

**VIRGINIA:**

At a regular meeting of the Washington County Board of Supervisors held Tuesday, March 8, 2005, 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 (left at 7:50 PM)  
 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 Bobby Ingle gave the Invocation and led the Pledge of Allegiance.

**3. Approval of Agenda**

*On motion of Mr. Reynolds, second by Mr. Owens, it was resolved to approve the agenda 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>

4. **Approval of Minutes**

**January 24, 2005 Joint Recessed Meeting**

*On motion of Mr. McCall, second by Mr. Ingle, it was resolved to approve the minutes of the January 24, 2005, joint recessed 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>

**February 22, 2005 Regular Meeting**

*On motion of Mr. Rector, second by Mr. Owens, it was resolved to approve the minutes of the February 22, 2005, joint recessed meeting as presented.*

*The vote on this motion was as follows: (6-0-1)*

<i>Mr. Ingle</i>	<i>Abstained</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. **Request to Rezone:**

(1). *Seven Company Properties, L. L. C., Property Tax Map #124-A-44, 44A:* Request to rezone approximately 15 acres of property located on the south side of State Route F023 near the intersection of State Route F023/Route 611 from R-2 (Residential, General) to B-2 (Business, General), Wilson Magisterial District

Mr. Roberts opened the public hearing to receive comments both in support of and in opposition to the request of Seven Company Properties to rezone property.

Mr. Joe Chase, member of the Seven Company Properties, L.L.C, addressed the Board explaining that the request is to have the western side of the property in question rezoned to B-2 in order to bring the entire tract of land under the same zoning designation. The eastern side of the property is currently zoned B-2. Mr. Chase stated that there are commercial structures on the west side of the property.

***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 request of Seven Company Properties, L. L. C., to rezone approximately 15 acres of property located on the south side of State Route F023 near the intersection of State Route F023/Route 611 from R-2 (Residential, General) to B-2 (Business, General), Wilson Magisterial District.***

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

<b><i>Mr. Ingle</i></b>	<b><i>Aye</i></b>
<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. Rector</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Reynolds</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Roberts</i></b>	<b><i>Aye</i></b>

(2). Rolling Hills, L.L.C., Property Tax Map #086-A-2: Request to rezone approximately 18.26 acres of property located at the intersection of State Route 609/Route 879 from A-2 (Agricultural, General) to MHR (Residential, Manufactured Home District), Harrison Magisterial District

(3). *Claude M. Wilkinson (L.E.)*, Property Tax Map # 086-5-8: Request to rezone approximately 23.6 acres of property located on the south side of State Route 879 near the intersection of State Route 879/Route 609 from A-2 (Agricultural, General) to MHR (Residential, Manufactured Home District), Harrison Magisterial District

Mr. Roberts opened the public hearing to receive comments both in support of and in opposition to the request of Rolling Hills, L.L.C. to rezone property.

Mr. David Scyphers, partner with Rolling Hills, L.L.C., requested the Board consolidate the public hearings for the rezoning requests of Rolling Hills L.L.C. and Claude Wilkinson and the Rolling Hills L.L.C. Special Exception Permit.

The Board agreed to consolidate the public hearings.

Mr. Scyphers addressed the Board explaining that Rolling Hills, L.L.C. is requesting a 25-acre tract of land that is currently located in an A-2 (Agricultural, General) zoning district in the Harrison Magisterial District be rezoned to MHR (Residential, Manufactured Home) in order that a manufactured home park could be developed on the property. Mr. Scyphers explained that under the current zoning designation the property could be subdivided into lots for mobile homes or houses without the need for rezoning or a special exception permit. He stated that he and his business partners, however, would like to see a manufactured home park approved for the property for a number of reasons including the fact that it was his opinion that there are not many properties in the County as well suited for a manufactured home park as is this property because of its location.

