

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, February 24, 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

1. Call to Order

The meeting was called to order by Mr. John Roberts, Chairman of the Board, who welcomed everyone in attendance. Mr. Roberts recognized Boy Scout Troop 117 from Damascus/Rhea Valley that were in attendance.

2. Invocation and Pledge of Allegiance

Supervisor Odell Owens gave the Invocation. Boy Scout Troop 117 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 with the following amendment:

Addition of New Item 7a Consideration of FY 2004-05 VDOT Revenue Sharing Funds Request

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

On motion of Mr. Reynolds, second by Mrs. Mumpower, it was resolved to approve the minutes of the February 10, 2004, regular meeting as presented.

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

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

5. Public Hearings

- a. **Public Hearing and Board Consideration of Adoption of an Ordinance to Amend Chapter Two of the Code of the County of Washington, Virginia (2002) by Adding Sections Numbered 2-155 through 2-158 to Codify Establishment of the Virginia Highlands Airport Commission and to Authorize Compensation of Commission Members**

County Attorney Lucy Phillips addressed the Board explaining that the proposed ordinance would place provisions in the Washington County Code for the Virginia Highlands Airport Commission. There is no change to the structure of the Commission. Additionally, the proposed ordinance would authorize payment of up to \$75.00 to Airport Commission members for attendance of each meeting not to exceed one meeting per month.

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

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

On motion of Mr. Ingle, second of Mr. Rector, the Board acted adopt the following ordinance:

ORDINANCE NO. 2004-01

AN ORDINANCE TO AMEND CHAPTER TWO OF THE CODE OF THE COUNTY OF WASHINGTON, VIRGINIA (2002) BY ADDING SECTIONS NUMBERED 2-155 THROUGH 2-158 TO CODIFY ESTABLISHMENT OF THE VIRGINIA HIGHLANDS AIRPORT COMMISSION AND TO AUTHORIZE COMPENSATION OF COMMISSION MEMBERS

WHEREAS, on or about October 15, 1984, the Washington County Board of Supervisors, continued and reorganized the Virginia Highlands Airport Commission pursuant to section 5.1-41 of the 1950 Code of Virginia, as amended (hereinafter, Virginia Code) by adoption of a document titled, "Virginia Highlands Airport Commission Organizational Structure;" and

WHEREAS, such action of the Board was not codified in the Code of the County of Washington, Virginia; and

WHEREAS, the Board finds that codification of establishment of the Virginia Highlands Airport Commission along with its powers and duties shall further the goal of providing a uniform source of information for the public and, therefore, be in the best interests of the public health, safety, and welfare; and

WHEREAS, members of the Virginia Highlands Airport Commission dedicate significant amount of time and service to successful operation of the Virginia Highlands Airport; and

WHEREAS, Virginia Code section 15.2-1411 authorizes a governing body to compensate members of commissions necessary to advise the governing body in an amount not to exceed seventy-five dollars for attendance at regularly scheduled meetings, not to exceed one meeting per month, in addition to reimbursement of actual expenses incurred as a result of participation on such commissions; and

WHEREAS, the Board finds that compensation in the amount of seventy-five dollars, as allowed by state law, plus reimbursement for expenses is reasonable compensation for services provided by members of the commission and that such compensation would serve the public interest;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Washington, Virginia, after notice and public hearing as required by law:

1. That the Code of the County of Washington, Virginia (2002 Republication) is amended by adding sections numbered 2-155, 2-156, 2-157 and 2-158 as follows:

Sec. 2-155. Airport Commission established.

The Virginia Highlands Airport Commission was established as a commission solely under the jurisdiction of the Washington County Board of Supervisors on or about October 15, 1984.

State Law Ref. Va. Code § 5.1-41.

Sec. 2-156. Board of Commissioners.

(a). The governing body of the Virginia Highlands Airport shall be a board of commissioners consisting of seven (7) members appointed by the board of supervisors, one from each election district of the county. The board of supervisors may remove members from the airport commission at any time.

(b). The following qualifications shall be given paramount consideration in selecting members for appointment to the airport commission: an interest in aviation and related areas; some background or training in business endeavors; a commitment to increased economic, commercial and industrial development in Washington County; and the ability to work well with members of the public, officials of state and federal agencies, and the local business community of the county.

