

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, May 11, 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.

2. Invocation and Pledge of Allegiance

Supervisor Tony Rector gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

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

Item 14 Closed Meeting Code section and style change

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 Mr. Rector, it was resolved to approve the minutes as presented.

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

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| <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

(1). John Clifford Tidlow, Property Tax Map # 084B-2-4D: Request for a Special Exception Permit to operate a small business in general, more specifically, a therapeutic riding, horse training, boarding, and horse clinic facility on property located on the north side of State Route 699 on Fox Chase Lane in an A-2 (Agricultural, General) zone, Harrison Magisterial District

Mr. Roberts opened the public hearing to receive comments both in support of and in opposition to the application of John Clifford Tidlow for a Special Exception Permit.

Mr. John Tidlow addressed the Board requesting approval of his application for a Special Exception Permit that would allow him to operate a horse training, boarding and horse clinic facility on property that he recently purchased. Mr. Tidlow explained that his future plans are to operate a therapeutic riding program.

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

On motion of Mr. McCall, second by Mr. Ingle, it was resolved to follow the recommendation of the Washington County Planning Commission and approve the application of John Clifford Tidlow, for a Special Exception Permit to operate a small business in general, more specifically, a therapeutic riding, horse training, boarding, and horse clinic facility on property located on the north side of State Route 699 on Fox Chase Lane in an A-2 (Agricultural, General) zone, Harrison Magisterial District

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

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| <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> |

(2). Ruddy Duty on behalf of Northside Stone, Inc. Robert Hall, Ralph Woods, Property Tax Map # 045-A-1: Request for a Special Exception Permit to operate a rock quarry on property located on the South side of State Route 689 near the intersection of State Route 689/State Route 687 in a CR (Conservation Recreation) zone, Jefferson Magisterial District

Mr. Roberts opened the public hearing to receive comments both in support of and in opposition to the application of Ruddy Duty for a Special Exception Permit.

Mr. Mike Bragg, Legal Counsel for Northside Stone, Inc., addressed the Board. Mr. Bragg presented their case for approval of the Special Exception Permit to allow the continued operation of the rock quarry. He explained that the Virginia Department of Mines, Minerals and Energy (DMME) have licensed Northside, and that Northside is heavily regulated by this agency. He stated that Chapter 66-273 of the Washington County Code provides that a rock quarry is a use consistent within a conservation/recreation district. Further, the only place that a rock quarry is allowed in the County Code is in the conservation/recreation district. Mr. Bragg asserted that the County Code requires a Special Exception Permit in order that the Board of Supervisors could review the operation, the neighborhood where it is located, and consider whether there are reasonable conditions that could be placed on the operation to make the activity a better fit for the community. He pointed out that the County Code does not specify that rock quarrying operations cannot locate in a conservation/recreation district if machinery would be utilized. Mr. Bragg made reference to the definition that the County Zoning Administrator has used in dealing with rock quarries has been that a rock quarry operation comes within the County Zoning requirements only if machinery is used. Therefore, Mr. Bragg deduced that only rock quarries that utilized machinery are required to obtain a Special Exception Permit.

Mr. Bragg explained that the DMME permit allows mining to the elevation of 2200', but North Side has only obtained the reclamation bond sufficient to allow operations to an elevation of 2000'. If the mining area goes outside the bonded area then the company is required to obtain another bond from the Commonwealth. He stated that the bonds are used for reclamation. The permit materials provided to the Board show that the reclamation plan is to return the area after they are finished mining to its prior use. Mr. Bragg distributed copies of the permit map explaining that the darkened area shows the acreage Northside Stone has bonded at present. The area outlined by marker is permitted but not yet bonded. He stated that the DMME officials are of the opinion that the Northside Stone site could be reclaimed otherwise they would not have issued the bond. Mr. Bragg presented for the Boards review an aerial photograph of the site and admitted that the rock quarry operation site looks bad, but he further asserted that it doesn't look any different than if a logging operation had clearcut the land.