Mr. Scyphers reviewed the proposed plans for the park that include pads for 50 manufactured homes, open space, a picnic area and playground for kids. Also, the park would be operated with strict rules and regulations. He stated that the property is in a good location for a manufactured mobile home park because there is water and sewer available and the site would have access from Hillman Highway, Route 11 and Interstate 81 to Enterprise Road. In addition, he noted that Abingdon Regional Jail is located

nearby to the property and Mr. Scyphers stated that employees of the Regional Jail may choose to live in the park.

Mr. Scyphers addressed concerns that were raised during the Washington County Planning Commission's meeting on February 28. Issues regarding traffic and safety were the primary concerns of the individuals who addressed the Planning Commission. He explained that a traffic study was completed by the Virginia Department of Transportation prior to the selection of the site where the Abingdon Regional Jail is located. The study determined that the road could handle the additional traffic that would be created by the Regional Jail. He confirmed that the members of the Board had been provided a copy of the traffic study for their consideration in reviewing this rezoning and special exception permit application.

In closing, Mr. Scyphers stated that there is a real need for affordable housing in Washington County, and most likely any location proposed for a manufactured home park would be met with opposition.

Supervisor Dulcie Mumpower left the meeting at this time due to illness.

At this time, a question and answer period ensued. The primary concerns discussed were vehicular access to the proposed manufactured home park, possible traffic safety issues due to the various industries that are located in the vicinity of the proposed park and which would use the same roadways as would residents of the proposed park and restrictions by County ordinance and by restrictive covenants that control nature of construction and upkeep of housing and yards in the proposed park.

Questions were raised among the Board that if the property were rezoned and a Special Exception Permit granted, if the permit would transfer should the property be sold.

County Attorney Lucy Phillips explained that if the Board granted the special exception permit, the issuance of the special exception permit would be noted on the plat in the Clerk of the Circuit Court's Office and the permit would transfer with a property sale.

Mr. Wayne Austin, partner with Rolling Hills, L.L.C., addressed the Board explaining that should Rolling Hills be permitted to develop the manufactured mobile home park the roads in the park would be built to state standards, but privately maintained. However, if the property were subdivided the road would be dedicated to the State and not controlled by Rolling Hills, L.L.C.

The following individuals spoke in opposition to the request:

Mr. John Kieffer addressed the Board on behalf of his clients, MXI, Maumee Express and Carolina Rebar Manufacturing. Mr. Kieffer explained that MXI was formerly located across from Beechwood Hills Subdivision. Due to complaints from neighbors about odors from the MXI, Maumee Express process and after a plant fire that caused a great deal of concern among the residential neighbors, MXI sought assistance from the County to relocate their business to a non-residential area. He stated that the County assisted MXI, Maumee to identify its current location as an area that would not have the same types of conflicts with nearby residences. In addition, he noted that his clients are concerned about the proposed manufactured home park due to traffic safety issues. He further stated that the proposed park is in conflict with the County's Comprehensive Plan wherein this area was identified as a specialty industrial business area.

Mr. Ron Potter addressed the Board explaining that he is the owner of MXI. Mr. Potter stated that he has 75 employees at this facility and has made a substantial investment in the business. His primary concerns

with the proposed manufactured home park are with drainage and safety issues. His business operates a considerable number of tractor-trailers in and out of the business each day hauling chemicals that could pose hazards to residents of the proposed park. Traffic and access would be a major concern should there be an emergency at MXI.

Mr. Patrick Mannix addressed the Board regarding the rezoning requests.

Mr. David Hutton addressed the Board on behalf of several landowners in the area. Mr. Hutton explained that the property owners live in the vicinity of the 4-H Center. He stated that the County Subdivision Ordinance includes language that allows the County to deny the development of a subdivision should it be proven that the subdivision is not in the best interest of the citizens, and he asked the Board to keep this in mind when making a decision on the proposed manufactured home park. Mr. Hutton further explained that the primary concerns of his clients deal with traffic issues on Hillman Highway, concerns about the water runoff from the park that could cause more safety problems and the possible devaluation of their property. He cited a section of the County's Zoning Ordinance that speaks to quiet areas and stated that the area is occupied with commercial and industrial businesses and not appropriate for a manufactured home park or subdivision.