(c). The term of each commissioner shall be for four (4) years, except in the case of an appointment to fill out an unexpired term, in which case the appointment shall be only for the duration of the unexpired term. Individuals shall not be appointed to more than two (2) successive full four-year terms.

(e). The airport commission shall adopt by-laws for the conduct of its business and meetings.

State Law Ref. Va. Code §§ 5.1-41, 15.2-1411.

Sec. 2-157. Powers and duties.

The Virginia Highlands Airport Commission is responsible to construct, improve, equip, maintain and operate the Virginia Highlands Airport located in the Harrison Magisterial District of the county and is empowered, as allowed by state law, to fulfill such function.

State Law Ref. Va. Code § 5.1-41.

Sec. 2-158. Compensation of commissioners.

The members of the airport commission shall receive compensation of up to seventy-five (\$75.00) dollars per meeting attended, not to exceed one (1) meeting per month, plus reimbursement of expenses in the performance of their duties. Compensation per meeting and reimbursement of expenses shall be determined by the airport commission in accordance with the limitations stated herein and shall derive wholly from revenues generated by operation of the Virginia Highlands Airport.

State Law Ref. Va. Code § 15.2-1411.

2. Codification of the establishment of the Virginia Highlands Airport Commission along with its powers and duties shall not in any manner serve to affect existing contractual relationships, funding grants, employment relationships, or other commitments of the Virginia Highlands Airport Commission, which are all hereby continued in full force and effect.

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

4. This ordinance shall become effective immediately upon its enactment.

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. Public Hearing and Board Consideration of Adoption of an Ordinance to Amend Chapter 10, Subsections 10-125 and 10-126, and Appendix A of the Code of the County of Washington, Virginia (2002) to Adjust Fees for Sterilization Deposit and Adoption of Animal from the C.C. Porter Animal Shelter

County Attorney Lucy Phillips addressed the Board explaining that the proposed ordinance would adjust the current fee structure for adoption of dogs and cats, and implement a sterilization deposit of \$50.00. The sterilization deposit would be refunded when proof has been presented that the animal has been altered.

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

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

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

AN ORDINANCE TO AMEND CHAPTER 10, SUBSECTIONS 10-125 AND 10-126, AND APPENDIX A OF THE CODE OF COUNTY OF WASHINGTON, VIRGINIA, TO ADJUST FEES FOR STERILIZATION DEPOSIT AND ADOPTION OF ANIMALS FROM THE C.C. PORTER ANIMAL SHELTER

WHEREAS, Washington County maintains an animal shelter as allowed by Virginia Code section 3.1-796-96; and

WHEREAS, operational costs of the shelter have increased since fees were last set by the governing body; and

WHEREAS, sterilization of animals adopted from the shelter is mandatory under state law and the most effective means to reduce the number of animals that the county is required to euthanize at the shelter; and

WHEREAS, the Board of Supervisors of Washington County, Virginia, finds that an increase in the fees charged by the animal shelter for redemption and adoption of an animal from the shelter and an increase in the amount charged for the sterilization deposit is in the best interest of the public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of Washington County, Virginia, after notice and public hearing, as required by law:

1. That Chapter 10, Subsections 10-125 and 10-126, and Appendix A to the Code are amended, as set forth below:

Sec. 10-125. Redemption of animal.

~~*Either a custodian of an animal or an individual who has found an animal may qualify as owner and may claim the animal by expressing this desire in writing to claim the animal at the expiration of the holding period set out in section 10-123 after payment of the required adoption fee. If any animal confined pursuant to this article is claimed by its rightful owner, such owner shall only be charged with the actual expenses incurred in keeping the animal impounded, as provided in the fee schedule in Appendix A to this Code, for each day that such animal is in the possession of the animal shelter. Either a custodian of an animal or an individual who has found an animal may claim first right to adopt the animal by expressing this desire in writing to adopt the animal at the expiration of the holding period set out in section 10-123 after payment of the adoption fee, as provided in section 10-126. If the rightful owner claims the animal at any time, the custodian or finder shall relinquish possession of the animal to the rightful owner.*~~

(Code 1997, § 10-145)

State law references: Redemption of animals, Code of Virginia, § 3.1-796.96.

Sec. 10-126. Disposition of unclaimed animals; method of destruction; injured, ill or unweaned animals.

** * **

(g) Any adoption of an animal from the animal shelter pursuant to this subsection shall be only after payment of the adoption fee, as provided in the fee schedule in Appendix A to this Code.

