

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, February 12, 2008, 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
Thomas G. Taylor

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 Tom Taylor gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

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

Deletion of Item 5.a.(3).

Consideration of Application for Special Exception Permit:

(3). The C. T. Wilkinson, Jr. Heirs on behalf of Ramirez Contracting, LLC, Property Tax Map #086-5-1: Request for a Special Exception Permit to construct and operate a light industrial use, more specifically an asphalt plant on property located on the south side of State Route 879 at the intersection of State Route 879/State Route 274 in an A-2 (Agricultural, General) zone, Harrison Magisterial District.

Addition of New Item 10.c – County Administrator Reports:
Request for February 26 Public Hearing for Southwest Virginia Regional Artisan Center Community Development Block Grant Application.

New Item 15 – Closed Meeting(s)
Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(7) for consultation with the County Attorney where such consultation and briefing in open meeting would adversely affect the negotiating or litigating posture of the Board of Supervisors and which require the provision of legal advice by legal counsel in the following two matters: (1). Under Virginia Code Section 58.1-3984, and (2). In reference to Virginia Municipal League/Virginia Association of Counties/Appalachian Power Company Steering Committee contract negotiations.

Addition of New Item 16.
Recess to 6:00 PM February 26, 2008 for Presentation of FY09 County Revenue Estimates by County Treasurer and Commissioner of Revenue.

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. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

4. Approval of Minutes

On motion of Mr. McCall, second by Mrs. Mumpower, it was resolved to approve the minutes of the January 22, 2008, regular meeting as presented.

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. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

5. Public Hearings:

a. Consideration of Application(s) for Special Exception Permit:

(1). John D. Hensley on behalf of the Creeper Trail Bike Rental and Shuttle, Property Tax Map #150-4-13: Request for a Special Exception Permit to operate a small business in general, more specifically to construct a 30' X 50' building for restrooms and office space to be used for a bicycle rental and shuttle service located on the south side of State Route 711 and running to the north side of State Route 58 in an A-2 (Agricultural, General) zone, Taylor Magisterial District

County Zoning and Subdivision Official Cathie Freeman appeared before the Board to provide introductory remarks on the application of John D. Hensley on behalf of Creeper Trail Bike Rental and Shuttle for a Special Exception Permit. Mrs. Freeman explained that in Mr. Hensley's presentation to the Planning Commission, he explained that he would like to construct a 30' X 50' building in which to operate a bicycle rental and shuttle business. He further explained that he is a resident of White Top Mountain and has operated a bicycle business on White Top Mountain since 2006. Mr. Hensley has determined that he needs a business in Damascus to pick up the riders coming down from White Top Mountain. His business would front State Route 711. Mrs. Freeman explained that Mr. Hensley would be required to obtain a commercial entrance permit from the Virginia Department of Transportation (VDOT).

Mrs. Freeman explained that the Planning Commission questioned Mr. Hensley if VDOT would be purchasing the property in question for the Route 58 widening project. Mr. Hensley advised the Planning Commission that he has not been approached by VDOT, but it was his understanding from five years ago that it was their plan to purchase the property.

Mrs. Freeman explained that there was no opposition to the application and that the Planning Commission recommended approval.

Mr. Reynolds opened the public hearing and invited comments both in support of and in opposition to the request for special exception permit.

Mr. Doyle Hensley, owner of Creeper Trail Bike Rental and Shuttle addressed the Board. Mr. Hensley explained that Mrs. Freeman had explained his request very well. His plans are to construct a 30' X 50' building on the two acres of property he owns in Damascus. He further explained that VDOT will eventually take the property; however, they have not approached him. Mr. Hensley stated that he wants to proposed business to pick up riders coming from White Top Mountain. Also, the business would be located ten miles from Abingdon and could rent bikes to people wishing to ride the Creeper Trail to Abingdon and back to Damascus. He explained that the location of the business would be right off of the Creeper Trail therefore providing customers direct access to the Creeper Trail. The business would front State Route 711 and note US Route 58.

At this time, the Board asked questions of Mr. Hensley.

Mr. Price inquired if Mr. Hensley had a formal agreement with VDOT on the property. Mr. Hensley explained that he did not. VDOT has never approached him.

Mr. Taylor inquired about the advertising for the business. Mr. Hensley explained that there would be advertising signs located anywhere but on the building. There would be no signs located on US Route 58.

He further explained that the majority of business is generated from the Creeper Trail Bike Rental and Shuttle’s website.

Mr. McCrady inquired about access from the property to State Route 711. Mr. Hensley explained that the property borders State Route 711 and there is access. Mr. McCrady stated that encourages the move of the County Transfer Station located near this property. He further encourages the Board to approve Mr. Hensley’s application for a Special Exception Permit.

Mr. Taylor inquired if there was a sewer tap available to the business. Mr. Hensley explained that he will install a septic system. He further explained that the property in question is two acres and there would not be a problem with installing a septic system.