Mr. Clyde Anderson addressed the Board explaining that he owns approximately 400 acres in the area of the proposed manufactured home park. Mr. Anderson stated that included in the County's Comprehensive Plan was a section on public opinion which states that industrial growth was important. The strategies included in the Comprehensive Plan concerning creation of jobs would not be followed if the rezoning and Special Exception Permit requests were granted. He further stated that the site owned by Rolling Hills, L.L.C., would be perfect for an industry.

Mr. Eric Miller representing American Commercial addressed the Board explaining that a year ago they purchased the former Joy Manufacturing Facility located across Old Trail Road from the proposed manufactured home park and that American Commercial employs 85 people at this location. American Commercial purchased the property because it was in an industrial area. Mr. Miller further explained that the nature of their business is steel fabrication and they operate two shifts with the second shift going until 2:00 AM. He noted that the manufacturing process creates a lot of noise.

Mr. Robert Phillips addressed the Board explaining that he lives on Hillman Highway and is concerned with the proposed manufactured home park due to traffic and safety issues because of the industries located in the vicinity.

Mrs. Brook Blevins addressed the Board expressing concerns with the proposed manufactured home park.

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

The Board discussed the request at length. The primary concerns discussed were the traffic safety issues in regards to the industrial facilities located in the vicinity. Board members agreed that there is a need for the type of development proposed by Rolling Hills, L.L.C.; however, they indicated a consensus that they did not believe this tract of land is suitable because of the heavy industrial traffic and close proximity to a heavily industrialized area.

***On motion of Mr. McCall, second by Mr. Ingle, it was resolved to follow the recommendation of the Washington County Planning Commission and deny the request of Rolling Hills, L.L.C. to rezone approximately 18.26 acres of property located at the intersection of State Route 609/Route 879 from A-***

*2 (Agricultural, General) to MHR (Residential, Manufactured Home District), Harrison Magisterial District and also to deny the request of Claude M. Wilkinson to rezone approximately 23.6 acres of property located on the south side of State Route 879 near the intersection of State Route 879/Route 609 from A-2 (Agricultural, General) to MHR (Residential, Manufacturer Home District), Harrison Magisterial District.*

*The vote on this motion was as follows: (4-2)*

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

**b. Request for Special Exception Permit:**

*(1). Rolling Hills, L.L.C., Property Tax Map #86-A-2: Request for a Special Exception Permit to construct and operate a manufactured home park consisting of approximately 50 units located at the intersection of State Route 609/Route 879 in a MHR (Residential, Manufactured Home District), Harrison Magisterial District*

The Chairman noted that the Board did not need to consider this request due to the fact that the rezoning requests of Rolling Hills, L.L.C, and Claude M. Wilkinson were not approved by the Board.

At this time the Board took a five-minute recess.

**c. Public Hearing and Consideration of Adoption of an Ordinance to Amend Section 66-223 of the Code of the County of Washington, Virginia (2002), to add "Restaurant" as a Use allowed by Special Exception Permit in the Highland Recreation Zoning District**

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

Mr. Jim Yates addressed the Board explaining the he owns Creeper Trail Cabins in Damascus, VA. Mr. Yates explained that he has constructed two home size cabins, installed a new in-ground pool and has recently purchased a hot-tub/spa to be installed and would like to construct a restaurant on the complex that would have seating capacity of between 50-75.

County Administrator Mark Reeter addressed the Board explaining that the Highlands Recreation zoning district is the most restrictive of all zoning districts and was created to protect the Mount Rogers National Forest.

Responding to an inquiry, Mr. Reeter explained that he has requested that the Virginia Creeper Trail Advisory Board examine the potential for further requests for Creeper Trail oriented commercial uses and to bring for recommendations to the County, Abingdon and Damascus as to how to treat these trail-proximate or trail oriented commercial uses.

Mr. Patrick Mannix addressed the Board regarding the proposed ordinance.

