

**VIRGINIA:**

At a regular meeting of the Washington County Board of Supervisors held Tuesday, May 24, 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  
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 Phillip McCall gave the Invocation and led the Pledge of Allegiance.

**3. Approval of Agenda**

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

- |                              |   |
|------------------------------|---|
| <i>Addition of Item 6.a.</i> | <i>Presentation of Abingdon Historic District Commercial Center Proposal</i>  |
| <i>Addition of Item 6.b.</i> | <i>Consideration of Request by Washington County Industrial Development Authority Concerning Rezoning of Property</i>                               |
| <i>Addition of Item 8.a.</i> | <i>Proposed Resolution to Proceed with Abandonment of northernmost 0.3 mile segment of State Route 815 (Lorimer Lane) in the Alvarado Community</i> |
| <i>Addition of Item 8.b.</i> | <i>Review of Draft Ordinance to Amend Administrative Fees for Collection of Delinquent Taxes and other Charges Owed to County</i>                   |

*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**

**May 3, 2005 Recessed Meeting**

*On motion of Mr. Rector, second by Mr. Ingle, it was resolved to approve the minutes of the May 3, 2005, recessed meeting as presented.*

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

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

**May 5, 2005 Recessed Meeting**

*On motion of Mr. Rector, second by Mr. Ingle, it was resolved to approve the minutes of the May 5, 2005, recessed meeting as presented.*

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

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

**May 10, 2005 Regular Meeting**

*On motion of Mr. Rector, second by Mr. Ingle, it was resolved to approve the minutes of the May 10, 2005, 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> |

**May 12, 2005 5:30 PM Recessed Meeting**

*On motion of Mr. Rector, second by Mr. Ingle, it was resolved to approve the minutes of the May 12, 2005, 5:30 PM 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> |

**May 12, 2005 7:00 PM Recessed Meeting**

*On motion of Mr. Rector, second by Mr. Ingle, it was resolved to approve the minutes of the May 12, 2005, 7:00 PM 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> |

**5. Consideration of Appointments to Various Boards and Commissions Expiring June 30, 2005**

Appointments deferred to the June 14, 2005, regular meeting.

**6. Consideration of Resolution to Recognize the Korean War Veterans from Washington County in Anticipation of May 29, 2005, Memorial Day Service at Abingdon's Veterans Memorial Park**

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

**RESOLUTION 2005-12  
RECOGNIZING WASHINGTON COUNTY  
VETERANS OF THE KOREAN WAR**

*WHEREAS thousands of American servicemen and women answered the nation's call to come to the aid of an ally, the Republic of Korea, to halt communist aggression when North Korea invaded that nation in 1950; and*

*WHEREAS, the halting of communist aggression in Korea was essential to the fight for democracy not only in the Republic of Korea but also throughout the world; and*

*WHEREAS many of those men and women were from Washington County, Virginia, who were then ready as they had been from the beginning of this nation to sacrifice their lives and liberty in order that others may be free; and*

*WHEREAS twenty-eight young men from Washington County, Virginia, gave their lives in the Korean War; and*

*WHEREAS the people of Washington County have always been ready, willing, and able to answer the call of their nation beginning with the Overmountain Men during the American Revolution and have always played an instrumental and pivotal role in the ongoing fight for freedom; and*

*WHEREAS men and women of Washington County continue to proudly serve in the country's armed forces throughout the world;*

*NOW THEREFORE BE IT RESOLVED, that the Washington County Board of Supervisors and the citizens of Washington County do hereby recognize and honor the service men and women who served in the Korean War; and*

*BE IT FURTHER RESOLVED that the Washington County Board of Supervisors and the citizens of Washington County further acknowledge our indebtedness to all the service men and women and their families who have given and continue to give of their lives, hopes, and dreams so that others may be free.*

*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.a Presentation of Abingdon Historic District Commercial Center Proposal**

Local Artist John Sauers made a presentation to the Board regarding the concept of constructing and developing a commercial center near the Arts Depot in Abingdon. Mr. Sauers explained that the proposed commercial center would include special retail shops and restaurants, and would provide visitors and residents with something to do after 5:00 PM, as the center would remain open until 9:00 PM. The proposed location for the commercial center is on property located between Fuller and Preston Streets, which are outside of the Historic District. If the project were successful it would be a significant tool for economic development in Washington County. Mr. Sauers advised the Board that funding for the project would be secured through private investment. In closing, Mr. Sauers asked that if the Board saw merit in the project that they consider adopting a resolution in support of the concept and submitting it to the Town of Abingdon.