In conclusion, Mr. Bragg said that the County Code states that a Special Exception Permit is good for two years and terminates at the end of that period unless the Board places a condition on the permit. He stated that a use could be established under certain circumstances to make the permit permanent; however, they do not pertain to the rock quarry operations. Mr. Bragg explained that County Code Section 66-117 states that the Board of Supervisors has the continuing power to revoke a Special Exception Permit after notice and public hearing if there is a breach of any conditions placed on the permit by the permit holder, if there has been a significant change in conditions, or if the use is conducted in a manner that adversely affects the public safety, health and welfare. Mr. Bragg proposed to the Board some conditions that could be placed on the Special Exception Permit. They were as follows:

1. Issue a Special Exception Permit for one year so the company can, on an annual basis when it applies for renewal, show the County that the operation is being conducted in a safe manner with concern for public welfare and that the reclamation plan is being followed;

2. No blasting;
3. The operation must be conducted in full and strict conformity to DMME regulations;
4. The property must be reclaimed according to DMME regulations;
5. Violation of the bond at any time would be a violation of the Special Exception Permit, and the Board could issue notice of their intention to revoke the permit.

Supervisor Bobby Ingle addressed the Board to clarify the remark that a Special Exception Permit is good for only two years. Mr. Ingle stated the County Code states that the two-year period on a Special Exception Permit is the time designated for the business in which the permit was issued to begin operation.

Mr. Ingle advised the Board that on Friday, April 10, he witnessed the use of heavy equipment in the excavation of trees on the Northside Stone site. The work was being done outside the bonded and permitted area. He stated that, on the County's request, the Circuit Court issued an injunction against Northside Stone that heavy equipment not be used on the site. Mr. Ingle asserted that Northside Stone was in violation of the injunction.

At this time a question and answer period ensued.

Responding to inquiries from the Board, Mr. Bragg explained that the DMME has issued a permit to Northside Stone for 16 acres. He stated that the stone mined from the operation is sold primarily through brokers and that the operation runs twelve months a year, weather permitting. Mr. Bragg further explained that a portion of the disturbed land had been reclaimed, but was disturbed again for further mining.

Chairman John Roberts addressed the Board explaining that according to the presentation by DMME at the last Board meeting the reclamation process would not occur until the mining operation was totally completed. Mr. Roberts expressed concerns that the \$1,000 bond per acre would not be sufficient to reclaim the land.

The following people spoke in favor of the application:

Mr. Ray Duncan spoke in favor of the Northside Stone operation and stated that if you own rocks you should be able to sell them.

Mr. Ruddy Duty requested that his application for a Special Exception Permit on behalf of Northside Stone be approved. Mr. Duty stated that he believed the land would be properly reclaimed. Mr. Duty asserted that if the Special Exception Permit were not granted that he might clear cut the land and could do this without permission from the County.

Mr. Warren Bennett, owner of property close to the Northside Stone site, explained that the rock quarry was a work in progress, and he thought the property could be reclaimed. Mr. Bennett advised the Board that he had sold property near the Northside Stone site and had never received complaints from prospective buyers nor had he lost a sale because of the rock quarry site.

The following people spoke in opposition to the application:

Ms. Jane Oakes addressed the Board speaking on behalf of a group of concerned citizens from the Brumley Gap and Poore Valley area. Ms. Oakes presented pictures of the Northside Stone site and

explained that the pictures were labeled showing the dates they were taken. She asserted that Northside Stone was in violation of the injunction issued by the court by continuing to utilize the heavy equipment. She stated that just yesterday she witnessed three flatbed loads of rock being taken from the site. Ms. Oakes advised the Board that the residents of the area concerned for their health and safety and that most residents are against permitting the continued operation of Northside Stone.

