

**VIRGINIA:**

At a regular meeting of the Washington County Board of Supervisors held Tuesday, March 11, 2008, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia the following were present:

**PRESENT:**

Kenneth O. Reynolds, 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. Norris, Recording Clerk

**ABSENT:**

Jack R. McCrady, Jr., Vice Chairman

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**1. Call to Order**

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

Mr. Reynolds noted that due to a family illness, Mr. McCrady would be unable to attend the meeting.

**2. Invocation and Pledge of Allegiance**

Supervisor Kenneth Reynolds gave the Invocation and led the Pledge of Allegiance.

**3. Approval of Agenda**

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

**Addition of New Item 5.d.**

***Consideration of Exemption from Federal Voting Rights Act Requirements***

**Addition of New Item 12.b.**

***Request to Schedule Public Hearing for Consideration of Proposed Deed of Easement to Town of Abingdon for Traffic Signal Controller***

**Deletion of Item 15.a.**

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

***Rearrange the Order of Business on the Agenda to Consider Item 8 after the Public Hearings Scheduled under Item 5.***

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

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

**4. Approval of Minutes**

***On motion of Mr. Owens, second by Mr. Price, it was resolved to approve the minutes of the February 26, 2008, regular meeting as presented.***

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

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

**5. Public Hearings:**

**a. Consideration of Application(s) for Rezoning of Property:**

(1). Nancy J. Thompson on behalf of Stacy E. Collins, Property Tax Map #159-A-155: Request to rezone approximately 10.32 acres of property located on the east side of Cunningham Road near the intersection of State Route 1106 (Larwood lane) and Cunningham Road from R-1 (Residential, Limited) to A-1 (Agricultural, Limited), Tyler Magisterial District

County Zoning and Subdivision Official Cathie Freeman appeared before the Board to provide introductory remarks on the request of Nancy J. Thompson on behalf of Stacy E. Collins to rezone property.

Mrs. Freeman explained that Stacy Collins made a presentation to the Planning Commission. In Mr. Collins' presentation, he explained that he would like to purchase the property in question and relocate three horses to the property. He further explained to the Planning Commission that he proposes to construct a barn to shelter the horses and to store grain.

Mrs. Freeman explained to the Board that there was no opposition to the request present at the Planning Commission meeting. She further explained that most of the Planning Commission members viewed the property. Ms. Freeman stated that the property is agriculture in nature and has limited access. The property does abut a residential subdivision. Mrs. Freeman advised the Board that it was unanimous decision of the Planning Commission to recommend approval of this rezoning request.

Discussions ensued among the Board. Mr. McCall inquired about a house that is located on the property and asked if this house is included in the rezoning request. Mrs. Freeman explained that there are two houses on the property. She further explained that one of the houses has an address, but is not sure that it is occupied.

Mr. Reynolds opened the public hearing and invited comments regarding the request to rezone property.

Stacy and Cindy Collins addressed the Board explaining that they were interested in purchasing the property in question. Mr. Collins explained that their plans are to build a house on the property in the near future and to relocate three horses to the property. He further explained that they plan to construct a barn to provide shelter for the horses and feed storage. Mrs. Collins addressed the question raised by Mr. McCall concerning the house that is on the property. She explained that the original owner of the property deeded the portion of the property where the house is located to their son. Their son built the house. As time passed the farm was sold. She explained that this house is occupied. Mrs. Collins further explained that the old, dilapidated house located on the property would be torn down and the site cleaned.

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

***On motion of Mr. Owens, second by Mrs. Mumpower, the Board acted to follow the recommendation of the Washington County Planning Commission and approve the request of Nancy J. Thompson on behalf of Stacy E. Collins to rezone approximately 10.32 acres of property located on the east side of Cunningham Road near the intersection of State Route 1106 (Larwood lane) and Cunningham Road from R-1 (Residential, Limited) to A-1 (Agricultural, Limited), Tyler Magisterial District.***

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

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

(2). Darren Phillippi, Property Tax Map #141-A-26: Request to rezone approximately 4 acres of property located on the east side of Underpass Road near the intersection of Lee Highway (leaving the Corporate Limits of Bristol (Virginia and Underpass Road from B-2 (Business, General) to A-2 (Agricultural, General), Wilson Magisterial District

Mrs. Freeman explained to the Board that Mr. Phillippi made a presentation to the Planning Commission. Mr. Phillipi explained to the Planning Commission that his property was located both in the City of Bristol and Washington County, and that you pass through the City of Bristol on Lee Highway to access the property. He further explained that his plans are to place horses on the property, and that there is a barn on the property that would be suitable for the horses. Mr. Phillipi stated that the property is accessed by a paved, but narrow road that dead ends at the property.