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

*On motion of Mr. Rector, second by Mr. Owens, it was resolved to follow the recommendation of the Washington County Planning Commission and approve the following ordinance:*

***AN ORDINANCE TO AMEND SECTION 66-223 OF  
THE CODE OF THE COUNTY OF WASHINGTON, VIRGINIA (2002),  
TO ADD "RESTAURANT" AS A USE ALLOWED BY SPECIAL EXCEPTION PERMIT IN THE  
HIGHLAND RECREATION ZONING DISTRICT***

*WHEREAS the Highland Recreation (HR) zoning district consists of all of the national recreation areas within the county as designated by the United States Congress; and*

*WHEREAS the intent of the HR district is to keep the use of privately owned land within the HR district in harmony with the rural American theme of the national recreation area; and*

*WHEREAS it is the intent that the primary uses will be forestry and agriculture together with certain recreational activities appropriate to the mountains; and*

*WHEREAS increased tourism in the HR district and increased recreational use has created the need for a more diverse variety of facilities to accommodate visitors to the HR district; and*

*WHEREAS the Board of Supervisors finds that operation of small restaurants in the HR district would be compatible with the intent of the HR district, consistent with other uses in the HR district, and would aid in the promotion of tourism and recreational use and would be in the best interests of the public health, safety, and welfare;*

*NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Washington, Virginia, that:*

1. *Section 66-223 of the Code of the County of Washington, Virginia, shall be amended by adding the following language designated as Section 66-223(9), highlighted by italics and underline:*

*Sec. 66-223. Special exception uses.*

*In the HR highland recreation district, the following uses or structures may be permitted only if approved by the board of supervisors for the issuance of a special exception after public hearing before the planning commission and board of supervisors as provided in this chapter:*

- (1) *Country general store and related services.*
- (2) *Day care center.*
- (3) *Group camps.*
- (4) *Off-site uses related to airport safety as defined in section 66-610.*
- (5) *Recreational vehicle parks and campgrounds.*
- (6) *Restaurants, not to exceed 1200 square feet.*
- (7) *Riding stables.*
- (8) *Sawmills.*
- (9) *Ski slopes and accessory uses, including lodging and eating establishments.*
- (10) *Utilities and public services as follows:*

- a. *Electrical power substations, electrical power transmission towers, telecommunication switching facilities and telecommunication towers and antennas.*
  - b. *Water and wastewater treatment plants.*
  - c. *Fire department offices and facilities, emergency medical rescue squad offices and facilities, law enforcement offices and facilities and other governmental offices and facilities.*
2. *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 of the Code of the County of Washington, Virginia.*
  3. *This ordinance shall become effective immediately.*

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

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

- d. **Public Hearing to Solicit Input on the Proposed Community Development Block Grant Application to be Submitted to the Virginia Department of Housing and Community Development for the Construction of a Community Services Facility in the Meadowview Community**

Mr. Roberts opened the public hearing to receive comments concerning the proposed Community Development Block Grant Application.

Mr. Brian Martin of the Mount Rogers Planning District Commission addressed the Board providing a review of the draft Community Development Block Grant (CDBG) application package to the Virginia Department of Housing and Community Development (DHCD) for the Meadowview Community Services Facility Project. Mr. Martin explained that the public hearing is the second of two hearings required by DHCD for CDGB applications.

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

Mr. Reeter explained to the Board that at this time no County matching funds were required for this project.

*On motion of Mr. Rector, second by Mr. McCall, it was resolved to adopt the following resolution:*

***RESOLUTION 2005-04***

***WHEREAS, pursuant to two (2) public hearings held February 22, 2005 and March 8, 2005, Washington County wishes to apply for \$700,000 of Community Development Block Grant funds for the Meadowview Community Services Facility and Health Clinic Project, and,***

*WHEREAS, at least \$500,000 of local match (federal, state, local, and private combination) will also be expended on this project, and,*

*WHEREAS, it is anticipated that the Meadowview Community Services Facility and Health Clinic will address unmet medical and healthcare needs in Meadowview community and positively impact the lives of the residents which needs assessment surveys indicate are 63% low-to-moderate income.*

***NOW THEREFORE BE IT RESOLVED*** by the Board of Supervisors of Washington County, Virginia that the County Administrator is hereby authorized to sign and to submit the appropriate documents for this Community Development Block Grant application.