Mr. Charles Kennedy addressed the Board explaining that he lives on the mountain in question and operates an eco-tourism business. Mr. Kennedy stated that his business is part of the Virginia Birding Trail, member of the Blue Ridge Travel Association, member of the United Plant Savers International and listed on the National Bicycling Trail that goes along the mountain on Route 80. He further explained that he receives information from the Virginia Department of Game and Inland Fisheries and other agencies. During the last year, approximately \$6,000,000,000 was spent in Virginia on wildlife observation, nature and eco tourism. Recently, the Nature Conservancy was quoted saying Southwest Virginia is one of the 40 most important places in the world as far as eco diversity goes. Mr. Kennedy explained that 50 different plants bloom on the north side of the mountain that is very sensitive. There are also specific trees that grow which attract specific types of birds. These birds migrate here in the summer from South and Central America. The mining operation is a threat to the plants, trees and the migration of the birds. He stated that if the mountain is reclaimed with hay or whatever materials used it will not be what has been there for thousands of years and definitely not reclaimed to its natural state. The tourists come to see the beauty of Washington County and not to see a destroyed mountain

Mr. Mark Pratt, an adjacent property owner, to the Northside Stone site explained to the Board that many trees had fallen down and rocks had slide into the creek that borders his property as a result of the rock quarry operation. Mr. Pratt expressed his concerns that if the debris stopped up the creek could flood his property.

Mr. Roscoe Jones addressed the Board explaining that he believed the mining operation was a wildcat operation using migrant workers. He has concerns for the safety and health of the residents in the area.

Ms. Lavonda McDaniel addressed the Board expressing her concerns for the creek.

Mr. Bill Wasserman expressed concerns with comments made by DMME officials during their presentation to the Washington County Planning Commission that the \$1,000 bond per acre was not sufficient to reclaim the land.

Mr. Patrick Mannix stated that all quarry operations in the County should be shut down.

Mrs. Angela Boyda addressed the Board regarding her concerns with the enforcement of the County's Zoning Ordinance.

Mr. Bragg addressed the Board regarding remarks made that Northside Stone was in violation of the court injunction. Mr. Bragg explained that there was not an injunction against Northside, but against Mr. Robert Hall and his wife. He further explained that after consulting with Northside, they agreed to comply with the injunction. The injunction states that equipment could be used, but equipment could not be used to dig up rocks. Mr. Bragg advised the Board that he hasn't been to the site to verify that no digging of rocks has occurred, but that his client tells him there has been no digging.

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

Discussion ensued at length among the Board regarding the request.

Supervisor Dulcie Mumpower questioned the violation of permits for two years and inquired if there were any ordinances in the County Code two years ago that regulated rock quarries.

County Attorney Lucy Phillips addressed the Board explaining the law today was applicable two years ago. Ms. Phillips further explained the rock quarries were not brought to the attention of the County until the DMME began to require mining permits because of the increased intensity of rock quarrying operations that began to use heavy equipment to excavate rock.

Mr. Odell Owens clarified that his understanding was that the County began to require special exception permits when it learned that DMME was requiring mining permits and that DMME began to regulate the rock quarries when the rock excavations began to disturb ground to certain depths under ground.

Supervisor Kenneth Reynolds stated that the County should be innovated with the project and identify some common ground.

Supervisor Odell Owens expressed his belief that the property could be reclaimed.

On motion of Mr. Reynolds, second by Mr. Owens, it was moved that the Board approve the application of Ruddy Duty on behalf of Northside Stone, Inc. Robert Hall, Ralph Woods, for a Special Exception Permit to operate a rock quarry on property located on the South side of State Route 689 near the intersection of State Route 689/State Route 687 in a CR (Conservation Recreation) zone, Jefferson Magisterial District.

The following substitute motion was offered:

On motion of Mr. Ingle, second by Mr. McCall, it was moved that the Board follow the recommendation of the Washington County Planning Commission and deny the application of James (Ruddy) Duty on behalf of Northside Stone, Inc. Robert Hall, Ralph Woods for a Special Exception Permit to operate a rock quarry on property located on the South side of State Route 689 near the intersection of State Route 689/State Route 687 in a CR (Conservation Recreation) zone, Jefferson Magisterial District.