**6.b. Consideration of Request by Washington County Industrial Development Authority Concerning Rezoning of Property**

Washington County Industrial Development Authority (IDA) Chairman Russell Owens addressed the Board explaining that at a recent meeting of the IDA, a presentation was made by several industries including Hapco, American Commercial and MXI, Inc. concerning the need to possibly rezone property in the vicinity of the intersection of Old Trail Road and Hillman Highway from agricultural to industrial.

Mr. Owens explained that the industries are located on the opposite side of Old Trail Road; however, their trucks travel this road daily. He stated that the IDA listened to the industries' concerns regarding various public safety issues. Therefore, the IDA voted to request the Board of Supervisors consider a County initiated rezoning of the property in the vicinity of the intersection of Old Trail Road and Hillman Highway from agricultural to industrial.

The Board devoted considerable discussion to the request from the IDA.

Responding to an inquiry from the Board, County Administrator Mark Reeter explained that if the Board were to rezone the property in question it would not prevent the development of a residential subdivision at this location. The current owners of this property have already received approval of a preliminary subdivision plat for a site built single-family residential development. Approval of a preliminary subdivision plat gives property owners the right to develop the property residentially pursuant to Virginia law regardless of a subsequent change in the zoning of the property. The other properties in this area may be considered for rezoning since no preliminary subdivision plats have been filed for residential development at this time.

The Board agrees with the concerns expressed to the IDA by the industry representatives. However, before the County should consider the proposed rezoning of the property in question all property owners should be notified of the proposed rezoning.

It was consensus of the Board to direct IDA Chairman Russell Owens and Assistant County Administrator Christy Parker to approach the landowners concerning the proposed rezoning of the above-mentioned property.

7. **County Administrator Reports:**

a. **Presentation of Proposed Amendment to County Zoning Ordinance Regulating the Location of Adult-Oriented Business**

County Planner Wally Horton provided the Board with a review of the proposed amendment of the County Zoning Ordinance regulating the location of adult-oriented business. Key elements of the amendment include:

1. A section covering definitions. This section is important because, to effectively and legally regulate adult uses, a jurisdiction must be clear in how it is to define such uses.
2. A section that clearly states the County's intentions in imposing regulations upon adult uses and the "lens" through which the County will examine various merits or the lack thereof of any specific adult use proposal that comes before the Planning Commission for recommendation to the Board, and the Board of Supervisors for final decisions in regard to granting or denying special exception permits for such uses.
3. A section covering requirements (special exception permit and zoning districts where special exceptions for an adult uses can be granted by the governing body). These requirements build upon the intent of the adult uses regulations by articulating where the County believes should never be considered in light of the ordinance intent, and where the County believes that adult uses might be permitted under certain circumstances.
4. A section that sets requirements and standards. This section fleshes out the distance requirements for any adult use in either a B-2 or M-2 zoning district in order to accomplish the intent of the ordinance amendment and to further establish parameters within which a proposal may be granted a special exception permit.

Mr. Horton explained that he worked with the County Geographic Information Systems staff in setting the distance requirements and standards. It was found that proposed distance requirements provide some opportunities for possible permit applications in the B-2 and M-2 zoning districts while not excluding them entirely, which would be illegal.

Mr. Horton stated that in the course of determining distance requirements, it became clear that the present wording of Section 66-10 of Chapter 66 of the County Code is vague and open to the possibility of different interpretations. As a result, that section has been rewritten to specifically detail how distances between and from uses, properties and zoning districts are to be measured. Section 66-10 was originally amended into the County Zoning Ordinance as part of the amendment addressing substance abuse treatment facilities that also require distance buffers. The proposed rewrite of this section will work for both.

Discussion ensued among the Board.

Responding to an inquiry from the Board, Mr. Reeter explained that State law requires the County to allow adult oriented businesses, but that the County can heavily regulate such facilities and where they would locate. All requests for such businesses require that a special exception permit be obtained.