Mrs. Freeman explained that the Planning Commission questioned why the property was zoned B-2 (Business, General) because it is agriculture in nature. She further explained that there is residential property in the area of the property in question. Mrs. Freeman advised the Board that the Planning Commission unanimously recommended that the property be rezoned to A-2 (Agricultural, General).

Discussions ensued among the Board.

Mr. Reynolds opened the public hearing and invited comments regarding the request to rezone property.

Mr. Darren Phillippi addressed the Board explaining the road that accesses the property is a paved, one lane road that dead ends at the property. He explained the property is fenced and suitable for horses. Also, there is a barn on the property that would be suitable for the horses. Mr. Phillip questioned why the property is zoned B-2.

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

***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 request of Darren Phillipi to rezone approximately 4 acres of property located on the east side of the Underpass Road near the Intersection of Lee Highway (leaving the Corporate Limits of Bristol, Virginia) and Underpass Road from B-2 (Business, General) to A-2 (Agricultural, General), Wilson Magisterial District.***

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

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

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

(3). Sanford Pippin on behalf of Garland Building Services, LLC, Property Tax Map #142-A-45: Request for a Special Exception Permit to construct a building, 60' X 100' for building materials, equipment sales and services such as concrete, vanity tops, drills and saws and other finished products on property located on the north side of State Route 11 near the intersection of State Route 11/State Route 1726 in a B-2 (Business, General) and A-2 (Agricultural, General) zone, Wilson Magisterial District

Mrs. Freeman explained that the Board was provided with a letter in their Agenda materials that gives a description of products produced by Garland Building Services.

Mrs. Freeman explained that she reviewed this application for a Special Exception Permit with County Administrator Mark Reeter to determine if a Special Exception Permit would be required for Garland Business Services. The language in the current County Zoning Ordinance does not speak exclusive to the product produced by Garland Business Services, or to the manner in which the materials or packaging used by this business would be maintained other than Section 66-473 (6), which requires a Special Exception Permit for building materials and equipment sales with exterior storage under cover.

Mrs. Freeman explained that Jimmy Garland made a presentation to the Planning Commission. Mr. Garland told the Planning Commission that the business would be confined to inside the building. The business primarily sells packaged materials such as eco friendly concrete stains and concrete mix. He explained that his business also makes kitchen and vanity counter tops, and produces counter overly products.

Mrs. Freeman explained to the Board that the Planning Commission had concerns about dust and other nuisances to the neighboring homes. She advised the Board that Mr. Garland told the Planning Commission that his business would not create dust. Mrs. Freeman explained that the hours of operation for the business would be Monday through Friday from 8:00 AM to 6:00 PM and Saturdays from 8:00 AM to 1:00 PM.

Mrs. Freeman advised the Board that there was no opposition to the request for Special Exception Permit present at the Planning Commission meeting, and the Planning Commission recommends approval of the Special Exception Permit request.

Mr. Reynolds opened the public hearing and invited comments regarding the application for a Special Exception Permit.

Mr. Jimmy Garland, Garland Business Services, addressed the Board. Mr. Garland explained that his business does light fabrication of counter tops. The business has out grown its current shop located in Bristol, VA, and would like to relocate to the property in question. He explained that most of the work performed by his business is done off site. The counter tops would be fabricated on-site and then taken off site for installation. Mr. Garland further explained that the products used in the fabrication process include materials that are mixed with water, and colors that are water based. A mixer for the products was purchased recently in Las Vegas. Mr. Garland advised the Board that dust would be contained inside the building. He stated that he is currently doing counter tops for the new Harley Davidson Store locating at Exit 5.

Discussions ensued among the Board. Mr. McCall asked if Sanford Pippin would retain ownership of the property. Mr. Garland explained that he would be purchasing the property.