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

Mr. Taylor proposed adding a stipulation to the Special Exception Permit prohibiting any advertisement of the business on US Route 58.

Mr. McCrady explained *his opinion* that it is not right to restrict a business owner from advertising on his property. Further, it is his hope that signage issues in the County will be taken care of very soon.

On motion of Mr. McCrady, second by Mr. Price, it was resolved to follow the recommendation of the Washington County Planning Commission and approve the application of John D. Hensley on behalf of the Creeper Trail Bike Rental and Shuttle for a special exception permit to operate a small business in general, more specifically to construct a 30’ X 50’ building for restrooms and office space to be used for a bicycle rental and shuttle service located on the south side of State Route 711 and running to the north side of State Route 58 in an A-2 (Agricultural, General) zone, Taylor 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. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

(2). Michael Weeks, Property Tax Map #022-4-8: Request for a Special Exception Permit to operate a small business in general, more specifically to construct a woodworking shop, 75’ X 40’ to include lumber and equipment storage on property located on the north side of State Route 80 near the intersection of State Route 80/State Route 613 in a CR (Conservation and Recreation) zone, Jefferson magisterial District

Mr. Reynolds opened the public hearing and invited comments both in support of and in opposition to the request for special exception permit.

Mr. Michael Weeks appeared before the Board to answer questions.

Mr. William Schrader addressed the Board explaining that he was an adjoining landowner and supported the application for a Special Exception Permit.

Ms. Freeman addressed the Board explaining that the Board was provided in their agenda with materials that would give them an idea of how the proposed building will look. She explained that she has discussed with County Building Official Bill Cole the possibility of the building being required to have a sprinkle system because of its size. Mrs. Freeman further explained that she informed Mr. Weeks that the building may need a sprinkle system and advised him to make an appointment with Mr. Cole to discuss the issue.

Mrs. Freeman explained that Mr. Weeks proposes to use the building to build custom made cabinets. Mr. Weeks would get the custom measurements for his customers and then come back to the shop and build the cabinets.

Mrs. Freeman advised the Board that the Department of Zoning received a call from Anthony Scott Hanes who asked that it be noted for the record that he supported the application of Mr. Weeks.

Discussions ensued among the Board.

Mr. McCall inquired if the building was located at least 650' from the road. Mrs. Freeman replied that it was.

Mr. Weeks addressed the Board explaining that he has met with Mr. Cole. If the building is over 2,500 square feet it is required to have a sprinkle system. He explained that he could partition off the building and use one part for farm storage and the other part for the woodworking business. Mr. Weeks stated that his plans were to use half of the building for his woodworking business and that the woodworking shop would not exceed 2,500 square feet.

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

On motion of Mr. Price, second by Mr. McCrady, it was resolved to follow the recommendation of the Washington County Planning Commission and approve the application of Michael Weeks for a Special Exception Permit to operate a small business in general, more specifically to construct a woodworking shop, 75' X 40' to include lumber and equipment storage on property located on the north side of State Route 80 near the intersection of State Route 80/State Route 613 in a CR (Conservation and Recreation) zone, Jefferson 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. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

(3). The C. T. Wilkinson, Jr. Heirs on behalf of Ramirez Contracting, LLC, Property Tax Map #086-5-1: Request for a Special Exception Permit to construct and operate a light industrial use, more specifically an asphalt plant on property located on the south side of State Route 879 at the intersection of State Route 879/State Route 274 in an A-2 (Agricultural, General) zone, Harrison Magisterial District

The applicant withdrew their application for a Special Exception Permit. Therefore, the item was removed from the Agenda.

b. Public Hearing and Consideration of Adoption of an Ordinance to Vacate Lot 11 from Subdivision Plat Entitled “Property of Don & Virginia Preston” (Plat Book 19, Page 17), Madison Magisterial District

Ms. Phillips addressed the Board explaining this request comes from Mr. John H. Pope who owns a lot in the Don & Virginia Preston Subdivision. The lot is located on Storybook Lane, which is a private road. Mr. Pope would like to divide the lot into two lots. Since the lot is part of a recorded subdivision plat the Board would need to adopt the proposed ordinance to vacate the lot from the subdivision plat so that Mr. Pope could divide the property.

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

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

Ms. Phillips explained that Mr. Pope would like to make the division because his wife is ill, and he needs to build a new single story house to provide the ability for his wife to get around the house better.

Discussions ensued among the Board. Mr. Taylor expressed concerns that the road serving the lot is a private road with no state maintenance. If the request is approved and another house built there will be seven homes on a non state maintained road. He explained that he understands the request and will not vote against it; however, the Board allowing development on private roads creates a lot of problems for the County. Mr. Taylor further explained that his district has a lot of problems with houses that are served by private roads. At some point, the Board will have to stop allowing development on non-state maintained roads. Further discussions ensued.

