V I R G I N I A:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, July 12, 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 Tony Rector gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

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

Addition of New Item 4.a.	***Presentation by Ecumenical Faith in Action***
Addition of New Item 14.a.	***Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(5) for discussion concerning 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 prospective businesses proposed for location in The Highlands commercial development at Exit 7***

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. McCall, it was resolved to approve the minutes of the June 28, 2005, regular meeting as presented.

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

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

4.a. Presentation by Ecumenical Faith in Action

Ms. Kathy Lowe, Executive Director of Ecumenical Faith in Action, addressed the Board expressing appreciation for the Board's financial support of the organization. Ms. Lowe shared a story of how the community recently came together to assist four children whose mother had died to find clothing to wear to her funeral.

5. Public Hearings:

a. Requests for Rezoning:

(1). *K-Va-T Food Store, Inc., Property Tax Map #086-9-3A*: Request to rezone approximately 3.36 acres of property located on the South side of Galliher Drive near the intersection of Galliher Drive and State Route 609 fromA-2 (Agricultural, General) to M-1 (Industrial, Limited), Harrison Magisterial District

County Administrator Mark Reeter addressed the Board explaining that this property was inadvertently left out of the initial rezoning of adjoining property that was previously rezoned at the request of the Industrial Development Authority of Washington County.

Mr. Roberts opened the public hearing and invited comments both in support of and in opposition to the application of K-Va-T Food Store, Inc., to rezone property.

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 K-Va-T Food Store to rezone approximately 3.36 acres of property located on the South side of Galliher Drive near the intersection of Galliher Drive and State Route 609 from A-2 (Agricultural, General) to M-1 (Industrial, Limited), Harrison Magisterial District.

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

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

(2). *Peggy E. Spiva, Property Tax Map #118-3-1*: Request to rezone approximately 10.75 acres of property located on the Northwest side of State Route 700 near the intersection of Route 700/Route 634 from R-2 (Residential, General) to A-1 (Agricultural, Limited), Tyler Magisterial District

Mr. Roberts opened the public hearing and invited comments both in support of and in opposition to the application of Peggy E. Spiva to rezone property.

Ms. Peggy Spiva addressed the Board explaining that she wishes to have the property in question rezoned from R-2 (Residential, General) to A-1 (Agricultural, Limited) in order to operate a small dog kennel with future plans to expand the business to offer pet grooming services.

Discussion ensued among the Board.

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

On motion of Mr. Owens, second by Mrs. Mumpower, it was resolved to follow the recommendation of the Washington County Planning Commission and approve the application of Peggy E. Spiva to rezone approximately 10.75 acres of property located on the Northwest side of State Route 700 near the intersection of Route 700/Route 634 from R-2 (Residential, General) to A-1 (Agricultural, Limited), Tyler Magisterial District.

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

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

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

b. Requests for Special Exception Permit:

(3). *Peggy E. Spiva, Property Tax Map #118-3-1*: Request for a Special Exception Permit to construct and operate a small business in general, more specifically a dog kennel for the purpose of boarding and breeding, on property located on the Northwest side of State Route 700 near the intersection of Route 700/Route 634 in an A-1 (Agricultural, Limited) zone, Tyler Magisterial District

Mr. Roberts opened the public hearing and invited comments both in support of and in opposition to the application of Peggy E. Spiva for a Special Exception Permit.

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

Discussion ensued among the Board.

Responding to an inquiry from the Board concerning the stipulations the Planning Commission placed on the recommended approval of the special exception permit that the applicant meet all local health department requirements as well as State Veterinarian requirements; limit the applicant to no more than five breeding dogs and no more than six boarders at one time and that the building is not to exceed 12' X 28' with outside runs, a chain link fence and heated facilities, Ms. Spiva stated that she would comply with the stipulations.