(Code 1997, § 10-146)

State law references: Unclaimed animals, Code of Virginia, § 3.1-796.96C.

APPENDIX A – FEE SCHEDULE

10-126 – Adoption fee for unclaimed animals: \$15.00 for cats, \$25.00 for dogs

10-155 – Sterilization deposit: ~~\$10.00~~ \$50.00

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. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

6. Consideration of Proposed White’s Mill Point Low-to-Moderate Income Apartment Housing Project by Southwest Virginia Housing Corporation

Mr. Robert Goldsmith, President and CEO of Southwest Virginia Housing Corporation, a branch of People, Inc, provided the Board with information on the proposed White’s Mill Point Low-to-Moderate Income Apartment Housing Project, and requested their endorsement. The proposed project would be located in an A-2 Zoning District on White’s Mill Road just outside the Town of Abingdon corporate limits. There is public water and sewer available. The project would be funded primarily through the Virginia Income Tax Credit Program. Mr. Goldsmith explained that as part of the application process for the Virginia Income Tax Credit Program, the documents had to be executed by Washington County. He further explained that the actual applicant was White’s Mill Point with the Southwest Virginia Housing Corporation being a limited partner. Mr. Goldsmith advised the Board that the Southwest Virginia Housing Corporation would like the Board to grant them a tax-exemption designation.

Discussion ensued among the Board. A primary concern discussed was the request for the tax exemption designation. County Administrator Mark Reeter explained that several years ago the General Assembly passed legislation that allowed localities to determine if a project could be designated tax exempt. Mr. Reeter advised the Board that an ordinance would need to be drafted that would provide guidelines for granting tax exemptions.

Responding to an inquiry, Mr. Goldsmith explained that People, Inc. would manage the White’s Mill Point Project.

On motion of Mr. Rector, second by Mr. McCall, the Board acted to endorse the White’s Mill Point Low-to-Moderate Income Apartment Housing Project by Southwest Virginia Housing Corporation and to authorize the County Administrator to sign required documents.

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

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

7. Presentation by Virginia Department of Forestry

Mr. Ed Stoots, Regional Forester with the Virginia Department of Forestry gave a presentation to the Board concerning the Forest Land Conservation Program. The presentation included information on the inventory of forestland in Washington County and statewide. Mr. Stoots explained that the latest data compiled in the Forest Inventory Analysis shows that 51,000 acres of land per year in Virginia is being converted to other land uses. To conclude his presentation, Mr. Stoots addressed strategies for forestland conservation.

Mr. Stoots introduced Mr. Brian Ledford, Forester for Washington County.

Discussion ensued among the Board concerning the presentation. Chairman Roberts, on behalf of the Board of Supervisors, expressed appreciation to the Department of Forestry for the presentation.

7a. Consideration of FY 2004-05 VDOT Revenue Sharing Funds Request

County Administrator Mark Reeter addressed the Board explaining that each year the Virginia Department of Transportation (VDOT) requests the County submit an application for up to \$500,000 in Revenue Sharing Program funds. For the last several years, the County has participated in the program and matched Revenue Sharing Program funds for the State Route 1717 Relocation Program. Mr. Reeter proposed to the Board that a request be made to VDOT for FY 2004-05 for \$425,000 in Revenue Sharing funds for the State Route 1717 Relocation Program and up to \$75,000 for Rural Addition projects. Mr. Reeter advised the Board that he did not recommend requesting additional Revenue Sharing funds within the FY 2003-2004.

On motion of Mr. Ingle, second by Mr., Rector the Board acted to approve submission of a request to the Virginia Department of Transportation for up to \$500,000 in Revenue Sharing Program Funds for FY 2004-05.