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

AN ORDINANCE TO VACATE LOT 11 FROM PLAT ENTITLED “PROPERTY OF DON & VIRGINIA PRESTON” (PLAT BOOK 19, PAGE 170) IN THE MADISON MAGISTERIAL DISTRICT OF THE COUNTY OF WASHINGTON, VIRGINIA

WHEREAS, a subdivision of land in the Madison Magisterial District of the County of Washington, Virginia, was made by recordation of a plat titled, “Property of Don & Virginia Preston” (the Plat) dated September, 26, 1979, in the land records of the Clerk of Court of Washington County, Virginia (Land Records), in Plat Book 19, Page 170; and

WHEREAS, by deed recorded at Deed Book 1020, page 747 in the Land Records, John H. Pope and Ima Jean Pope (Owner) acquired Lot 11 as more specifically described by the Plat and which is identified by County tax map number 166-7-11 (the Lot); and

WHEREAS, Owner wishes to divide the Lot, which contains 2.37 acres, into parcels of smaller acreage, and

WHEREAS, the zoning designation for the Lot is Residential-General (R-2), which requires a minimum lot size of 30,000 square feet pursuant to Washington County Code §66-424(2) because the Lot is served by public water; 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 the Lot from the 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):

- 1. Lot No. 11 of the “Property of Don & Virginia Preston” (Plat Book 19, Page 170) is hereby vacated from the subdivision plat pursuant to Virginia Code § 15.2-2272(2) for the purpose to allow subdivision of the Lot; and**
- 2. 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 Lot 11 as “Vacated” on the Plat and record a certified copy of this ordinance in the Office of the Clerk of Circuit Court of Washington County, Virginia indexed to Plat Book 19, Page 170 pursuant to Virginia Code § 15.2-2272(2); and**
- 3. 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**
- 4. 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)

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

Mr. Taylor Aye

- c. Public Hearing and Consideration of Adoption of an Ordinance to Amend Chapter 22, Section 22-32, of the Code of Washington County, Virginia, to Establish location of the Washington County Absentee Voter Precinct in the Office of Virginia Department of Motor Vehicles at 25552 Lee Highway, Abingdon, Virginia

Ms. Phillips explained that Washington County General Registrar Mary Ann Compton has requested the Board to consider the proposed ordinance to relocate the Central Absentee Voter Election District from the Law Library in the County Courthouse to the Virginia Department of Motor Vehicles (DMV) offices on Lee Highway, where the General Registrar’s office is located. She further explained the reasons for the proposed move are that the Law Library in the Courthouse no longer exists, and the Courthouse is now a secure facility and closes at 5:00 PM. Two deputies are required to stay on election days until 7:00 PM when the polls close. The General Registrar’s Office is open until all election results have been obtained and all materials returned from the polls that day.

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

Mr. John Lamie, member of the Washington County Electoral Board, spoke in favor of the proposed ordinance explaining that deputies are required to be at the courthouse until 7:00 PM on election days. So it makes sense to move the Central Absentee Voter Precinct to the Abingdon Department of Motor Vehicles where the Office of the General Registrar is located.

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

On motion of Mr. McCall, second by Mrs. Mumpower, the Board acted to adopt the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 22, SECTION 22-32, OF THE CODE OF WASHINGTON COUNTY, VIRGINIA, TO ESTABLISH LOCATION OF THE WASHINGTON COUNTY ABSENTEE VOTER PRECINCT IN THE OFFICE OF THE COMMONWEALTH DEPARTMENT OF MOTOR VEHICLES LOCATED AT 25552 LEE HIGHWAY, ABINGDON, VIRGINIA

WHEREAS, Virginia Code section 24.2-712 allows localities to establish by ordinance one or more central absentee voter precincts in the courthouse or other public buildings for the purpose of receiving, counting, and recording absentee ballots cast in the county; and

WHEREAS, Washington County Code section 22.32 established a central absentee voter precinct in the law library of the County Courthouse on Main Street in Abingdon, Virginia; and

WHEREAS, the former location of the Washington County Courthouse law library was converted to other uses and is no longer suitable for use as the central absentee voter precinct; and

WHEREAS, the Commonwealth Department of Motor Vehicle office located at 25552 Lee Highway provides office space for the Washington County General Registrar and offers many amenities to make it a suitable location for the central absentee voter election precinct; and

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 re-locate the central absentee election voter election district from the County Courthouse to the local office of the Commonwealth Department of Motor Vehicles;

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 22, Section 22-32, is amended, as set forth below:

CHAPTER 22 – ELECTIONS

Article 2 – Election Districts

Sec. 22-33. Absentee voter election district.

