V I R G I N I A:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, February 10, 2004, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia the following were present:

PRESENT:

John B. Roberts, Sr. Chairman
Phillip B. McCall, Vice Chairman
Bobby D. Ingle
Dulcie M. Mumpower
Odell Owens
Anthony S. Rector
Kenneth O. Reynolds

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

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1. Call to Order

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

2. Invocation and Pledge of Allegiance

Supervisor Odell Owens gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

On motion of Mr. Rector, second by Mr. Owens, it was resolved to approve the agenda as presented.

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

Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Rector	***Aye***
Mr. Reynolds	***Aye***
Mr. Roberts	***Aye***

4. Approval of Minutes

January 27, 2004 Regular Meeting

On motion of Mr. Ingle, second by Mr. McCall, it was resolved to approve the minutes of the January 27, 2004 Regular Meeting as presented.

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

Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Rector	***Aye***
Mr. Reynolds	***Aye***
Mr. Roberts	***Aye***

January 29, 2004 Joint Meeting with Washington County School Board

On motion of Mr. Reynolds, second by Mr. Rector, it was resolved to approve the minutes of the January 29, 2004, Joint Meeting with Washington County School Board as presented.

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

Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Rector	***Aye***
Mr. Reynolds	***Aye***
Mr. Roberts	***Aye***

5. Public Hearings

a. Requests for Special Exception Permit:

(1). ***Jeffrey Steven Warren on behalf of Gary D. Greer, Property Tax Map # 176-A-11*****: Request for a Special Exception Permit to operate a Country General Store and related Services on property located on the north side of State Route 726 near the intersection of State Route 726/899 in the HR (Highland Recreation) District, Taylor Magisterial District**

Mr. Roberts opened the public hearing and invited comments both in support of and in opposition to the application of Jeffrey Steven Warren for a Special Exception Permit.

Mr. Bill Greer addressed the Board on behalf of his brother Gary D. Greer to request approval for a special exception permit to operate a small general store. Mr. Greer explained they would sell arts and crafts items, as well as food and drinks.

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

Discussion ensued among the Board.

On motion of Mr. Rector, second by Mr. McCall, it was resolved to follow the recommendation of the Washington County Planning Commission and approve the application of Jeffrey Steven Warren on behalf of Gary D. Greer for a Special Exception Permit to operate a Country General Store and related Services on property located on the north side of State Route 726 near the intersection of State Route 726/899 in the HR (Highland Recreation) District, Taylor Magisterial District.

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

Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Rector	***Aye***
Mr. Reynolds	***Aye***
Mr. Roberts	***Aye***

b. Consideration of Budgetary Matters:

(1). Public Hearing pursuant to § 15.2-2507 of the 1950 Code of Virginia concerning Proposed Amendment of FY 2003-2004 County Operating Budget

Accounting Manager Mark Seamon addressed the Board explaining the public hearing was required to amend the County Operating Budget for FY 2003-2004. Mr. Seamon explained this is the second amendment to the FY 2003-2004 County Operating Budget, and is necessary due to additional grant funds received and other agency funds that are restricted. The budget would be amended to $90,248,576. There are no additional local funds.

Mr. Roberts opened the public hearing to receive comments both in support of and in opposition to the proposed amendment of FY 2003-2004 County Operating Budget.

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

On motion of Mrs. Mumpower, second by Mr. Owens, it was resolved to amend the FY 2003-2004 County Operating Budget to $90,248,576 as follows:

001 General Fund:

General Government Administration	***$26,744***
Judicial Administration	***$19,010***
Public Safety	***$256,843***
Public Works	***$7,102***
Education	***$0***
Recreation & Cultural Enrichment	***$0***
Economic Development	***$150,000***

	Total General Fund	***$459,699***	
002	***Federal Asset Sharing Fund***	***$30,240***	
003	***Law Library Fund***	***$0***	
004	***Road Improvement Fund***	***$0***	
005	***Capital Improvement Fund***	***$0***	
010	***Special Grant Projects Fund-***	***$0***	
108	***School Operating Fund***	***$324,192***	***$814,131***
	Proposed Amendment FY 2003-2004 County Budget		***$90,248,576***

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

Mr. Ingle Aye
Mr. McCall Aye
Mrs. Mumpower Aye
Mr. Owens Aye
Mr. Rector Aye
Mr. Reynolds Aye
Mr. Roberts Aye

(2). Consideration of Supplemental Appropriation of $324,192.12 to School Operating Fund

Mr. Seamon advised the Board that the supplemental appropriation was from additional federal, state and other agency funds received by the School System. No additional local money is being requested.

On motion of Mr. Ingle, second by Mr. Rector, it was resolved to approve a supplemental appropriation in the amount of $324,192.12 to the Washington County School Operating Fund for funds from additional federal, state and other agency funds.

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

Mr. Ingle Aye
Mr. McCall Aye
Mrs. Mumpower Aye
Mr. Owens Aye
Mr. Rector Aye
Mr. Reynolds Aye
Mr. Roberts Aye

(3). Consideration of Supplemental Appropriation of $150,000.00 to Reserve for Contingencies

On motion of Mr. Reynolds, second by Mr. Owens, it was resolved to approve a supplemental appropriation in the amount of $150,000.00 to the Reserve for Contingencies account in the General Fund.

