s Ordinance that deals with fees assessed on traffic cases, which are used for Courthouse security measures. She explained that the General Assembly during their last session took action to increase traffic violation fees to \$10.00 and that the County’s ordinance needs to be amended to reflect this change.

It was consensus of the Board for the County Attorney to proceed with drafting the ordinance for their review.

**13. Board Information**

No information reviewed.

**14. Consent Agenda**

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

- a. Payment of Bills, February 2007*
- b. Revenue Refunds – Animal Sterilization Fees*
- c. Cancel Checks & Supplemental Appropriation – Washington County Library Fund*
- d. Circuit Court Judge – Request for Transfer of Funds between Line-items*
- e. Budget Status Reports as of February 28, 2007*

*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>

**15. Board Member Reports**

Mrs. Mumpower thanked the Board for their support of the Washington County Little League request.

Mr. Rector commented on the sudden death of Ronnie Blair, an employee of the County Solid Waste Department.

Mr. McCrady reported that the property for the little league facility in Damascus has been surveyed. Hopefully work on the project will get started soon. He further reported that the Library Planning Committee recently met and hope to move forward with the Damascus Library project. Mr. McCrady thanked the Board for their support of the Damascus Little League facility and the Damascus Library project.

16. **Recess to Board of Supervisors Retreat, W.E. Skelton 4-H Educational Conference Center at Smith Mountain Lake, 775 Hermitage Raod, Wirtz, Virginia, March 16-18, 2007 beginning 4:00 PM March 16, Reid Jones, Jr. Lodge Upper Conference Room**

*On motion of Mr. McCrady, second by Mr. Price, it was resolved to recess the meeting to the Board of Supervisors Retreat, W.E. Skelton 4-H Educational Conference Center at Smith Mountain Lake, 775 Hermitage Road, Wirtz, Virginia, March 16-18, 2007 beginning 4:00 PM March 16, Reid Jones, Jr. Lodge Upper Conference Room*

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**Prepared by:**

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Naoma A. Mullins, Recording Clerk

**Approved by the Washington County Board of Supervisors:**

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Kenneth O. Reynolds, Chairman