There is hereby established for the county in the ~~law library of the county courthouse on Main Street~~ Commonwealth Office of Department of Motor Vehicles at 25552 Lee Highway, in Abingdon, Virginia, a central absentee voter election district, which election district shall be used for all elections held in the county except for those municipal elections held in the various towns located within the county. Such district shall be established in accordance with Code of Virginia, §§ 24.2-710--24.2-712, and all other applicable statutes of the Code of Virginia contained in Code of Virginia, § 24.2-700 et seq.

* * *

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>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

d. Public Hearing and Consideration of Adoption of an Ordinance to Amend Chapter 58, Sections 58-83 and 58-85 of the Code of the County of Washington, Virginia, to Update Financial Eligibility Criteria for the Partial Exemption from Taxation of Qualifying Elderly and Handicapped Persons

Ms. Phillips explained Commissioner of Revenue David Henry requests Board consideration of a proposed ordinance that would amend the financial criteria set forth in Sections 58-83 and 58-85 of the County Code applicable to persons at least sixty-five (65) years of age or anyone found to be permanently and totally disabled so that such person’s annual income which does not exceed \$21,770.00 with a gross net not exceeding \$65,368.00 would qualify for a percentage reduction in property taxes, if other

applicable criteria are also met. The proposed ordinance would update the schedule of rates of exemptions in accordance with an annual cost-of-living increase of 2.3 percent (2.3%).

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

Commissioner of Revenue David Henry addressed the Board explaining that the increase of 2.3 percent (2.3%) reflects the Social Security cost-of-living adjustment.

Discussions ensued among the Board. Mr. Reynolds inquired about how many County residents take advantage of the program. Mr. Henry replied there were about 100 County residents that participate in the program. He explained that his office issued a press release to make citizens aware of program. Mr. Henry further explained that his office will assist individuals with the application process. He stated that the deadline for applications is May 1. However, last year they granted refunds through December.

Further discussions ensued.

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

On motion of Mr. Owens, second by Mr. Taylor, the Board acted to adopt the following ordinance:

AN ORDINANCE TO AMEND CHAPTER 58, SECTIONS 58-83 AND 58-85 OF THE CODE OF THE COUNTY OF WASHINGTON, VIRGINIA, TO UPDATE FINANCIAL ELIGIBILITY CRITERIA FOR THE PARTIAL EXEMPTION FROM TAXATION OF QUALIFYING ELDERLY AND HANDICAPPED PERSONS

WHEREAS, section 58.1-3210 of the Code of Virginia (1950, as amended) allows the local governing body, by ordinance, to provide for exemption from taxation of real estate and manufactured homes in such amount as provided by the ordinance; and

WHEREAS, the Washington County Code (2002, as amended) provides for such exemption, for which eligibility is determined based on specified financial criteria; and

WHEREAS, such financial criteria requires amendment from time to time to adjust for the changing economy.

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 58, Subsections 58-83 and 58-85 are amended, as set forth below; underline and italic indicates language to be added; strikethrough indicates language to be deleted:

Chapter 58 TAXATION

DIVISION 3. REAL PROPERTY

Subdivision I. In General

Subdivision II. Exemption from Taxation of Certain Elderly and Handicapped Persons

Sec. 58-83. Requirements for exemption.

Exemption under this subdivision shall be granted for real estate taxes on the qualifying dwelling and land, not exceeding one acre, subject to the following provisions:

- (1) The title of the property for which exemption is claimed is held, or partially held, on January 1 of the taxable year by the person claiming exemption.*
- (2) The person occupying the dwelling and owning title or partial title thereto is 65 years of age or older or is permanently and totally disabled on December 31 of the year immediately preceding the taxable year. Such dwelling must be occupied as the sole dwelling of the person not less than 65 years of age or permanently and totally disabled.*
- (3) The person qualifying for and claiming exemption shall have income no greater than ~~\$21,285.00~~ \$21,775. The total combined gross income received from all sources during the preceding calendar year by owners of the dwelling who use it as their principal residence and owners' relatives who live in the dwelling shall not exceed the county's median adjusted gross income of its married residents as determined by the most recent median adjusted gross income of individual income tax returns of the married residents of the county for a taxable year as published by the Weldon Cooper Center for Public Service of the University of Virginia; provided that the first ~~\$3,993.00~~ \$4,085.00 of income of each relative who is not the spouse of an owner living in the dwelling and who does not qualify for the exemption shall not be included in such total.–*
- (4) The net combined financial worth, including equitable interests, as of December 31 of the preceding calendar year of the owners and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding one acre, upon which it is situated shall not exceed ~~\$63,898.00~~ \$65,368.00.*

Sec. 58-85. Amount of exemption.