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

Mr. Ingle Aye

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

c. Public Hearing to Solicit Input on County Community Development and Housing Needs in relation to a possible Community Development Block Grant Funding Application

Mr. Scott Booth with the Mount Rogers Planning District Commission addressed the Board to provide information concerning the 2004 Community Development Block Grant (CDBG) Program administered by the Virginia Department of Housing and Community Development. Mr. Booth explained that the public hearing is the first of two public hearings required for the CDBG Program. This public hearing is being conducted to provide input on community development and housing needs in relation to a possible CDBG funding application.

The Meadowview Town Square/Community Center Project and the Old Mill Comprehensive Community Project are two CDBG eligible projects tentatively identified.

Supervisor Tony Rector inquired about grant funds for housing rehabilitation. Mr. Rector stated he could identify two projects for a housing rehabilitation program.

In addition, Mr. Rector inquired about the new fund for disaster recovery. He explained there are citizens in Washington County that continue to get flooded out and need assistance.

Mr. Booth explained to the Board that the there is approximately two million dollars statewide available in the disaster recovery fund. These funds are available for disaster related housing damage for low to moderate-income families.

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

Discussion ensued among the Board regarding the County submitting an application for competitive planning grant funding for housing rehabilitation. A primary concern discussed was the County's eligibility to apply for a planning grant in addition to the current CDBG grant funds being sought for the Meadowview Town Square and Old Mill Comprehensive Community Project.

It was consensus of the Board to direct the County Administrator to look into the possibility of the County obtaining a planning grant to study housing rehabilitation.

6. Consideration of Dog Damage Claim

Mr. Danny Johnson addressed the Board explaining that two of his Holstein calves were killed by dogs. Animal Control has conducted an investigation. At this point, the owner of the dogs has not been identified.

On motion of Mr. Ingle, second by Mr. Rector, it was resolved to authorize payment of a dog damage claim in the amount of $800.00 to Daniel M. Johnson.

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

Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Rector	***Aye***
Mr. Reynolds	***Aye***
Mr. Roberts	***Aye***

7. Consideration of Proposed Amendment to Agreement to Extend Appalachian Power Company Electric Service Contract for the Purchase of Electricity Supply and Delivery Service and for Installation, Maintenance and Delivery Service for Street Lights

County Attorney Lucy Phillips addressed the Board explaining in the spring of 2002 the Board of Supervisors agreed to accept Appalachian Power Company's offer to extend the term of its existing contract with the County for purchase of electricity supply. The offer was contingent upon fulfillment of certain conditions for Appalachian Power Company's benefit.

Ms. Phillips advised the Board that some of the specified conditions have not been met; therefore, certification of the Extension Agreement has been deferred. Appalachian Power Company will execute the Agreement subject to fulfillment of the previously specified conditions. She stated that the VML/VACo Steering Committee recommends that the County proceed execution of the Extension Agreement.

The Board by consensus authorized the Chairman of the Board to execute the Extension Agreement and Amendment to Extension Agreement.

8. Consideration of Resolution Supporting Passage of Senate Bill 607

Supervisor Dulcie Mumpower addressed the Board asking for adoption of a resolution supporting the passage of Senate Bill 607 concerning substance abuse treatment facilities. Mrs. Mumpower explained that it is important that the General Assembly members know that the local governing bodies should be notified by the State of applications for methadone clinics.

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

RESOLUTION 2004-03

ENCOURAGING PASSAGE OF SENATE BILL 607 BY VIRGINIA GENERAL ASSEMBLY

WHEREAS, Senate Bill 607 prohibits the granting of an initial license to a facility for the provision of detoxification, treatment or rehabilitation of drug addicts through the use of the controlled

substance, methadone, or other such controlled substances, if such facility is to be located within a one-half mile of a public or private day care center or K-12 school, and

WHEREAS, Senate Bill 607 requires the Commissioner of the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services to notify the local governing body and the community services board serving the jurisdiction in which such facility is to be located within 15 days of receiving notice of a proposal or an application to obtain initial licensure for methadone clinics, and

WHEREAS, Senate Bill 607 states that no existing substance abuse treatment services provider that has made application for licensure and obtained a certificate of occupancy or has received a license in accordance with the law and regulations in effect on January 1, 2004, shall be required to comply with the provisions of the bill, and

WHEREAS, Senate Bill 607 received a substantial majority of votes in the Senate Heath and Education Committee and the Senate of Virginia, and has now been communicated to the Virginia House of Delegates, and

WHEREAS, the House Health, Welfare and Institutions Committee will take up initial consideration of Senate Bill 607, and

WHEREAS, the Board of Supervisors of Washington County has been notified of a pending substance abuse treatment facility licensure application by Appalachian Treatment Services, LLC proposed for location within one-half mile of a county high school and proximate to a major residential subdivision, and

WHEREAS, the Washington County School Board has expressed its opposition to the proposed location of Appalachian Treatment Services, LLC substance abuse treatment facility, and

WHEREAS, residents proximate to the proposed location have express their overwhelming opposition to this facility, citing concerns for the safety and welfare of themselves and their children, and

WHEREAS, the Highlands Community Services Board has expressed its opposition to the proposed facility;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that the Board strongly encourages passage of Senate Bill 607 by the Virginia General Assembly and its execution by the Governor into law in its present form.