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

*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 Sanford Pippin on behalf of Garland Building Services, LLC, for a Special Exception Permit to construct a building 60' X 100' for building materials, equipment sales and services such as concrete, vanity tops, drills and saws and other finished products on property located on the north side of State Route 11 near the intersection of State Route 11/State Route 1726 in a B-2 (Business, General) and A-2 (Agricultural, General) zone, Wilson Magisterial District.*

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

<i>Mr. McCall</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>

**c. Public Hearing and Consideration of Adoption of Resolution Authorizing Application for Community Development Block Grant Funds for Heartwood: Southwest Virginia Artisan Gateway Project**

Mr. Robert Jones, representing the Management Team for the Southwest Virginia Artisan Gateway Project, made a presentation to the Board on the Community Development Block Grant (CDBG) application. Mr. Jones explained that the Board is provided with a status report for the Southwest Virginia Artisan Gateway Project that answer questions about the progress of the project, a draft of the CDBG application to be forwarded to the Virginia Department of Housing and Community Development, and a proposed Resolution for Board consideration that would authorize the County Administrator to sign the CDBG application on behalf of Washington County.

Mr. Jones explained that the CDBG application will be for \$1,200,000.00. He further explained that the CDBG program has a new category this year specifically for regional economic development projects such as the Southwest Virginia Artisan Gateway Project. Mr. Jones advised the Board that if the CDBG application is approved for funding it will not be counted against the maximum amount of available CDBG funding for other Washington County projects. He explained that other funding sources are a mix of regional, state and federal funding as follows:

Commonwealth of Virginia	\$3,300,000.00
Appalachian Regional Commission Grant	\$1,100,000.00
USDA Rural Development Loan	\$3,000,000.00
Virginia Tobacco Commission	\$6,300,000.00
Local – Washington County and Town of Abingdon	\$1,000,000.00

Mr. Jones explained that currently work is being done on the final design for the Southwest Virginia Artisan Gateway Project that will be located on the campus of Virginia Highlands Community College

just off of Exit 14 of Interstate 81 in the Town of Abingdon. He further explained that the CBDG application is a joint application between Washington County and the Town of Abingdon. Washington County is the lead applicant and the Town of Abingdon is the co-applicant. Mr. Jones advised the Board that the Town of Abingdon has a public hearing on the CBDG application scheduled for March 13. The CBDG application will be submitted to the Department of Housing and Community Development on March 26. Public comments will be accepted and incorporated into the application until the application is submitted on March 26.

At this time substantial discussions ensued among the Board.

Mr. Taylor inquired about the special commission or authority that the General Assembly was to establish to authorize the creation of the Artisan Center. Mr. Reeter explained that the General Assembly has authorized the creation of the Virginia Cultural Heritage Commission effective July 1 of this year that will manage the Artisan Center. He further explained that the Virginia Cultural Heritage Commission will be comprised of 21 members.

Mr. Jones commented that the Virginia Cultural Heritage Commission would also promote regional economic development by promoting tourism. The Artisan Center will be closely tied to other regional tourist venues such as the Regional Artisan Trails, The Crooked Road, the Coal Heritage Trail and the Wilderness Road; and will provide visitors with information on the regional tourism destinations and opportunities. He explained that the Artisan Center would employ about 24 people. The total economic development benefits will be equivalent to 220 jobs based on the total economic development impact on the region.

Mr. Reeter inquired about the total budget for the Artisan Center Project and if a request would be made to the County for additional local contributions for operational expenses. Mr. Jones explained that the total project cost as stated in the CBDG application is estimated to be \$15,900,000.00. The building site and construction costs are estimated to be \$12,010,000.00 and the remaining costs are for purchase of items for the building's interior and for operational expenses. He further explained that the Commonwealth of Virginia is to appropriate approximately \$3,300,000.000 per year to the project through the Virginia Cultural Heritage Commission. Mr. Jones stated that it is not expected that additional operational funding will be requested from Washington County or the Town of Abingdon.

Mr. Price inquired if the USDA Rural Development Loan payments would have to be paid out of the \$3,300,000.00 in operational money appropriated by the State. Mr. Jones replied yes. Mr. Price inquired what would happen if the State did not appropriate the funding. Mr. Jones explained that if the State does not appropriate the funding then the Artisan Center Project would have to be scaled back or other revenue sources would need to be identified. He further explained that there is a possibility that additional funds could be requested from the Virginia Tobacco Commission. Mr. Price commented about the revenue shortfall the County is facing in the next fiscal year.