The person qualifying for and claiming exemption shall be relieved of that portion of the real estate tax levied on the qualifying dwelling and land, not exceeding one acre, in the amount calculated in accordance with the following schedule:

TABLE INSET:

<i>If income is:</i>	<i>and net worth is:</i>	<i>the percentage is:</i>
<i>\$0.00 to \$8,571</i>	<i>\$0 to \$21,285</i>	<i>80%</i>
	<i>\$21,286 to \$42,598</i>	<i>64%</i>
	<i>\$42,599 to \$63,898</i>	<i>56%</i>
<i>\$8,572 to \$12,717</i>	<i>\$0 to \$21,285</i>	<i>60%</i>
	<i>\$21,286 to \$42,598</i>	<i>48%</i>
	<i>\$42,599 to \$63,898</i>	<i>42%</i>
<i>\$12,718 to \$17,001</i>	<i>\$0 to \$21,285</i>	<i>40%</i>
	<i>\$21,286 to \$42,598</i>	<i>32%</i>
	<i>\$42,599 to \$63,898</i>	<i>28%</i>
<i>\$17,002 to \$21,285</i>	<i>\$0 to \$21,285</i>	<i>20%</i>
	<i>\$21,286 to \$42,598</i>	<i>16%</i>
	<i>\$42,599 to \$63,898</i>	<i>14%</i>

<i>If income is:</i>	<i>and net worth is:</i>	<i>the percentage is:</i>
<u><i>\$0.00 to \$8,768</i></u>	<u><i>\$0 to \$21,775</i></u>	<u><i>80%</i></u>
	<u><i>\$21,776 to \$43,578</i></u>	<u><i>64%</i></u>
	<u><i>\$43,579 to \$65,368</i></u>	<u><i>56%</i></u>
<u><i>\$8,769 to \$13,009</i></u>	<u><i>\$0 to \$21,775</i></u>	<u><i>60%</i></u>
	<u><i>\$21,776 to \$43,578</i></u>	<u><i>48%</i></u>
	<u><i>\$43,579 to \$65,368</i></u>	<u><i>42%</i></u>
<u><i>\$13,010 to \$17,392</i></u>	<u><i>\$0 to \$21,775</i></u>	<u><i>40%</i></u>
	<u><i>\$21,776 to \$43,578</i></u>	<u><i>32%</i></u>
	<u><i>\$43,579 to \$65,368</i></u>	<u><i>28%</i></u>
<u><i>\$17,393 to \$21,775</i></u>	<u><i>\$0 to \$21,775</i></u>	<u><i>20%</i></u>
	<u><i>\$21,776 to \$43,578</i></u>	<u><i>16%</i></u>
	<u><i>\$43,579 to \$65,368</i></u>	<u><i>14%</i></u>

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

3. That this ordinance shall become effective immediately upon its enactment.

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

Mr. McCall Aye

<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. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

6. Consideration of Draft Ordinances Regulating General Advertising and Location Signs in the Business, General (B-2) Zoning District (tabled from January 22, 2008 Regular Meeting)

Ms. Phillips addressed Board explaining that at its January meeting the Board requested further discussion of the three draft ordinances considered last year that would amend the current County Zoning Ordinance pertaining to the regulation of general advertising signs and location signs in the Business, General (B-2) Zoning District. Ms. Phillips noted for the record that she had requested that Board members confirm with her that they are not participating in any type of business transactions with the sign companies, and further that no business of this type had been conducted by Board members in the recent past to assure there is no conflict of interest. She stated that no such business activity had been reported.

Ms. Phillips reviewed materials that were given to the Board at their stations. She explained that at stations was a list of telephone messages taken by County staff over the last several weeks from residents regarding the signs. Also, a letter was provided to the Board dated February 4 from Teresa Harless regarding the signs and an article about billboards in a digital age that addresses safety issues about these billboards. Lastly, Ms. Phillips explained that the Board has been provided with a fourth option ordinance for their review.

Ms. Phillips explained that there has been no advertisement for public hearing on any of the ordinances and that no action will be taken by the Board to adopt any of the ordinances. Each of the ordinances are presented at this time for discussion purposes only and may be amended in accordance with the Board's direction.

The following is a summary of Ms. Phillips review of the four proposed ordinances:

Option #1 – This ordinance would prohibit new general advertising and location signs in the B-2 District.

Option #2 – This ordinance would require Special Exception Permits for new general advertising and location signs in the B-2 District.

Option #3 – This ordinance would require Special Exception Permits for new general advertising and location signs in the B-2 District and establish signage regulations. If an application when reviewed at the administrative level does not meet the criteria established in this ordinance then the application could be denied at the administrative level.