On motion of Mr. Owens, second by Mrs. Mumpower, it was resolved to follow the recommendation of the Washington County Planning Commission and approve the application of Peggy E. Spiva for a Special Exception Permit to construct and operate a small business in general, more specifically a dog kennel for the purpose of boarding and breeding, on property located on the Northwest side of State Route 700 near the intersection of Route 700/Route 634 in an A-1 (Agricultural, Limited) zone, Tyler Magisterial District with the following stipulations: (1) the applicant meet all local health department requirements as well as State Veterinarian requirements; (2) limit the applicant to no more than five breeding dogs and no more than six boarders at one time; and (3) the building is not to exceed 12' X 28' with outside runs, a chain link fence and heated facilities.

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). *Anna S. Morrison on behalf of Highlands Log Structures, Property Tax Map #086-5-15*: Request for a Special Exception Permit to expand and operate a light industrial use, more specifically, retail log structures on property located on the Northwest side of Route F-274 near the intersection of Route F-274/Rt. 879 in an a-2 (Agricultural, General) zone, Harrison Magisterial District

Mr. Roberts opened the public hearing and invited comments both in support of and in opposition to the application of Anna S. Morrison on behalf of Highlands Log Structures for a Special Exception Permit.

Mr. Winston Johnson, owner of Highlands Log Structures, addressed the Board explaining that his plans are to expand the existing log structure facility by purchasing an additional six acres of property adjacent to the current site that would be used for a log yard where the homes would be constructed. Also, there are future plans to construct a metal storage building on the backside of the property that would not be visible from the interstate.

Discussion ensued among Board.

There being no further 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 Anna S. Morrison on behalf of Highlands Log Structures for a Special Exception Permit to expand and operate a light industrial use, more specifically, retail log structures on property located on the Northwest side of Route F-274 near the intersection of Route F-274/Rt. 879 in an a-2 (Agricultural, General) zone, Harrison Magisterial District.

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

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

c. Public Hearing and Consideration of Adoption of an Ordinance to Amend Section 66-10 and to Enact Article XIII, Adult Uses as part of Chapter 66 of the Code of the County of Washington, Virginia (2002)

County Planner Wally Horton addressed the Board providing an overview of the proposed ordinance. In response to questions from Mr. Rector, Mr. Horton explained that amendment of section 66.10, the measurement section, was included in the proposed ordinance because the language in section 66.10 of the County Code concerning measurement requirements was vague and revisions were needed to make this section more clear. He reviewed the section that defines adult uses. Specifically, he pointed out that the proposed ordinance states that adult entertainment establishment means a restaurant, nightclub, private club, or similar establishment that features, on a regular basis, live performances or other employment related activities involving persons who are nude or seminude. Further any establishment that features such performances or other employment-related activities more than one day in a 30-day period shall be

deemed to be an adult entertainment establishment. Mr. Horton reviewed the buffer zone requirements for all adult-oriented businesses and stated that these establishments will be allowed only by special exception permit in B-2 (Business, General) and M-2 (Manufacturing, General) zoning districts. In conclusion, Mr. Horton reviewed the distance requirements and standards.

The Board devoted substantial discussion to the proposed ordinance regulating adult uses. Among their concerns was the definition defining an adult entertainment establishment and whether the described activities had to be allowed on the one-day p4er month basis, as would be the case with the definition, as proposed.

County Attorney Lucy Phillips addressed the Board concerning the definition of adult entertainment establishments where by definition it says that the described activity would be considered on a regular basis if it occurred more than one day a month. Ms. Phillips stated if the definition did not include that one day per month language and instead said an establish that did any of these activities at any time that it would not be a complete prohibition of the type of business because all the proposed ordinance does is establish buffer and location requirements.