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

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

In another matter, it was consensus of the Board to direct the County Administrator to send a resolution to Senator John Warner, Senator George Allen and Congressman Rick Boucher requesting their support for continued funding of the CDBG Program in the federal budget.

## **6. Consideration of Performance Agreement for Alpha Natural Resources**

Assistant County Administrator Christy Parker addressed the Board. Ms. Parker provided background information on Alpha Natural Resources, LLC, explaining that they were a leading coal producer in the region operating 44 active underground mines, 20 active surface mines and 11 preparation plants located in Virginia, West Virginia, Kentucky, Pennsylvania and Colorado. Alpha was formed through combining certain assets of Pittston Coal Company, Coastal Coal Company, Paramount Coal and other companies. Alpha opened their first office in Abingdon in 2002 and today has outgrown their initial office space and utilize four separate buildings in the Abingdon area to house their executives and support staff. Last fall, Alpha began to consider various locations in the region including sites in Bristol, Virginia and Tennessee, for a new corporate headquarters and consolidated offices.

Ms. Parker explained that Washington County and the Town of Abingdon partnered together to submit an incentive package to Alpha to attract this new investment to the Stonemill Business and Technology Park adjacent to the Higher Education Center. Washington County's incentive as outlined in the Performance Agreement is a \$150,000 Performance Grant that will be made available through the Industrial Development Authority. She further explained that the agreement was three part including Washington County, the IDA and Alpha. If the Board acts to approve the Performance Agreement, it will then go to the IDA for approval. Ms. Parker advised the Board that the Town of Abingdon had approved their own Performance Agreement with Alpha for their respective incentives.

Discussion ensued among the Board.

*On motion of Mr. Ingle, second by Mr. Rector, it was resolved to transfer \$150,000 to Line-Item 81520-5652 - Industrial Development Authority from Line-Item 94411-5687 – State Route 1717 Relocation Project Revenue Sharing matching funds (current unobligated balance of \$161,427.00) to be used as a Performance Grant for Alpha Natural Resources and to approve the Performance Agreement to be executed by the Board of Supervisors, Alpha Natural Resources and the Industrial Development Authority.*

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

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

*Scrivener's Note: The above referenced Performance Agreement may be found in Minutes Exhibit 2005-03-08A.*

#### **7. Consideration of Supplemental Appropriation to Abingdon Senior Service**

There were no representatives present from Abingdon Senior Services for this item. Therefore, the item was deferred to the March 22 Board meeting.

#### **8. Recess**

The Board took a recess earlier in the meeting.

#### **9. County Administrator Reports:**

##### **a. VDOT Review of New County Subdivision Ordinance**

County Planner Wally Horton provided the Board with a brief overview of the Virginia Department of Transportation's (VDOT) review of the New County Subdivision Ordinance. Mr. Horton explained that during the last year VDOT staff has been reviewing all county subdivision ordinances statewide. The purpose of the statewide review is to determine whether counties qualify for continued Rural Additions Program funding. He further explained that during VDOT's review of the new County Subdivision Ordinance certain key elements of the Ordinance were identified that do not meet with VDOT's approval in order for Washington County to remain eligible to participate in the Rural Additions Program.

Mr. Horton explained that VDOT's primary issue with the new County Subdivision Ordinance is family subdivisions. The following is an outline of VDOT's concerns:

1. Family Withheld Streets – The ordinance as adopted would require these rights of way to be forty feet or greater in width. Section 15.2-2244 of the Code of Virginia addresses family divisions of land and specifies that any reserved rights of way for a family division be between ten and twenty

feet in width. The County's subdivision ordinance cannot require widths more restrictive than the Code of Virginia.