Option #4 – This ordinance is an improved version of Option #1, which completely prohibits new general advertising and location signs in the B-2 District. The reason for this proposed ordinance is that after further review of the zoning districts it was determined that general advertising and location signs were allowed in M-1 (Industrial-Limited) and M-2 (Industrial-General) zoning districts. This proposed ordinance would prohibit the general advertising and location signs in the B-2, M-1 and M-2 zoning

districts. It would prohibit any new general advertising signs or location signs in the County. This ordinance would add a new Section 66-168 to the County Zoning Ordinance that makes it clear that no new general advertising or location signs are permitted. This new section also has provisions about preexisting, nonconforming signs as of the effective date of the proposed ordinance. The proposed language states that preexisting signs cannot be altered or changed. Further, the language states that a preexisting sign can be maintained, but that the sign face cannot be made brighter. There are also provisions dealing with the extent of repair to preexisting, nonconforming signs. The language states that if "a preexisting nonconforming sign is destroyed or damaged by any casualty or that has fallen into disrepair to an extent not exceeding fifty percent of its appraised value maybe restored within two years after such destruction, damage, or deterioration, but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty percent it shall not be reconstructed except for a sign that would be in accordance with the provisions of this article."

Discussions ensued among the Board.

Mr. Price inquired about option #3 and about how many agencies now regulate the signs. Ms. Phillips explained that the Virginia Department of Transportation inspects the applications for traffic safety issues, and the County reviews the applications for zoning and building code compliance.

Mr. Price inquired about the status of legislation pending before the General Assembly concerning these signs. Ms. Phillips explained that the proposed legislation was in committee at this time.

Mr. Price discussed his concerns with option #4 that speaks to damage to a preexisting sign. He asked if this would mean if wind caused more than fifty percent damage to a sign it could not be repaired. Ms. Phillips replied that was correct with the way the proposed ordinance is written; however, all four ordinances are drafts and the Board could make amendments.

Mr. Reynolds asked for examples of preexisting signs. Ms. Phillips explained examples of preexisting signs were the new signs recently installed in the County and any other off premise signs would be preexisting nonconforming signs.

Mr. Owens proposed adding language to Option #4 to require a sign that has more than fifty percent damage be removed.

Mr. Price explained that he has problems with not allowing someone who has a contract for a sign not being able to make repairs due to an act of God. He suggested this language be removed.

Further substantial discussions ensued among the Board. Responding to an inquiry from the Board, Ms. Phillips explained that it is the Board's discretion whether or not to choose one of the four proposed ordinances. If one of the proposed ordinances were chosen by the Board, the ordinance would be sent to the Planning Commission. The Planning Commission would conduct a public hearing to receive comments on the proposed ordinance and then make a recommendation to the Board of Supervisors. The Board would then conduct a public hearing and consider adoption of the proposed ordinance.

Mrs. Mumpower explained that the Planning Commission spoke loud and clear at the joint meeting with the Board last year when they recommended the ordinance that would prohibit all general advertising and location signs in the B-2 zoning district.

Mr. McCrady explained these signs are a statewide issue as well and there is legislation dealing with the signs pending before the General Assembly. He stated that he would support Option #4. Businesses would still have the right to advertise on their property. Mr. McCrady further explained that the County's Comp Plan has language that says the County is vested to protect the horizons and view in the County.

Mr. Price commented that it is premature for the County to take action on an ordinance because of the legislation pending before the General Assembly. He further commented that the Board needs to consider who this ordinance would affect. Mr. Price explained that sales revenue is down in the County, and a lot of businesses use the billboards to advertise. He encouraged the Board to consider the options before making a decision on an ordinance.

Mrs. Mumpower stated that the majority of the new signs have been installed in her district and that she believes there is enough advertising space to meet the needs of the businesses. She further stated that she does not believe harm would be caused to anyone by prohibiting any new signs from being installed in the County.

Mr. McCall stated that he agrees with Mrs. Mumpower, and that quite a few of the new signs have been installed in his district. He explained that he has received a complaint from a property owner about the bright light coming from the digital sign installed on Route 19. Mr. McCall inquired if something could be done. Ms. Phillips suggested that the property owner address the issue with the sign company. Mr. McCall stated that he would support Option #4.

Mr. McCrady explained that the district he represents is heavily involved in tourism and that people do not visit Damascus and Southwest Virginia to look at billboards.

Mr. Owens inquired if the Board conducts a public hearing on one of the proposed ordinances could amendments be made to the ordinance after the public hearing. Ms. Phillips explained that it depends on how significant the changes that are proposed. However, she recommends any amendments be made prior to the public hearing. Mr. Owens explained that he is concerned about inoperable signs and suggests the addition of language that would require inoperable signs to be removed. Ms. Phillips explained that she would research legislation to make sure the Board has the power to add such language.

After further discussions the following action was taken

On motion of Mr. McCrady, second by Mrs. Mumpower, the Board acted to recommend to the Planning Commission for advertising and public hearing an ordinance in the form of Option #4 with language added to require that inoperable billboards be removed.

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

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

Ms. Phillips asked that Board if it was still their direction that no pending applications be processed until an ordinance has been adopted by the Board or the 90 day review period has expired, which ever comes first. It was consensus of the Board that the directive remains in place.