BE IT FURTHER RESOLVED that the Board directs the County Administrator to forward a copy of this Resolution to all members of the House Health, Welfare and Institutions Committee and to all Southwest Virginia legislators.

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

Mr. Ingle	***Aye***
Mr. McCall	***Aye***

Mrs. Mumpower ***Aye***
Mr. Owens ***Aye***
Mr. Rector ***Aye***
Mr. Reynolds ***Aye***
Mr. Roberts ***Aye***

9. Recess

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

10. County Administrator Reports

County Administrator Mark Reeter reported that John Roberts, Kenneth Reynolds and he would be attending the VML/VACo Legislative Day on February 12, 2004.

Mr. Reeter reminded the Board that County Offices would be closed on Monday, February 16, 2004, in observance of President's Day.

11. County Attorney Reports

a. Consideration of Draft Ordinance regarding Virginia Highlands Airport Commission

County Attorney Lucy Phillips addressed the Board regarding correspondence from David Scyphers, a member of the Virginia Highlands Airport Commission, concerning compensation to members of the Commission for their services on the Commission. Ms. Phillips explained that upon reviewing the request, she found that the County Code does not include a provision for establishment of the Commission. She advised the Board that an ordinance had been drafted that would amend the County Code to include a provision for establishment of the Commission and to provide for compensation to its members.

If the Board were in agreement, a public hearing on the draft ordinance would need to be scheduled for a future meeting.

Discussion ensued among the Board. Subsequently, the following action was taken:

On motion of Mr. Rector, second by Mr. Ingle, it was resolved to advertise for and conduct a public hearing on the draft ordinance regarding the Virginia Highlands Airport Commission.

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

Mr. Ingle ***Aye***
Mr. McCall ***Aye***
Mrs. Mumpower ***Aye***
Mr. Owens ***Aye***
Mr. Rector ***Aye***

Mr. Reynolds ***Aye***
Mr. Roberts ***Aye***

12. Board Information

County Administrator Mark Reeter drew attention to correspondence in the Board Information section. Particularly, the minutes of the January 26, 2004, meeting of the Washington County Planning Commission. Mr. Reeter advised the Board that he would continue to place Planning Commission minutes in this section concerning their actions on zoning matters. In addition, attention was drawn to a memo from Tom Taylor of the Mount Rogers Planning District Commission concerning tax reform, a memo from General Services Manager Frank Canter regarding the completion of the Courthouse Renovation Project, and a letter of resignation from a member of the Highlands Community Services Board.

13. Consent Agenda

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

a. Payment of Bills – January 2004
b. $15,000.00 – Transfer from Reserve for Contingencies to Unemployment Claims
c. $75,000.00 – Transfer from Reserve for Contingencies to Legal Services
d. Canceled Check – General Fund
e. Line-item Transfers – General District Court
f. Line-item Transfers – Washington County Library Fund

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

Mr. Ingle ***Aye***
Mr. McCall ***Aye***
Mrs. Mumpower ***Aye***
Mr. Owens ***Aye***
Mr. Rector ***Aye***
Mr. Reynolds ***Aye***
Mr. Roberts ***Aye***

14. Board Member Reports

Supervisor Tony Rector advised the Board that he wished to resign from the Highlands Juvenile Detention Center Commission, and further recommended the appointment of Mr. Kevin Downs.

The Board deferred this appointment to allow time to determine if Mr. Downs would be eligible to serve on the Highlands Juvenile Detention Center Commission.

Supervisor Odell Owens asked that the Board request VDOT to conduct a traffic study on Appaloosa Road (SR 614).

The Board by consensus directed the County Administrator to send a request to the Virginia Department of Transportation for a traffic study to be conducted on Appaloosa Road (SR 614).

Supervisor Phillip McCall addressed the Board regarding the expansion of the Virginia Highlands Airport runway. The Airport Commission is discussing the possibility of closing the road at the Airport runway and route the traffic to Westinghouse Road. Mr. McCall explained that he advised his appointee to the Airport Commission that any plans to route traffic onto Westinghouse Road should be taken to the Industrial Development Authority.

Discussion ensued among the Board regarding the Airport's proposed expansion. The Airport may own more land than will be needed for the expansion. It is possible that the County could acquire the land to be used to build an industrial access road for Oak Park.

The Board requested that the County Administrator and Assistant County Administrator coordinate a meeting with the manager of the Virginia Highlands Airport to discuss these issues.

15. <u>Adjourn</u>

On motion of Mr. McCall, second by Mr. Reynolds, it was resolved to adjourn the meeting.

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

Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Rector	***Aye***
Mr. Reynolds	***Aye***
Mr. Roberts	***Aye***

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Prepared by:

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Naoma A. Mullins, Recording Clerk

Approved by the Washington County Board of Supervisors:

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John B. Roberts, Sr., Chairman