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

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

On motion of Mr. Rector, second by Mr. Owens, it was resolved to adopt the following ordinance with revisions to the definition of an adult entertainment establishment, as noted herein:

AN ORDINANCE
TO AMEND SECTION 66-10 AND
TO ENACT ARTICLE XIII. <u>ADULT USES</u> AS PART OF CHAPTER 66
OF THE CODE OF THE COUNTY OF WASHINGTON, VIRGINIA (2002)

WHEREAS, with accelerated business and residential growth in the County of Washington, Virginia, pressures between competing business activities and residential interests have also grown; and

WHEREAS, one example of such competing interests involves the arrival in the County of Washington and in other nearby localities of adult-oriented businesses, which has created concerns regarding the effects of such types of businesses on surrounding uses; and

WHEREAS, the Board of Supervisors of the County of Washington, Virginia, finds it in the best interests of the public health, safety, and welfare to use the zoning ordinance of the county to accommodate the possible location in the county of adult uses businesses as well as to protect the surrounding uses from the potential deleterious effects of such businesses if improperly located;

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

1. That Chapter 66, Section 66-10 of the Code of the County of Washington, Virginia (2002) is hereby amended as follows:

~~Sec. 66-10. Measurements.~~

~~Where the provisions of this chapter call for distances between a permitted use or activity and another use or activity, the distance shall be measured from the nearest property boundary lines or to the nearest part of the main use structures on or in which the uses or activities are located or conducted, unless specified otherwise herein. The zoning administrator shall accept measurements taken using the county geographic information system database or field survey certified by a licensed engineer or surveyor.~~
~~(Ord. No. 2004-03, § 1, 3-15-2004)~~

Sec. 66-10. Measurements.

(a). Where the provisions of this chapter call for distances between a permitted use or activity and another use or activity, the distance shall be measured as follows,

1. ***If structures are present on both properties, the distance shall be measured between the nearest parts of the main use structures on or in which the use or activity is to be located or conducted on each parcel.***
2. ***If no structure is present on one of the properties, then the distance shall be measured between the nearest part of the main use structure on or in which the use or activity is located on one parcel to the nearest property boundary line of the property without a structure.***
3. ***If no structure is present on either property, then the distance shall be measured between the nearest property boundary lines of each property.***

(b). Where the provisions of this chapter call for distances between a zoning district and another use or activity, then the measurement shall be measured as follows:

1. ***If a structure is present on the parcel on which the proposed use is to be located, the measurement shall be from the nearest boundary of the designated zoning district to the nearest part of the main use structure on or in which the use or activity is to be located or conducted, or,***
2. ***If no structure is present on the parcel on which the proposed use is to be located, the measurement shall be from the nearest boundary of the designated zoning district to the nearest property line of the property where the use or activity is to be located or conducted, or,***
3. ***In cases of a split-zoned lot where the zoning district boundary lies across a part of a property, and where a method of measurement in accordance with 66-10(a) is more restrictive, the zoning administrator shall utilize the more restrictive method.***

(c). If an ordinance specifies a different method of measurement from that specified in this subsection, then the method so specified shall control.

(d). The zoning administrator shall accept measurements taken by a field survey certified by a licensed engineer or surveyor or measurements taken and verified using the county geographic information system database.

2. That Chapter 66 Article XIII. <u>Adult Uses</u> of the Code of the County of Washington, Virginia (2002) is hereby enacted as follows:

ARTICLE XIII. <u>ADULT USES</u>

66-1100. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words and terms not herein defined shall have the meaning customarily assigned to them. Words used in the present tense include the future tense; the singular includes the plural, and the plural the singular; the word "shall" is mandatory; the word "may" is permissive. The zoning administrator's finding that any of the following definitions accurately describe a use or proposed use shall be presumed to be correct unless the subject owner or operator rebuts the presumption by clear and convincing evidence.

<u>Adult bookstore</u> or <u>adult video store</u> means an establishment that:

(a). Has as a preponderance (either in terms of the weight and importance of the material or in terms of greater volume of materials) of any one or more of the following: publications (including books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations) that are characterized or distinguished by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," and/or instruments, devices or equipment that are designed for use in connection with "specified sexual activities," or

(b.) Receives a majority of its gross income during any calendar month from the sale, rental, or viewing of any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations that are characterized or distinguished by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," and/or instruments, devices, or equipment that are designed for use in connection with "specified sexual activities,"

<u>Adult drive-in theater</u> means an open lot or part thereof with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats and presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons.