7. Presentation by Veterans Memorial Park Foundation

Mr. Lee Saunders, representing Mr. Emmitt Yeary on behalf of the Veterans Memorial Foundation, made a presentation to the Board. Mr. Saunders presented the Board with a framed photograph of the Tiffany stain glass window at the courthouse that was originally dedicated near the end of World War I, and a framed photograph of poppy flowers, which is a rendition by a fifth grader at Abingdon Elementary School. The poppy flower became famous during World War I. Mr. Saunders expressed appreciation to the Board for their support.

8. Consideration of Emergency Services Committee Recommendation for County Grant-Matching Fund for Glade Spring Volunteer Fire Department

Mr. Price addressed the Board explaining that he cannot remember this request being considered by the Emergency Services Committee and requested the Board consider tabling the request at this time for further investigation.

On motion of Mr. Price, second by Mr. McCrady, the Board acted to table the request.

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. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

9. Recess

The Board took a ten minute recess.

10. County Administrator Reports:

a. Proposed Revision of FY09 County Operating Budget Calendar

Mr. Reeter reviewed the proposed revisions to the FY09 County Operating Budget Calendar. He explained that the accelerated budget process has gone well. Most agencies/departments met the deadline to submit budget requests. Mr. Reeter explained it is his recommendation that the presentation of the budget be scheduled for Thursday, February 28, with the Agency/Departmental comments be held on Tuesday, March 4 and the Public Hearing advertised and held on Monday, March 10. The proposed

revision would also push back the Board workshop meetings on the budget until later in March and allow for the addition of a fourth workshop meeting if needed. The budget would then be completed and ready for preliminary approval and tax rates established at the Board’s April 8 regular meeting rather than the March 25 regular meeting.

It was consensus of the Board to approve the revisions to the FY09 County Operating Budget Calendar.

b. Request by Glade Spring Police Department for Surplus County Vehicle

Mr. Reeter explained that a request has been received from the Glade Spring Police Department for the donation of a surplus County vehicle formerly used by the Washington County Sheriff’s Office.

Mr. McCrady inquired about how many other surplus vehicles were available. He explained that there are two requests for vehicles from the educational extension office and from the Town of Damascus.

Mr. Owens inquired if Goodson-Kinderhook received the vehicle they requested. Mr. Reeter explained that he has not received a request from Goodson-Kinderhook. Mr. Owens stated that he thought the Board had already authorized the vehicle be donated to Goodson-Kinderhook. Mr. Reeter stated that the Board could go ahead and approve the request. No action was taken by the Board at this time.

On motion of Mr. Price, second by Mr. Taylor, the Board acted to declare surplus a 2004 Dodge Intrepid motor vehicle and further to donate this vehicle to the Glade Spring Police Department.

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. Reynolds Aye*
- Mr. Taylor Aye*

c. Request for February 26 Public Hearing for Southwest Virginia Regional Artisan Center Community Development Block Grant Application

Mr. Reeter advised the Board that a public hearing would be scheduled on February 26 to receive comments on the Community Development Block Grant project for the Southwest Virginia Regional Artisan Center. A second public hearing would be scheduled for March 11.

11. County Attorney Reports:

a. Notice of Petition of Spectra Energy Virginia Pipeline Company, et al.

Ms. Phillips explained that the County has received notice of a petition filed by Spectra Energy with the State Corporation Commission (SCC) for approval of various transactions involving natural gas pipeline ownership and operation for pipelines in Washington County, Virginia. These transactions involve the following: (1) the acquisition by East Tennessee Natural Gas, LLC from Spectra Energy Virginia

Pipeline Company of approximately 72 miles of transmission pipeline related facilities that are located in Smyth and Washington Counties, and (2) the merger of Saltville Gas Storage Company, LLC (Saltville Gas) with Spectra Energy Early Grove Company.

Ms. Phillips explained if the Board would like to submit comments to the SCC she would be happy to assist them. She further explained that the Board typically has not been involved with these types of issues.

Ms. Phillips explained that a notice of application filed with the SCC has been received from Central Telephone of Virginia and United Southwest Telephone Company (Embarq) proposing a new plan for bundling of their services. She advised the Board that a complete copy of this application is available through the SCC. Ms. Phillips further advised the Board that the reasons stated for the application were due to competition and other uses of technologies by individuals.

Discussions ensued among the Board. Mr. Taylor asked if the Board could conduct a public hearing to receive comments about Embarq's proposal. Ms. Phillips explained that the deadline for comments regarding Embarq's proposal is February 29.

Board members asked the County Attorney to provide them with a copy of Embarq's application to the SCC.