***On motion of Mr. Ingle, second by Mr. Rector, the Board acted to authorize the draft Adult Use Ordinance be advertised for public hearing before the Planning Commission at their June meeting and a public hearing before the Board of Supervisors on July 12, 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> |

**8. County Attorney Reports:**

**a. Proposed Resolution to Proceed with Abandonment of Northernmost 0.3-mile segment of State Route 815 (Lorimer Lane) in the Alvarado Community**

County Attorney Lucy Phillips addressed the Board explaining that at the Board’s regular meeting on March 22, 2005, the Board authorized County staff to proceed with steps necessary for the Board to abandon the northernmost 0.3 mile segment of State Route 815 (Lorimer Lane) in the Alvarado Community. As required by statute, signs to notify of the possible abandonment were posted on April 29, 2005, in three places alongside the road. The statute also requires that the County give notice to the Commissioner of Transportation of the proposed abandonment. The resolution proposed for adoption by the Board would be used to give official notice to the Commissioner of the proposed abandonment and schedule of the Board’s consideration of the issue.

*On motion of Mr. Rector, second by Mr. Owens, it was resolved to adopt the following resolution and to send notice to the Commissioner of Transportation of the proposed abandonment of the northernmost 0.3 mile segment of State Route 815:*

**RESOLUTION 2005-13**

*WHEREAS, it appears to the Board of Supervisors of the County of Washington, Virginia, that the owner of property abutting the northernmost 0.30 section of Secondary Route 815 (section of Lorimer Lane) has indicated that this portion of road serves no public necessity and is no longer necessary as a part of the Secondary System of State Highways and has, therefore, requested abandonment of this section of Lorimer Lane; and*

*WHEREAS, at its regular meeting on March 22, 2005, this Board indicated its consensus to proceed with the steps to abandon the section of Lorimer Lane as requested by the landowner; and*

*WHEREAS, on April 29, 2005, notice of intent to abandon this section of Lorimer Lane was posted alongside the road in three places, as required by section 33.1-151 of the Code of Virginia; and*

*NOW, THEREFORE, BE IT RESOLVED that this Board will consider abandonment of the aforementioned section of road at its meeting on June 14, 2005, pursuant to § 33.1-151 of the Code of Virginia of 1950, as amended; and*

*BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Commissioner of the Virginia Department of Transportation.*

*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. Review of Draft Ordinance to Amend Administrative Fees for Collection of Delinquent Taxes and other charges owed to County**

Ms. Phillips addressed the Board explaining that the Code of Virginia was amended to allow for the assessment of administrative fees upon persons chargeable with delinquent fees owed to the County. The Code previously allowed collection of such fees upon persons chargeable with delinquent taxes, and the Board of Supervisors adopted an ordinance to allow collection of such fees. The draft ordinance would amend the County Code to allow additionally the collection of administrative fees from persons chargeable with other delinquent charges. The ordinance would also amend the Code to set the administrative fees in amounts currently allowed by State law.

It was consensus of the Board to authorize the County Attorney to advertise for a public hearing on the proposed ordinance at the June 14 regular Board of Supervisors meeting.

**9. Board Information**

Mr. Reeter reviewed information contained in the Board Information section of the Agenda. Particularly the 2005 Legislative Summary provided by the Virginia Association of Counties and the notice of the 2<sup>nd</sup> Annual County Employee picnic scheduled for August 7 at 4:00 PM.

**10. Consent Agenda**

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

- a. Canceled Check-General Fund*
- b. Supplemental Appropriation – School Textbook Fund*

*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 Member Reports**

Supervisor Odell Owens reported that he had been contacted by General Services Manager Frank Canter concerning piles of tires on Goose Creek Road and in the Benhams area. The dumps have been reported to the State Police.

**12. Recess to 7:00 PM May 25 for Second Board of Supervisors Workshop Meeting for Adjustments to County Administrator’s Recommended FY 2005-2006 County Operating Budget**

*On motion of Mr. Ingle, second by Mr. Rector, it was resolved to recess to 7:00 PM May 25 for second Board of Supervisors Workshop Meeting for adjustments to County Administrator’s Recommended FY 2005-2006 County Operating Budget.*

*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> |

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**Prepared by:**

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

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

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John B. Roberts, Sr., Chairman