2. According to VDOT's Local Assistance Division, Washington County is the only County that is distinguishing between publicly dedicated streets and streets withheld from public dedication. If the County wishes to maintain its rural addition funding, any access serving more than two properties is to be considered a street and built to VDOT standards. Failure to do so could result in the loss of the County's rural addition authority. The family division provision, as written, is poised to allow family developers an approach that can be used to circumvent ordinance requirements for new streets.
3. Pre-existing private rights of way that currently service more than two properties are grandfathered, provided there are no further divisions. Any subsequent division that would result in three or more properties being served by the right of way would require that the road be brought to VDOT's current standards, to protect the County's rural addition authority.
4. As the Code of Virginia specifies that rights of way for family divisions can only be between ten and twenty feet in width, VDOT considers any right of way greater than twenty feet in width to be a street and cannot be treated as a family division.

Mr. Horton stated that in light of VDOT's findings with the new County Subdivision Ordinance, he needs guidance from the Board as to the direction they would like the Joint Land Use Steering Committee to follow in recommending amendments to the ordinance if they wish to continue eligibility in the Rural Additions Program.

The Board devoted substantial discussion to this item. Subsequently, the following action was taken:

***On motion of Mr. Rector, second by Mr. Owens, it was resolved to revise the Board's February 8 instructions to the Joint Land-Use Steering Committee to request the Committee review VDOT's February 24 correspondence and bring forth recommended changes to the new County Subdivision Ordinance consistent with VDOT's requirements.***

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

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

## **10. County Attorney Reports**

- a. Consideration of Suggested Change in Membership Provisions for Smyth-Washington Regional Industrial Facilities Authority Board of Directors

County Attorney Lucy Phillips addressed the Board explaining that the Board of Directors for the Smyth—Washington Regional Industrial Facilities Authority (SWIFA) currently has a membership term

limit of two terms. The Smyth and Washington County ordinances and the SWIFA By-laws currently provide that appointees may be appointed for only one additional term after their original term of appointment because state law established that limitation at the time that SWIFA was created. State law has since been amended to allow appointment for additional terms without limitation on the number of additional terms. Therefore, SWIFA proposes that the rules governing the membership of the SWIFA Board of Directors be amended to allow members of the SWIFA Board to serve more than one additional term after their original term of appointment.

Discussion ensued among the Board. It was consensus of the Board to direct the County Attorney to prepare the proposed amendment to the County Ordinance.

#### **11. Board Information**

Mr. Reeter reviewed information contained in the Board Information section of the Agenda. Particularly, the Virginia Association of Counties Capital Contact that includes the approval of FY 2004-06 State Budget Amendments by the General Assembly, correspondence from the National Flood Insurance Program and from the Washington County Park Authority.

#### **12. Consent Agenda**

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

- a. Payment of Bills – February 2005*
- b. Revenue Refunds – Animal Sterilization Fee*
- c. Revenue Refund – Building Permit Fee*
- d. Canceled Checks – General Fund*
- e. Budget Status Reports for February of 2005*

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

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</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 asked the Board to conduct a special called meeting as soon as possible for the purpose of allowing the citizens of Washington County to address issues concerning their real estate tax reassessment. Mr. Rector requested that Melvin Ritchie, Commissioner of the Revenue, Fred Parker, Treasurer, Senator William Wampler, Delegate Joe Johnson, County Administrator Mark Reeter, County Attorney Lucy Phillips and the tax assessors be asked to attend the meeting.

The Board discussed this request at length. Most Board members felt that the public hearing scheduled for May 12 on the proposed FY 2005-06 budget would be the appropriate time for citizens to address the Board.

There was a motion made by Mr. Rector to call a special meeting of the Board and to invite Melvin Ritchie, Commissioner of the Revenue, Fred Parker, Treasurer, Senator William Wampler, Delegate Joe Johnson, County Administrator Mark Reeter, County Attorney Lucy Phillips and the tax assessors.

The motion died for a lack of a second.

In another matter, Mr. Rector reported that he has received several complaints from contractors that they cannot obtain permits from the County Building Department after 4:15 PM. He asked the County Administrator to review this policy and consider a 5:00 PM cutoff time for issuing permits.