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

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

8. Recess

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

9. County Administrator Reports

a. **Zoning Administrator Determination Regarding Appalachian Treatment Services, LLC Proposed Substance Abuse Treatment Facility and Recommendation regarding Amendment of County Zoning Ordinance**

County Administrator Mark Reeter addressed the Board regarding the zoning determination concerning the proposed Appalachian Treatment Services, LLC proposed substance abuse treatment facility. Mr. Reeter explained that on December 5, 2003, Mr. Richard Skelskey, Program Sponsor/Director for Appalachian Treatment Services, LLC contacted the County Department of Building Inspection to request issuance of a Certificate of Occupancy for use of a modular home structure located at 21357 Old Dominion Road for a “medically assisted substance abuse treatment facility” to be operated by Appalachian Treatment Services, LLC. At the request of the County Building Official Bill Cole, Mr. Skelskey submitted to the County Department of Building Inspection letters dated December 8 and 12 that described the nature of the proposed use. Prior to issuance of any permits or certificates by the Department of Building Inspection, the County Building Official must verify that a proposed use or activity for which a permit or certificate is sought complies with the County Zoning Ordinance. Mr. Reeter stated that the County Building Official consulted with County Zoning & Subdivision Official Cathie Freeman, who referred the matter to him as County Zoning Administrator. Section 15.2-2286 (A)(4) of the 1950 Code of Virginia requires the County Zoning Administrator to advise the County Building Official whether a proposed use complies with the County Zoning Ordinance within ninety (90) days of receipt of the request. Using the December 5, 2003, date, this 90-day period ends on March 3, 2004.

Mr. Reeter further explained that during the months of January and February, his Office reviewed this matter and determined the proposed use of the modular home structure located at 21357 Old Dominion Road for a “substance abuse treatment facility” is not consistent with, nor contemplated within, the current provisions of the County’s Business, General (B-2) Zoning District in which the structure lies. In addition, the parcel proposed for location of the facility is in non-compliance with the County Zoning Ordinance due to the presence of the parcel of two (2) modular home structures. The County Zoning Ordinance limits the number of uses allowed on the parcel to one use based on size of the parcel. Mr. Reeter advised the Board that his Office and the County Department of Building Inspection will send official correspondence to address these issues this week to both Appalachian Treatment Services, LLC and to the property owners.

Mr. Reeter recommended the Board consider an amendment to the County Zoning Ordinance to identify “substance abuse treatment facilities” as a specifically defined use subject to regulation via Special Exception Permit. It is recommended that such facilities be permitted via special exception in the Business, General (B-2) and Industrial, Limited and Industrial, General (M-1 & M-2) Zoning Districts, subject to buffering requirements as specified in the draft ordinance.

Mr. Reeter further recommended that the Board advertise for and schedule separate public hearings before the Washington County Planning Commission and Board on March 15, 2004, at 5:30 PM and 7:30 PM, respectively.

After substantial discussion among the Board, the following action was taken:

On motion of Mrs. Mumpower, second by Mr. Rector, it was resolved to authorize the advertisement of and to schedule public hearings before the Washington County Planning

Commission and Board beginning at 5:30 PM and 7:30 PM, respectively, on March 15, to receive comments on a proposed ordinance to amend the County Zoning Ordinance to include provisions for substance abuse treatment centers prior to Board consideration of adoption of the proposed ordinance.

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

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

b. Consideration of Amendment of County Zoning Ordinance pertaining to Exterior Storage under Cover Requirement of Section 66-473(6), B-2 Zoning District

County Administrator Mark Reeter addressed the Board regarding an amendment to the County Code Section 66-473(6), B-2 Zoning District regulations that would remove the exterior storage under cover requirement pertaining to lumber and brick yards and building materials and equipment sales, rental, repair and services. These types of uses and activities would still require issuance of a Special Exception Permit by the Board, and would not automatically require any exterior store materials associated with such businesses to be kept under some form of cover. Cover as well as other conditions and limitations may still be required by the Board as part of the Special Exception Permit on a case-by-case basis.

On motion of Mr. Ingle, second by Mr. Reynolds, it was resolved to authorize advertisement for and conduct a public hearing on the draft ordinance to amend County Code Section 66-473(6), B-2 Zoning District regulations.

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

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

10. County Attorney Reports

a. Request for Board Authorization to Proceed with Procurement for Solid Waste Transportation and Disposal Services

County Attorney Lucy Phillips addressed the Board explaining that contracts for Solid Waste Transportation and Disposal Services expire in October of this year. Ms. Phillips stated that staff requests Board authorization to proceed with procurement procedures to secure new contracts for solid waste transportation and disposal services.

On motion of Mr. McCall, second by Mr. Owens, it was resolved to authorize County staff to conduct procurement for solid waste transportation and disposal services contracts in the form of the draft agreement presented to the Board to begin October 12, 2004.