<u>Adult entertainment establishment</u> means a restaurant, nightclub, private club, or similar establishment that features, at any time, live performances or employment-related activities involving persons who are nude or seminude. This definition shall not apply to a legitimate theatrical performance where nudity or semi nudity is only incidental to the primary purpose of the performance. For the purposes of this definition, "seminude" shall mean:

(a) Less than completely and opaquely covered human genitals, anus, pubic region, buttocks, areolae of the female breast, or female breasts below a point immediately above the top of the areolae, excepting any portion of the cleavage of the female breast exhibited by a dress, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae are not fully or partially exposed;

(b) Human male genitals in a state of arousal even if completely and opaquely covered.

Adult minimotion picture theater ***means an establishment with a capacity of more than 5, but less than 50, persons where for any form of consideration films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a preponderant portion of the total presentation time is devoted to the showing of material that is distinguished or characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons.***

Adult model studio ***means any establishment open to the public where for any form of consideration or gratuity figure models who display "specified anatomical areas" are provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by persons paying such consideration or gratuity. This provision shall not apply to any school of art that is operated by an individual, firm, association, partnership, corporation or institution that meets the requirements established in Code of Virginia (1950), as amended, for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma.***

Adult motion picture arcade ***means any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."***

Adult motion picture theater ***means an establishment with a capacity of 50 or more persons where for any form of consideration films, motion pictures, video cassettes, slides or similar photographic reproductions are shown and in which a preponderant portion of the total presentation time is devoted to the showing of material that is distinguished or characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons.***

Adult use ***means any adult bookstore, adult video store, adult entertainment establishment, adult motion picture theater, adult minimotion picture theater, adult motion picture arcade, adult model studio, or adult drive-in theater, as defined herein. Also included are establishments that sell instruments, devices or equipment that are designed for use in connection with specified sexual activities.***

Specified anatomical areas ***means:***

(a) Less than completely and/or opaquely covered human genitals, anus, pubic regions, buttocks, areolae of the female breast, or female breasts below a point immediately above the top of the areolae, excepting any portion of the cleavage of the female breast exhibited by a dress, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae are not fully or partially exposed.

(b) Human male genitals in a state of arousal even if completely and opaquely covered.

Specified sexual activities ***means:***

(a) Human genitals in a state of stimulation or arousal;

(b) Acts of human masturbation, sexual intercourse or sodomy; and

(c) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

66-1101. Adult Uses

(a). Intent: Within the county, it is recognized that there are some uses that because of their nature are recognized as having serious objectionable operational characteristics particularly when several of them are located in a concentrated manner in near proximity to each other or located in direct proximity to residential neighborhoods and/or certain other types of uses thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing the concentration or location of these uses in a manner that would create such adverse effects.

(b). Uses subject to regulation by this Article are as follows:

1. ***Adult bookstore or adult video store.***
2. ***Adult drive-in theater***
3. ***Adult entertainment establishment***
4. ***Adult mini-motion picture theater***
5. ***Adult model studio***
6. ***Adult motion picture arcade***
7. ***Adult motion picture theater***
8. ***Adult use***

66-1102. Requirements

Each of the uses regulated by this Article shall require a special exception permit. Such permit shall be subject to the requirements of this chapter. These uses may only be considered in the Business, General (B-2) and Industrial, General (M-2) zoning districts as follows:

ADULT USE	***B-2***	***M-2***
Adult bookstore or adult video store.	***S***	
Adult drive-in theater		***S***
Adult entertainment establishment		***S***
Adult mini-motion picture theater		***S***
Adult model studio		***S***
Adult motion picture arcade		***S***
Adult motion picture theater		***S***
Sale of instruments, devices or equipment (See Adult Use Definition)	***S***	

Note: "S" denotes the requirement of a special exception permit.

66-1103. Distance Requirements and Standards

(a). No adult use may be established within 1500 feet of any other such adult use in any zoning district.