Mr. Taylor inquired if the business plan for the Artisan Center Project was contingent upon the \$3,300,000.00 in State funding. Mr. Jones explained that if the \$3,300,000.00 is not appropriated by the State it would seriously impact the ability to pay back the \$3,000,000.00 USDA Rural Development loan. If this were to happen the funding from the USDA Rural Development Loan Program would have to be removed from the project funding.

Further discussions ensued.

Mr. Reynolds opened the public hearing and invited comments regarding the application for Community Development Block Grant Funds for Heartwood: Southwest Virginia Artisan Gateway Project.

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

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

**RESOLUTION 2008-06  
AUTHORIZING SUBMISSION OF COMMUNITY DEVELOPMENT BLOCK GRANT  
APPLICATION FOR HEARTWOOD: SOUTHWEST VIRGINIA'S ARTISAN GATEWAY  
PROJECT.**

*WHEREAS, Washington County and the Town of Abingdon have each committed Five Hundred Thousand Dollars (\$500,000) to Heartwood: Southwest Virginia's Artisan Gateway Project, in conjunction with the Commonwealth of Virginia's commitment of Three Million Three Hundred Thousand (\$3,300,000) and the Virginia Tobacco Indemnification Commission commitment of Six Million Three Hundred Thousand (\$6,300,000) to date, and*

*WHEREAS, it is anticipated that approximately 23 full time equivalent permanent jobs will be created, of which, at least 12 will be low and moderate-income persons, and*

*WHEREAS, numerous additional benefits, including job creation, local economic development, increased tourism and enhanced quality of life through cultural and artistic opportunities will be realized for the citizens of Washington County;*

*NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that, the Board, pursuant to two public hearings in conjunction with the Town of Abingdon, wishes to apply for One Million Two Hundred Thousand Dollars (\$1,200,000) of Virginia Community Development Block Grant funds for Heartwood: Southwest Virginia's Artisan Gateway Project.*

*BE IT FURTHER RESOLVED that, the Town of Abingdon has also conducted two public hearings regarding this Project and will pass a similar resolution and that this Resolution is contingent upon the Abingdon Town Council adopting a similar resolution.*

*BE IT FURTHER RESOLVED that Mark K. Reeter, County Administrator, is hereby authorized to sign and submit appropriate documents for the submittal of this Virginia Community Development Block Grant proposal.*

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

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

Mr. Reeter advised the Board that the Virginia Cultural Heritage Commission established by the General Assembly has been given the statutory power to borrow funds for the Artisan Center Project. However, there have been concerns expressed by the General Assembly that the Virginia Cultural Heritage Commission not be the entity to borrow money to finance the project. Mr. Reeter explained there have been discussions that a local entity such as the County's Industrial Development Authority, the Town of Abingdon's Industrial Development Authority, or the possibility of a joint County/Town Industrial Development Authority, which statutorily could be created to do multi-jurisdiction projects be asked to borrow funds and subsequently own the Artisan Center and property. The facility would then be leased to the Virginia Cultural Heritage Commission. Mr. Reeter stated that no definite action has been taken on this issue by the General Assembly. He further stated that he wanted the Board to be aware that the Department of Housing and Community Development may approach the County and Town of Abingdon about project financing. Discussions ensued among the Board concerning this issue.

**8. Consideration of Endorsement of Performance Agreement Between Washington County Industrial Development Authority and Bristol Compressors International to Receive Virginia Tobacco Commission Grant Funds**