12. Board Information

Mr. Reeter reviewed the following Board Information:

- Minutes of the Washington County Planning Commission – January 28, 2008
- Minutes of the Washington County Service Authority – December 17, 2007
- 2008 General Assembly Session – Legislation of Interest – House Bills 781, 1511, 1565 and Senate Bill 653
- VACo Capital Contact Newsletter dated January 30, 2008 – Various 2008 Virginia General Assembly Session Issues

13. Consent Agenda

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

- a. Payment of Bills – January 2008*
- b. Request for Revenue Refunds – Washington County Sheriff's Office Animal Sterilization Fees*
- c. Requests for Revenue Refunds – County Department of Building Inspection-Building Permit Fees*
- d. Budget Status Report – January 31, 2008*

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

Mr. McCall Aye

<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. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

14. Board Member Reports

Mr. Taylor explained that he serves on the Board of Directors for the Tennessee Valley Corridor, Inc. One goal of the Tennessee Valley Corridor is to seek a technology corridor that would go through Planning Districts 1, 2 and 3 in Virginia. Mr. Taylor proposed to the Board that a trip be taken to Oak Ridge, TN to view their technology that will be coming on line as part of the technology corridor. He suggested that the trip include individuals to include members of the Board of Supervisors, School Board, Chamber of Commerce and the presidents of Virginia Highlands Community College, Emory and Henry College and Virginia Intermont.

Mr. McCall reported that at a recent meeting of the Farm Bureau there were discussions about including language in the County's Comp Plan about the Purchase of Development Rights Program. Mr. McCall stated that that he would like to see language drafted for the Comp Plan that speaks to the Purchase of Development Rights Program. Mr. Taylor mentioned that the County's Joint Land Use Steering Committee is scheduled to meet on February 20 and this item will be discussed.

Mr. Reynolds reported that he traveled to Richmond with Mark Reeter and County Treasurer Fred Parker to attend Legislative Day on February 7. He reported that he also attended the Rural Caucus Dinner and would provide additional comments at a later time.

Mr. McCrady recognized Chairman Reynolds for his recent appointment by the Governor to the Virginia Tobacco Commission.

Mr. McCrady reported about a problem with buzzards on property located next to Damascus Middle School. He explained there are about 600 of the buzzards, and they are killing trees as well as causing health problems in the neighborhood and destroying homes. Mr. McCrady further explained that the buzzard is a protective bird because it is in line somewhere with the food we eat. The United States Department of Agriculture (USDA) is the enforcer of the protective rights of this bird. He advised the Board that he has been in contact with the USDA Office in Wytheville about the problem. They have a company that could be hired by the County for about \$400.00 take a look at the issue and make suggestions for a solution. Mr. McCrady asked for permission expend the \$400.00 to hire the company, and to authorize the County Administrator to make contact with the USDA in Wytheville.

Discussions ensued among the Board.

On motion of Mr. Price, second by Mr. Owens, the Board authorized the County Administrator to contact the USDA Office in Wytheville about entering into a contract in the amount of \$400.00 with a company that could to study the situation with the buzzards on Government Drive in Damascus and provide suggestions to the County about solving the problem.

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. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

Mrs. Mumpower reported on complaints she received concerning unsightly property on Tooles Creek. Mr. Reeter explained that complaints about litter need to be directed to the Sheriff's Office. Mr. Reynolds commented that he has spoken with General Services Manager Stephen Richardson about this same problem and suggested that Mr. Richardson meet with Sheriff Newman. Mr. Price commented that he has also been dealing with the situation and has contacted People, Inc. for assistance. Mr. Price further commented that he hopes People, Inc. will be able to work with the property owner.

15. Closed Meetings(s)

- a. **Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(7) for consultation with the County Attorney where such consultation and briefing in open meeting would adversely affect the negotiating or litigating posture of the Board of Supervisors and which require the provision of legal advise by legal counsel in reference to probable litigation under Virginia Code Section 58.1-3984**

On motion of Mr. McCall, second by Mr. Price, the Board acted to convene in Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(7) for consultation with the County Attorney where such consultation and briefing in open meeting would adversely affect the negotiating or litigating posture of the Board of Supervisors and which require the provision of legal advice by legal counsel in the following two matters: (1). Under Virginia Code Section 58.1-3984, and (2). In reference to Virginia Municipal League/Virginia Association of Counties/Appalachian Power Company Steering Committee contract negotiations. It was further resolved to included County Administrator Mark Reeter, County Attorney Lucy Phillips and Assistant County Administrator Christy Parker, County Treasurer Fred Parker and County Commissioner of Revenue David Henry in the closed meeting.

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. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

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

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

<i>Mr. McCall</i>	<i>Aye</i>
<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. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

16 Recess to 6:00 PM February 26, 2008 for Presentation of FY2009 County Revenue Estimates by County Treasurer and Commissioner of the Revenue

On motion of Mr. Owens, second by Mr. Price, it was resolved to recess to 6:00 PM February 26, 2008, for presentation of FY09 County Revenue estimates by County Treasurer and Commissioner of the Revenue.

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. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

Prepared by:

Naoma A. Norris, Recording Clerk

Approved by the Washington County Board of Supervisors:

Kenneth O. Reynolds, Chairman