(b) No adult use may be established within 1000 feet of the following zoned districts:

1. ***Residential, Limited, District (R-1)***
2. ***Residential, General, District (R-2)***
3. ***Village District***
4. ***Konnarock District***
5. ***Shoreland Recreational District (SR)***
6. ***Residential, Manufactured Home District (MHR)***
7. ***Planned Unit Development, Limited, District (P-1)***

(c). No adult use may be established within 1500 feet of any church or other place of worship, public library, public or private school, educational institution, public park, playground, playfield, tourist home, child day care center, hotel, or motel.

(d). The establishment of an adult use as referred to herein shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area, or the conversion, in whole or in part, of an existing business to any adult use.

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

4. That this ordinance shall become effective immediately upon its enactment.

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

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

6. <u>Consideration of Comprehensive Economic Development Strategy Projects Priority List for FY 2005-2006</u>

Assistant County Administrator Christy Parker addressed the Board explaining that each year the Mount Rogers Planning District Commission (MRPDC) develops a list of projects by jurisdiction that they incorporate into a Comprehensive Economic Development Strategy or CEDS for the region. Many of the grant agencies such as the U.S. Economic Development Administration (EDA) and Appalachian Regional Commission (ARC), and Department of Housing & Community Development (DHCD), require that projects be listed in this regional strategic plan before they can be funded.

Discussion ensued among the Board.

On motion of Mr. Ingle, second by Mr., Reynolds the Board acted to approve Washington County's list of local project priorities to be incorporated into Mount Rogers Planning District Commissions Comprehensive Economic Development Strategy as presented.

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

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

Scrivener's Note: The Comprehensive Economic Development Strategy Projects Priority List referenced above may be found in Minutes Exhibit 2005-07-12-A.

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

Washington County Public Library Board of Trustees

Appointment deferred to the July 26, 2005, Board meeting.

Washington County Industrial Development Authority

Appointment deferred to the July 26, 2005, Board meeting.

8. Recess

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

9. County Administrator Reports

No report.

10. <u>County Attorney Reports</u>

a. Request for Authorization to Dispose of Certain Records of the Office of the County Attorney

On motion of Mr. Rector, second by Mr. Reynolds, it was resolved to authorize the disposal of certain records of the Office of the County Attorney.

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***

Scrivener's Note: The Certificate of Records Disposal referenced above may be found in Minutes Exhibit 2005-07-12-B.

11. <u>Board Information</u>

No Board information reviewed.

12. <u>Consent Agenda</u>

On motion of Mr. Rector, second by Mr. Owens, the Board acted to approve the following consent agenda items:

a. Payment of Bills – June 2005
b. Revenue Refunds – Animal Sterilization Fee
c. Budget Status Reports for June of 2005

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***

13. Board Member Reports

Supervisor Bobby Ingle reported to the Board that the City of Bristol would be withdrawing from the Virginia Highlands Small Business Incubator as a participating member jurisdiction. Mr. Ingle advised the Board that a special meeting of the Small Business Incubator Board of Directors has been scheduled for July 20 to discuss this matter. There are concerns about identifying funding to cover the loss of the City of Bristol's financial contribution to the incubator project.

14. Closed Meetings:

a. Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(5) for discussion concerning 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 prospective businesses proposed for location in The Highlands commercial development at Exit 7

b. Request for 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

On motion of Mr. Rector, second by Mr. Reynolds, the Board acted to convene in Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(5) for discussion concerning 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 prospective businesses proposed for location in The Highlands commercial development at Exit 7 and 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. It was further resolved to include County Administrator Mark Reeter, County Attorney Lucy Phillips and Assistant County Administrator Christy Parker in both subjects for closed meeting, and representatives from Newton Oldacre MacDonald in the first part of the closed meeting regarding The Highlands.

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***

The Board took a ten-minute recess prior to beginning the closed meetings.

After returning to the meeting, the Chairperson noted that upon motion of Mr. Ingle, second by Mr. Rector, 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 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 were convened were heard, discussed, or considered in the closed meeting.

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

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

15. <u>Adjourn</u>

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

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

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

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Prepared by:

_____

Naoma A. Mullins, Recording Clerk

7-12-05 13920

Approved by the Washington County Board of Supervisors:

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John B. Roberts, Sr., Chairman