Assistant County Administrator Christy Parker addressed the Board presenting a request for their endorsement of a Performance Agreement between the Washington County Industrial Development Authority (IDA) and Bristol Compressors International to receive Virginia Tobacco Commission grant funds. Ms. Parker explained that in March of 2007 Governor Kaine made an announcement about the purchase of Bristol Compressors by KPS Capital Partners that was accompanied by a pledge of \$600,000 in grant funds from the Virginia Tobacco Commission and \$400,000 from Washington County. Following the announcement all parties began negotiations on the language for a Performance Agreement required by the Virginia Tobacco Commission. The language in the original Performance Agreement tied the incentives to two things 1.) the preservation of 1,000 jobs; and 2.) maintaining a level of private investment of at least \$100,000,000. Ms. Parker further explained that during the negotiations, Bristol Compressors indicated the company would be unable to commit to maintaining that level of private investment. The Virginia Tobacco Commission has agreed to tie the incentives to the preservation of the jobs only. Ms. Parker advised the Board that the Performance Agreement presented for Board endorsement has also removed reference the \$400,000 in associated County incentives. She explained that the Virginia Tobacco Commission funds (\$600,000) will be disbursed to Bristol Compressors via a grant to the IDA. The IDA will be responsible to collect and monitor compliance on the job preservation requirements by Bristol Compressors. Ms. Parker noted that the Performance Agreement allows Bristol Compressors to begin counting jobs as of February 2, 2007.

Discussions ensued among the Board. Responding to an inquiry from Mr. McCall, Ms. Parker explained that if Bristol Compressors falls below 800 jobs in any two consecutive six month periods after February 2, 2007, it would trigger the repayment of the incentive received by Bristol Compressors.

***On motion of Mr. Price, second by Mr. Taylor, the Board acted to endorse the Washington County Industrial Development Authority's entry into the Performance Agreement with the Virginia Tobacco Indemnification and Community Revitalization Commission and Bristol Compressors International and to agree to accept the Tobacco Commission's \$600,000 in grant funds and to appropriate same to the IDA.***

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

<i>Mr. McCall</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>

*Sciwenet's Note: The Performance Agreement referenced above is included as Minutes Exhibits Item 2008-03-11-A.*

**7. Consideration of Resolution Concerning Traffic Study of I-81, Exit 29 Area**

Mr. Reeter explained that he was contacted by Steve Buston with the Virginia Department of Transportation (VDOT), asking that the Board adopt a Resolution requesting VDOT to conduct a traffic study of the Interstate 81, Exit 29 area of Washington County. The traffic study would allow VDOT to look at the possibility of widening the turn lanes and signaling the ramps at the interchange, as well as to take other measures that would enhance the safety of the Exit 29 area due to the increase in the traffic burden resulting from the growth in industrial and commercial development in the area of Exit 29. He further explained that it is his understanding that once the Board requests VDOT conduct the traffic study, that VDOT will expedite the study through the Commonwealth Transportation Board. However, no time frame has been given by VDOT as to when the traffic study would be completed. VDOT will make the findings of the study available to the Board of Supervisors.

Discussions ensued among the Board.

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

**RESOLUTION 2005-04  
REQUEST FOR TRAFFIC STUDY OF INTERSTATE 81, EXIT 29 AREA**

*WHEREAS, recent commercial and industrial developments in the Interstate 81 (I-81), Exit 29 area of Washington County has increased the traffic burden on that interchange, and*

*WHEREAS, there is a need for a study to be performed of I-81, Exit 29 area to identify and hazards created by the increased traffic, and;*

*WHEREAS, if the traffic study indicates that traffic flow control improvements are warranted;*

***NOW, THEREFORE, BE IT RESOLVED*** by the Board of Supervisors of Washington County, Virginia that the Board is in support of improvements at the I-81, Exit 29 interchange that include widening and signalization of the ramps at their intersection with State Route 91, reconstruction of turn lanes, and modification of the I-81 limited access right-of-way and requests the Virginia Department of Transportation (VDOT) to conduct a traffic study at this interchange and initiate a project to relieve congestion and enhance safe vehicle movements.

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

<i>Mr. McCall</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.d. Consideration of Exemption from Federal Voting Rights Act Requirements**

Ms. Phillips addressed the Board explaining that she has been working with Washington County General Registrar Mary Ann Compton regarding the possibility of seeking exemption for the County from the special requirements of the federal Voting Rights Act for localities in states that were identified in 1965 as having had significant events of racial discrimination in voting procedures. Ms. Phillips reviewed Section 4 and Section 5 of the Voting Rights Act obtained from the U. S. Department of Justice's website.