The vote on the substitute motion was as follows: (4-3)

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

(3). Dorce E. McReynolds on behalf of General Shale Brick, Property Tax Map # 143A4-A-6: Request for a Special Exception Permit to construct and operate a brick yard and building material sales and service on property located at the intersection of State Route 11 and State Route 807 in a B-2 (Business, General) zone, Wilson Magisterial District

Mr. Roberts opened the public hearing to receive comments both in support of and in opposition to the application of Dorce E. McReynolds for a Special Exception Permit.

Mr. Dave McNeese, representing General Shale Brick addressed the Board. Mr. McNeese reviewed General Shale's proposed plans. He explained that General Shale would utilize the property primarily for display and sales of brick and block. They plan to use the on-site modular housing unit as office/retail space and that a 40' X 80' warehouse would be constructed. Mr. McNeese stated that the display site would not create a lot of additional truck traffic in the area because they anticipate receiving only two to three truckloads of brick per week.

Mr. McNeese addressed concerns of the Washington County Planning Commission regarding screening measures and access to the property from Cole's Lane. He explained that General Shale proposes the use of adequate landscaping at the rear of the property and along Cole's Lane as opposed to completely surrounding the property with 6-8 foot pine trees. Mr. McNeese assured the Board that General Shale would keep the site neat and attractive just as they do the other displays they operate. In regards to vehicular access from Cole's Lane, he explained there were two good entrances to the property from Lee Highway and that use of Cole's Lane would be limited. Cole's Lane would provide access to the rear, lower level of the property and would be convenient if General Shale needed to park a truck overnight that was loaded with bricks. Mr. McNeese stated that their immediate neighbor would be a trucking company that also uses Cole's Lane.

Responding to inquiries from the Board, Mr. McNeese explained that General Shale would provide attractive landscaping on the property and that the use of Cole's Lane would be limited.

Supervisor Dulcie Mumpower inquired about the fencing of the property along Cole's Lane. Mrs. Mumpower explained that to address concerns of the residents along Cole's Lane, she felt that a stipulation should be placed on the Special Exception Permit that requires General Shale to use some type of screening at the rear of the property that borders Cole's Lane and on the side of the property that borders Cole's Lane.

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

The Board discussed this request at length.

County Administrator Mark Reeter addressed the Board to explain the purpose of his recommendations. He pointed out that the materials that would be located on the site are raw and not a finished product. In that respect, typically the County encourages, when these type of materials are located in a high profile zoned area like the B2 zoning designation, that General Shale would locate their brick display materials in an isolated area. Mr. Reeter recommended that the raw materials be kept in a fenced compound in the rear of the warehouse where the materials would be screened from view.

On motion of Mrs. Mumpower, second by Mr. Ingle, it was resolved to follow the recommendation of the Washington County Planning Commission and approve the application of Dorce E. McReynolds on behalf of General Shale Brick for a Special Exception Permit to construct and operate a brick yard

and building material sales and service on property located at the intersection of State Route 11 and State Route 807 in a B-2 (Business, General) zone, Wilson Magisterial District, except that it was further resolved to strike the Planning Commission's stipulation of planting pine trees in the rear of the property and instead to require a privacy fence along the back portion of property that borders Cole's Lane and to provide landscaping along side of Cole's Lane where there is no privacy fence.

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

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| <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> |

At this point, Mr. Joe McReynolds addressed the Board and inquired if their action meant there would be no access to his property from Cole's Lane because of the Planning Commission's recommendation that Cole's Lane be closed. If this is so, General Shale Brick will not lease the property. Mr. McReynolds explained that Horton Homes had obtained an entrance permit from the Virginia Department of Transportation for limited access to his property from Cole's Lane. He stated that it was his understanding of the Planning Commission's action that Cole's Lane could be used on a limited basis.

Discussion ensued among the Board.

Mr. Ingle stated that he didn't realize the Board's previous action would close all access to the McReynolds property from Cole's Lane.