Mr. Reeter explained that the cutoff time of 4:15 is posted at the Building Inspection office and has been the practice for a number of years. He further explained that there has to be a cutoff time at some point in late afternoon due to the processing time for certain types of permits; otherwise, you have business running until after 5:00 PM.

In a related matter, Supervisor Kenneth Reynolds requested a review of the policy for reviewing subdivision plats in the absence of the County Zoning & Subdivision Official. Mr. Reynolds stated that he had received complaints that the County did not have another staff person trained to sign final plats in the County Zoning & Subdivision Official's absence.

Mr. Reeter explained that state law allows the County 45 days to review and execute a plat. He further explained that in the absence of the County Zoning & Subdivision Official he is authorized to execute final plats as the County's Subdivision Agent, but takes a risk in doing so because of the fact in most cases he is not familiar with the history of a particular plat and therefore does not know if the final plat being offered for execution is consistent with the approved preliminary plat reviewed by the County Zoning & Subdivision Official. Mr. Reeter stated that once the new County Subdivision Ordinance takes effect on July 1 there will be a new and more methodical approach to review of subdivision plats that will greatly differ from the current process now in use.

Substantial discussion was devoted to these issues concerning the policies of the cut off time for issuing permits and signatures on plats in the County Zoning Administration and Building Inspection Departments. It was consensus of the Board to direct the County Administrator to review these policies with the management staff of these departments.

Supervisor Phillip McCall reported that the Washington County Service Authority with the assistance of Brandon Moore now has a Geographic Information System (GIS) in place. Mr. Moore was formerly the County's GIS Department Manager before leaving this position to begin his own consulting business.

14. **Closed Meetings:**

- a. Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(7) for consultation with the County Attorney and with retained legal counsel, Richard Cranwell by teleconference, where such consultation and briefing in open meeting would adversely affect the negotiations or litigating posture of the Board of Supervisors and which require the provision of legal advice by legal counsel regarding probable litigation in the matter of the landowner-initiated annexation petition filed against Washington County and City of Bristol by Leonard L.P., Henard Enterprises, Inc., J. H. Spurgeon, R&J Development Co. LLC, and Crown Point Development, Inc.
- b. Request for Closed Meeting pursuant to Virginia Code 2.2-3711(A)(5) for discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; specifically expansion of an existing industry

*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)(7) for consultation with the County Attorney and with retained legal counsel, Richard Cranwell by teleconference, where such consultation and briefing in open meeting would adversely affect the negotiating or litigating posture of the Board of Supervisors and which require the provision of legal advice by legal counsel regarding probable litigation in the matter of the landowner-initiated annexation petition filed against Washington County and City of Bristol by Leonard L.P., Henard Enterprises, Inc., J. H. Spurgeon, R&J Development Co. LLC, and Crown Point Development, Inc. It was further resolved to convene in Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(5) for discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; specifically expansion of an existing industry. The Closed Meetings shall include County Administrator Mark Reeter, County Attorney Lucy Phillips and Assistant County Administrator Christy Parker. Mr. Richard Cranwell will participate via teleconference in the first Closed Meeting only.*

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

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

*After returning to the meeting, the Chairperson noted that upon motion of Mr. Ingle, second by Mr. Owens, and favorable vote, the Board of Supervisors reconvened in open meeting. The Chairperson called for any participant in the closed meeting(s) who believed that there was a departure from the requirements of the Virginia Freedom of Information Act during the closed meeting(s), to state the substance of the departure that they believed took place. No members of the Board responded to the Chairperson's call for statements.*

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

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

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</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 6:00 PM March 22, 2005 for Presentation of FY 2005-06 Revenue Estimates**

*On motion of Mr. Rector, second by Mr. Owens, it was resolved to recess the meeting to 6:00 PM March 22, 2005 for Presentation of FY 2005-06 Revenue Estimates.*

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

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

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**Prepared by:**

\_\_\_\_\_  
Naoma A. Mullins, Recording Clerk

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

\_\_\_\_\_  
John B. Roberts, Sr., Chairman