Ms. Phillips explained that Ms. Compton requested that she make contact with Mr. Gerald Hebert, an attorney who has successfully led several other jurisdictions in Virginia through the Voting Rights Act exemption process. Ms. Phillips reviewed with the Board a letter sent to her by Mr. Hebert outlining the exemption process, which he divides into three phases. The correspondence also outlines the costs of his services. She further explained that Mr. Hebert indicates in his correspondence that he estimates the fees and expenses to assist the County would be approximately \$5,000.00.

Discussions ensued among the Board. Responding to an inquiry from the Board, Ms. Phillips explained that Mr. Hebert indicated the process should take about six months to complete. She further explained that the County would compile as many of the required voting and electoral records as possible for Mr. Hebert to evaluate. Mr. Hebert will evaluate these records and then schedule a pre-interview with representatives from the U. S. Department of Justice to determine if the County is eligible for exemption. The second step includes Mr. Hebert's filing of an application to the U. S. Department of Justice for the county to be exempt from the Voting Rights Act. The third and final step involves Mr. Hebert filing the necessary legal papers to be reviewed by a special, three-judge federal court. Ms. Phillips stated that essentially the timeframe will depend on the workload of the U. S. Department of Justice and how long it takes the County to gather the required records for Mr. Hebert.

Responding to an inquiry from the Board, Washington County Voter Registrar Mary Ann Compton explained that exemption from the Voting Rights Act would save money and also allow her to make amendments to voting procedures without seeking prior approval from the U. S. Department of Justice.

Further discussions ensued.

***On motion of Mrs. Mumpower, second by Mr. Owens, the Board acted to pursue exemption from the federal Voting Rights Act, and to authorize the County Attorney to retain attorney Gerald Hebert for the purpose outlined in his letter of March 3, 2008 through legal services budget.***

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

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

Further discussions ensued about what it costs the County to conduct primaries.

**6. Consideration of Resolution Concerning Overseas Telephone Services for Military Personnel**

Mr. Reeter explained that the Board asked him to draft a Resolution protesting the excessive expense of telephone services for overseas military personnel and requesting federal action to reduce the cost and/or to provide federal subsidy of these charges so as to make telephone calls from overseas more affordable to servicemen and women. He explained that at stations the Board is provided with a revised Resolution with slightly different language than the Resolution provided in the original Agenda materials.

Substantial discussions ensued among the Board.

Mr. Taylor proposed an amendment to the action taken by the Board at their February 26 meeting to appropriate \$2,000.00 to the American Legion for the purchase of phone cards for military personnel. He proposed that the County Administrator be directed to require the American Legion provide the County with a list of military personnel from Washington County serving in Iraq, Pakistan and Afghanistan prior to County funds being disbursed, and further that a time limit be placed on the disbursement of July 1, 2009. If the money has not been requested by that time, the funds would go back into the County's General Fund. Lengthy discussions ensued among the Board concerning Mr. Taylor's proposal. It was consensus of the Board to address Mr. Taylor's proposed amendment with a separate Board action. Subsequently, the following action was taken:

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

**RESOLUTION 2008-05  
CALLING FOR FEDERAL ACTION CONCERNING EXCESSIVE TELEPHONE COSTS  
FOR OVERSEAS MILITARY PERSONNEL**

*WHEREAS, the Washington County Board of Supervisors has been informed of the excessive cost being borne by overseas U.S. armed services personnel for telephone/telecommunication services when contacting loved ones at home, and*

*WHEREAS, these charges place a great deal of financial hardship on military personnel, who are already bearing the great burden of protecting Iraq's security and liberty, and*

*WHEREAS, it appears that federal investigation and intervention in this matter is warranted so as to reduce these costs to a more affordable level;*

***NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that the Board calls for federal action to investigate the excessive cost of telephone/telecommunication services to U.S. military personnel serving abroad.***

***BE IT FURTHER RESOLVED that if the investigation determines that such costs are excessive and unwarranted that actions be taken to correct the inequities.***

***BE IT FURTHER RESOLVED that the Board directs that a copy of this Resolution be forwarded to all Virginia federal legislators for their consideration and action.***

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

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

At this time a motion was made by Mr. Taylor, second by Mr. Price to direct the County Administrator to contact the American Legion Post to request they provide the County with a list of all military service personnel from Washington County serving overseas prior to any funds being disbursed by the County, and further the County’s commitment of the funds end on June 30, 2009, subject to re-appropriation by the Board.

Lengthy discussions ensued among the Board concerning the proposed motion.