Mrs. Mumpower stated that it was her intent to follow the recommendation of the Planning Commission except to strike the stipulation of planting pine trees in the rear of the property and instead to require a privacy fence along the back portion of property that borders Cole's Lane and to provide landscaping along side of Cole's Lane where this is no privacy fence.

On motion of Mr. Owens, second by Mr. Ingle, the Board acted to reconsider the prior motion concerning the application of Joe McReynolds on behalf of General Shale Brick for a Special Exception Permit.

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

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| <i>Mr. Ingle</i> | <i>Aye</i> |
| <i>Mr. McCall</i> | <i>Aye</i> |
| <i>Mrs. Mumpower</i> | <i>Nay</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> |

Mrs. Mumpower addressed the Board explaining that the residents that live in the subdivision located on Cole's Lane must travel this narrow road daily. She stated that she had conceded to the change in the

zoning ordinance regarding cover requirements so General Shale could locate their brick and block display on the McReynolds property. She further stated that Mr. McReynolds had agreed to put a fence along the property and now has changed his position and does not want to install the fence. The Planning Commission recommended that the entrance to the property from Cole’s Lane be closed and now the Board is considering not accepting this recommendation. Mrs. Mumpower stated that she would not support striking the Planning Commission’s recommendation to close Cole’s Lane.

The following substitute motion was offered:

On motion of Mr. Owens, second by Mr. Reynolds, it was resolved to approve the application of Dorce E. McReynolds on behalf of General Shale Brick for a Special Exception Permit to construct and operate a brick yard and building material sales and service on property located at the intersection of State Route 11 and State Route 807 in a B-2 (Business, General) zone, Wilson Magisterial District.

The vote on the substitute motion was as follows: (6-1)

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| <i>Mr. Ingle</i> | <i>Aye</i> |
| <i>Mr. McCall</i> | <i>Aye</i> |
| <i>Mrs. Mumpower</i> | <i>Nay</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 Board to take a recess.

6. Consideration of Resolution Honoring WWII Veterans

On motion of Mr. Rector, second by Mr. McCall, the Board acted to appoint Odell Owens to the Veteran’s Memorial Fund of Abingdon Board of Directors and to adopt the following resolution:

**RESOLUTION 2004-08
COMMEMORATING WORLD WAR II VETERANS OF WASHINGTON COUNTY**

WHEREAS, June 6, 2004 is the 60th anniversary of the Allied landings along the coast of Normandy, France, one of the watershed moments in history leading to victory in World War II, and

WHEREAS, many natives of Washington County, Virginia lost their life while fighting for our freedom during World War II, and

WHEREAS, at the Veterans Memorial Park in the Town of Abingdon, Virginia, on Memorial Day Weekend 2004 a memorial monument is being dedicated to honor all American servicemen and women who gave their life for our freedom during World War II, and

WHEREAS, the servicemen and women who lost their life during World War II and their families and all veterans who served in World War II are being especially recognized during this dedication for their service to our country, and

WHEREAS, the Washington County Board of Supervisors wish to join in the dedication, recognition and tribute to all American servicemen and women, and

WHEREAS, the American servicemen and women who served in our armed service during World War II are truly the example set for all generations to follow in their dedication to service and love of country and freedom, and

WHEREAS, all Americans owe a debt of gratitude that can never be repaid to these men and women and their families for their sacrifices and hardships, and

WHEREAS, we wish to pay tribute to all the American servicemen and women who lost their life in the service of our country,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that it honors and salutes all World War II servicemen and women and their families who all sacrificed for our freedom, and

BE IT FURTHER RESOLVED that the future generations of Americans never forget the price paid and continuing to be paid by our American servicemen and women in keeping our country free so that liberty might shine brightly and be seen as an example for the world.

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

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| <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. Consideration of Appointment to Mount Rogers Disability Services Board

On motion of Mr. Ingle, second by Mr. Rector, it was resolved to appoint Raymond Shingler to the Mount Rogers Disability Services Board for a two-year term beginning May 1, 2004.