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

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

11. Board Information

County Administrator Mark Reeter drew attention to correspondence in the Board Information section. Particularly, the Executive Summary from the Southwest Virginia Regional Jail Authority, a status report from the County Department of Recycling regarding active cases for dump sites and inoperative vehicles, a letter from the Washington County School Board regarding facility tours, letter from VDOT concerning SR 1718 – Westinghouse Road, a letter from American Electric Power advising the County of their extensive tree trimming in certain areas of the County to prevent collapse in power lines, and correspondence from VACo concerning the status of the budget debate.

Discussion ensued among the Board regarding the House and Senate versions of the Budget Bill. It was consensus of the Board to direct the County Administrator to contact VACo expressing the County’s support of the Senate’s version of the Budget Bill.

12. Consent Agenda

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

- a. Award of Bid for Food and Related Supplies for Washington County Jail*
- b. Supplemental Appropriation for \$109,376.20 to Federal Assets Sharing Program*

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

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

13. Board Member Reports

Supervisor Bobby Ingle advised the Board that a request for a special exception permit concerning a rock quarry in his district would be coming before the Board. Mr. Ingle encouraged the Board members to visit the site.

Supervisor Odell Owens advised the Board that Thomas Illowiecki, Transportation Advisory Board member from the Tyler District has resigned. Subsequently, the following action was taken:

On motion of Mr. Owens, second by Mrs. Mumpower it was resolved to appoint Robert Puckett to fill the unexpired term of Thomas Illowiecki as the F-01 "Tyler" Election District representative on the Transportation Advisory Board. The term shall be effective immediately and expire on December 31, 2004.

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

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

Supervisor Kenneth Reynolds reported that he along with John Roberts and Mark Reeter attended the VACo/VML Legislative Day. Mr. Reynolds commented that the County must maintain its current bond rating and stated the importance of the Senate's version of the State's budget be adopted.

Supervisor Phillip McCall reported that the Washington County Service Authority is currently in the process of obtaining intake permits, a renewal permit for the Middle Fork River and a new intake permit for the South Fork River. Mr. McCall explained that the permitting process is lengthy and could take several years to complete. He advised the Board that engineers have recommended abandoning intake from Middle Fork River due to endangered species.

Chairman John Roberts commented about the VACo/VML Legislative Day. Mr. Roberts reported that they had met with the legislators and were well received.

- 14. **Closed Meeting pursuant to Code of Virginia Section 2.2-3711(A)(7) for consultation with retained legal counsel, Richard Cranwell, and the County Attorney regarding the landowner-initiated annexation petition (Trammell Investments, LLC; The Leonard, LP; et al.) and pending litigation of such petition (County of Washington vs. City of Bristol, et al.) where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body, and consultation with Mr. Cranwell and the County Attorney regarding strategies to protect against future annexation actions, which information requires provision of legal advice by such counsel.**

On motion of Mr. Owens, second by Mr. Reynolds, it was resolved to convene in Closed Meeting pursuant to Code of Virginia Section 2.2-3711(A)(7) for consultation with retained legal counsel, Richard Cranwell, and the County Attorney regarding the landowner-initiated annexation petition (Trammell Investments, LLC; The Leonard, LP; et al.) and pending litigation of such petition (County of Washington vs. City of Bristol, et al) where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body, and consultation with Mr. Cranwell and the County Attorney regarding strategies to protect against future annexation actions, which information requires provision of legal advice by such counsel and to include County Administrator Mark Reeter. It was further resolved to take a ten-minute recess.

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

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

On motion of Mr. Rector, second by Mr. Reynolds and favorable vote, the Board of Supervisors now reconvenes in open meeting. At this time, any participant in the closed meeting who believes that there was a departure from the requirements of the Virginia Freedom of Information Act during the closed meeting, please state the substance of the departure that you believe has taken place.

Hearing no such statements, on motion of Mr. McCall, second by Mr. Ingle, it was resolved to certify the closed meeting in accordance with the requirements of the Virginia Freedom of Information Act. By vote in favor of this motion, each member certifies that the closed meeting was 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 was convened were heard, discussed, or considered in the closed meeting.

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

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

15. Adjourn

On motion of Mr. Rector, second by Mr. Owens, it was resolved to adjourn the meeting.

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

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

Prepared by:

Naoma A. Mullins, Recording Clerk

Approved by the Washington County Board of Supervisors:

John B. Roberts, Sr., Chairman