Mrs. Mumpower explained that she has mixed feelings about the issue because the military personnel serving overseas regardless of where they are from are fighting for the freedom of all Americans. Mr. Price explained that he supported the motion because one of the representatives from the American Legion that addressed the Board on February 26 stated that any money appropriated by the Board would be used for military personnel from Washington County. After further discussions, Mr. Price withdrew his second to Mr. Taylor’s motion. There was no other second to the motion offered; therefore, the motion died.

Mr. Taylor explained that he has a problem with the County appropriating money to an organization that is part of a national organization where the national organization could receive some of the local funds. He further explained that he does not want the County’s funds used to support political candidates. If limitations are not placed on the funds the Board will not know how the money has been spent.

Further discussions ensued. Subsequently, the following action was taken:

***On motion of Mr. Price, second by Mr. McCall, the Board acted to direct the County Administrator to send a letter to the American Legion requesting they submit to the County the names of all military personnel that received the phone cards.***

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

<b><i>Mr. McCall</i></b>	<b><i>Aye</i></b>
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*Mrs. Mumpower*        *Aye*  
*Mr. Owens*            *Aye*  
*Mr. Price*             *Aye*  
*Mr. Reynolds*        *Aye*  
*Mr. Taylor*            *Aye*

**9. Consideration of Approval of Mutual Aid Agreements between Washington County Sheriff's Office and Other Law Enforcement Agencies**

Sheriff Fred Newman addressed the Board to request approval of Mutual Aid Agreements between the Washington County Sheriff's Office and other law enforcement agencies. Sheriff Newman explained that the County has had agreements with the Towns of Abingdon, Damascus, Glade Spring, and the Washington County portion of the Town of Saltville; and is requesting these agreements be renewed. He further explained that he requests to have new Mutual Aid Agreements approved with the Town of Chilhowie, the Smyth County portion of Saltville, Smyth County, Russell County and the City of Bristol.

Sheriff Newman explained that the agreements allow the service of summons and process of arrest in the event that the civil cause of action or criminal offense arose in the home jurisdiction, but service or arrest is necessary in a neighboring jurisdiction. He stated that the Mutual Aid Agreements are covered under State statute. Also, the agreements would allow the chief law enforcement officer of any participating jurisdiction to request support in the event of an emergency.

Ms. Phillips addressed the Board explaining that she received a request from the attorney for the City of Bristol in reference to the City of Bristol's Mutual Aid Agreement with Washington County that the effective date of the agreement be whatever date that the last signature is obtained. She further explained that the agreements are set for an effective date of January 1 of this year. Ms. Phillips asked that if the Board is favorable to adopting the Mutual Aid Agreements that the motion includes language to allow the effective dates to change if requested by other signatory participants.

Discussions ensued among the Board.

Mr. Taylor noted a correction on the page of the Mutual Aid Agreement between Washington County and Towns of Abingdon, Damascus, Glade Spring and Saltville where it shows Frank Lewis, Mayor, Town of Saltville. This page should be corrected to read Jeff Campbell, Mayor, Town of Saltville.

Mrs. Mumpower inquired if the Mutual Aid Agreements speak to other law enforcement agencies leaving their respective jurisdictions to issue traffic violations. She specifically mentioned problems that have arisen with the Town of Damascus Police Department. Sheriff Newman explained that he is working on the situation with the Town of Damascus Police Department, and further that the Mutual Aid Agreements state the Washington County Sheriff's Department must request the aid of another law enforcement agency before they could leave their jurisdiction.

***On motion of Mr. Owens, second by Mr. Taylor, it was resolved to approve the Mutual Aid Agreements between the Washington County Sheriff's Office and other law enforcement agencies and to authorize that the effective date of the Mutual Aid Agreements could be changed if requested by a signatory participant.***

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

<i>Mr. McCall</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>

*Sciavener's Note: The Mutual Aide Agreements referenced above is included as Minutes Exhibits Item 2008-03-11-B.*

**10. Recess**

No recess was taken.

**11. County Administrator Reports:**

Mr. Reeter explained at Board stations was a draft Agenda for the first FY 2008-2009 County Operating Budget Adjustment Worksession scheduled for March 13. Also, at stations is a revised budget calendar that reflects the March 27 general public hearing on the budget.