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

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

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

9. County Administrator Reports

a. Review of Second Revision to County Operating Budget Calendar

County Administrator Mark Reeter presented the second revision of the County Operating Budget Calendar for final review. Mr. Reeter advised the Board that upon request from Dr. Alan Lee, the joint meeting with the School Board was rescheduled from May 13 to May 19. In addition, Mr. Reeter advised the Board that several Board members had conflicts with the May 20 and 24 meetings to receive departmental and agency reports, and another Board member has a conflict with the June 3 budget adjustment worksession.

Discussion ensued.

The Board decided by consensus to reschedule the May 24 (second workshop meeting to receive departmental and agency reports concerning FY 2004-2005 County Operating Budget Requests) to May 26, and to reschedule the June 3 (second workshop for adjustments to the County Administrator's Recommended FY 2004-2005 County Operating Budget) to June 2.

Mr. Reeter advised the Board that at their stations were drafts of the May 17 meeting for the presentation of the County Administrator's recommended FY 2004-2005 County Operating Budget and the May 19 joint Board of Supervisors/School Board Workshop Meeting on proposed FY 2004-2005 School Budget.

10. County Attorney Reports

a. Notice and Hearing Regarding Atmos Energy Application for Increase in Rates

County Attorney Lucy Phillips reported to the Board that Atmos Energy has filed an application with the State Corporation Commission for an increase in rates. Atmos seeks to increase its annual revenues by \$949,111, an increase of approximately 2.13 percent in overall revenues.

In another matter, Ms. Phillips advised the Board that provided at their stations were copies of the County's response to the annexation case that were provided to the Commission on Local Government.

11. Board Information

Mr. Reeter drew attention to materials in the Board Information section. Particularly correspondence from the Virginia Department of Transportation (VDOT) concerning changes to the Rural Addition Roads Program; correspondence from the Southwest Regional Jail Authority regarding the FY 2004-05 per diem estimate; memo from Administrative Supervisor Naoma Mullins relative to expiring

appointments to Boards and Commission as of June 30, 2004, and correspondence from VDOT containing the results of the speed/safety study of State Route 1718 (Westinghouse Road).

12. Consent Agenda

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

- a. Payment of Bills – May 2004*
- b. Revenue Refunds – Building Permit Fees*
- c. Supplemental Appropriations – Dry Well Replacement Project*
- d. Revenue Refunds – Animal Sterilization Fees*
- e. Departmental Line-Item Transfers – Washington County Sheriff’s Office*
- f. Supplemental Appropriations – Forfeited Asset Sharing Fund*
- g. Budget Status Reports for April 30, 2004*

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

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| <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 Tony Rector thanked the Board members for the flowers, cards and expressions of sympathy to his family during the loss of his father.

14. Closed Meeting

- a. Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711 (A)(5) for discussion concerning a prospective business or industry where no previous announcement has been made of the business’ or industry’s interest in locating its facilities in the community for potential new development in the Wilson Magisterial District**

On motion of Mr. Ingle, second by Mr. Rector, it was resolved to convene in Closed Meeting pursuant to Virginia Code Section 2.2-3711 (A)(5) for discussion concerning a prospective business or industry where no previous announcement has been made of the business’ or industry’s interest in locating its facilities in the community for potential new development in the Wilson Magisterial District, and to include County Administrator Mark Reeter, Assistant County Administrator Christy Parker and Richard Cranwell (via teleconference).

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

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| <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. Ingle, second by Mr. Rector, and unanimous vote in favor, 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. Rector, 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)

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|----------------------|------------|
| <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. Recess to 7:00 PM, May 17, 2004 for Presentation of County Administrator's Proposed & Recommended County Operating Budget for FY 2004-2005

On motion of Mr. Rector, second by Mrs. Mumpower, it was resolved to recess to 7:00 PM, May 17, 2004 for Presentation of County Administrator's Proposed & Recommended County Operating Budget for FY 2004-2005

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