Mr. Reeter reviewed an invitation from the William King Regional Art Center the Board received at their stations to attend a reception at the Art Center on Monday, March 17 at 5:45 PM.

**12. County Attorney Reports:**

- a. Report concerning Correspondence from Hunton & Williams and Virginia Department of Game & Inland Fisheries

Ms. Phillips reported that she received correspondence from Hunton & Williams regarding application of Atmos Energy Corporation for an increase in rates that is filed with the State Corporation Commission.

Ms. Phillips reported on correspondence received from the Virginia Department of Game and Inland Fisheries regarding a set of model firearms ordinances passed by the Board of the Virginia Department of Game and Inland Fisheries of which the County could consider as model ordinances on firearms.

- b. Request to Schedule Public Hearing for Consideration of Proposed Deed of Easement to Town of Abingdon for Traffic Signal Controller Cabinet

Ms. Phillips explained at Board stations is a request to schedule a public hearing on a proposed deed of easement to the Town of Abingdon for installation of a traffic signal controller cabinet with concrete foundation on the grounds of the County Courthouse near the intersection of Court Street and Valley Street. She further explained that State law requires a public hearing before property can be transferred. Ms. Phillips stated that if it is the Board's pleasure to schedule the public hearing, it would be scheduled for the March 25 regular Board meeting.

It was consensus of the Board to authorize the County Attorney to schedule a public hearing on a proposed deed of easement to the Town of Abingdon for installation of a traffic signal controller cabinet on the grounds of the County Courthouse.

**13. Board Information**

Mr. Reeter noted the minutes of the Washington County Planning Commission for February 25, 2008.

**14. Consent Agenda**

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

- a. Payment of Bills – February 2008*
- b. Request for Revenue Refunds – Washington County sheriff’s Office – Animal Sterilization Fees*
- c. Request for Revenue Refund – Building Permit Fee*
- d. Request for Supplemental Appropriation – Washington County Sheriff’s Office*
- e. Budget Status Reports – February 29, 2008*

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

<i>Mr. McCall</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>

**15. Board Member Reports**

Mrs. Mumpower reported on the \$60,000 the Board appropriated in the current fiscal year for development of additional fields at Noonkester Field. She asked the County Attorney to make contact with legal counsel to the owner of Noonkester Field to discuss a possible resolution to the current situation with the property, and also in the event that the Lion’s Club ceases to exist at Noonkester Field what would happen to the property.

Mr. Owens resigned from the Washington County Public Library Planning Committee explaining that right now there is little activity involving the Mendota Library. He recommended the Board appoint Mr. Taylor to the Planning Committee. Mr. Taylor is involved with the expansion project at the library in Glade Spring. Mr. Owens explained that he has spoken with Charlotte Parsons about this, and she sees no problem with the change in membership of the Library Planning Committee.

*On motion of Mr. Owens, second by Mrs. Mumpower, the Board acted to appoint Tom Taylor to represent the Board of Supervisors on the Washington County Library Planning Committee.*

*The vote on this motion was as follows: (5-0-1)*

<i>Mr. McCall</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>Abstained</i>

Mr. Reynolds explained that he hopes the County will continue to make progress on the sewer agreement with the City of Bristol and also encourage the Washington County Service Authority and Town of Abingdon to complete their sewer agreement. The Board asked the County Attorney to contact the Washington County Service Authority to obtain a status report on the sewer agreement with the Town of Abingdon.

Discussions ensued among the Board concerning the sewer agreement between the Washington County Service Authority and the Town of Abingdon.

**16. Closed Meetings:**

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

Deleted from Agenda.

**17. Recess to 7:00 PM Thursday, March 13, 2008 for First Board of Supervisors Workshop Meeting for Adjustments to Proposed and Recommended County Operating Budget for Fiscal Year 2008-2009**

*On motion of Mr. Owens, second by Mrs. Mumpower, it was resolved to recess to 7:00 PM Thursday, March 13, 2008 for First Board of Supervisors Workshop Meeting for Adjustments to Proposed and Recommended County Operating Budget for Fiscal Year 2008-2009.*

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

<i>Mr. McCall</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>

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**Prepared by:**

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Naoma A. Norris, Recording Clerk

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

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Kenneth O. Reynolds, Chairman