

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, October 25, 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

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 Mrs. Mumpower, second by Mr. Rector, 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

On motion of Mr. Ingle, second by Mr. Owens, it was resolved to approve the minutes of the October 11, 2005, regular meeting with the following corrections:

Page 14004, Paragraph Two: *Correct name of Shawn McMurray to Sean McMurray.*

Page 14004, Paragraph Five, Correct Sentence to Read: *There being no further comments, Mr. McCall declared the public hearing closed.*

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>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>Abstained</i>

Scrivener's Note: The changes have been made to the above referenced minutes.

5. Public Hearings:

- a. Public Hearing and Consideration of Adoption of an Ordinance to Provide for the Implementation of the 2004-2005 Changes to the Personal Property Tax Relief Act of 1998- Specific Request

County Attorney Lucy Phillips addressed the Board explaining that amendments to the 2005 Appropriations Act resulted in major changes to the means of implementation of the Personal Property Tax Relief Act (PPTRA), which was adopted in 1998. The amendments to the 2005 Appropriations Act provide alternative means of implementing the PPTRA. These methods were not available under the original PPTRA.

Ms. Phillips further explained that the proposed ordinance reflects alternatives that are endorsed by the Virginia Association of Counties and the Virginia Municipal League. The following are the policy determinations set forth in the proposed ordinance:

1. The ordinance would establish the "specific relief" method, which provides for calculation and notice of the tax relief in terms of a specific dollar amount rather than by a percentage-based method.
2. The ordinance waives personal property tax assessments on vehicles valued less than \$1,000.
3. Tax relief would be determined annually in the context of adoption of the annual budget resolution and applied to the first \$20,000 in value of each qualifying vehicle, in an amount estimated fully to use all available state PPTRA relief.
4. The ordinance authorizes the County Treasurer to issue supplemental bills after the statutory cutoff period for payment in full, without benefit of tax relief, to all taxpayers who are delinquent in payment of the personal property tax after the designated date.

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. Reynolds, second by Mr. Rector, it was resolved to adopt the following ordinance:

AN ORDINANCE TO PROVIDE FOR THE IMPLEMENTATION OF THE 2004-2005 CHANGES TO THE PERSONAL PROPERTY TAX RELIEF ACT OF 1998 - SPECIFIC RELIEF

WHEREAS the Personal Property Tax Relief Act of 1998, Va. Code §§ 58.1-3523 et seq. ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"); and

WHEREAS these legislative enactments require the County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS these legislative enactments provide for the appropriation to the County, commencing in 2006, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax ("PPT") on such vehicles.

NOW THEREFORE BE IT ORDAINED by the County Board of Supervisors as follows:

§ 1. Purpose; Definitions; Relation to other Ordinances.

(a) The purpose of this Ordinance is to provide for the implementation of the changes to PPTRA effected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia.

(b) Terms used in this Ordinance that have defined meanings set forth in PPTRA shall have the same meanings as set forth in Va. Code § 58.1-3523, as amended.

(c) To the extent that the provisions of this Ordinance conflict with any prior Ordinance or provision of the County Code, this Ordinance shall control.

§ 2. Method of Computing and Reflecting Tax Relief.

(a) For tax years commencing in 2006, the County adopts the provisions of Item 503.E of the 2005 Appropriations Act, providing for the computation of tax relief as a specific dollar amount to be offset against the total taxes that would otherwise be due but for PPTRA and the reporting of such specific dollar relief on the tax bill.

(b) The Board shall, by resolution, set the percentage of tax relief at such a level that it is anticipated fully to exhaust PPTRA relief funds provided to the County by the Commonwealth.

(c) Personal property tax bills shall set forth on their face the specific dollar amount of relief credited with respect to each qualifying vehicle, together with an explanation of the general manner in which relief is allocated.

§ 3. Allocation of Relief among Taxpayers.

(a) Allocation of PPTRA relief shall be provided in accordance with the general provisions of this section, as implemented by the specific provisions of the County's annual budget relating to PPTRA relief.

(b) Relief shall be allocated in such as manner as to eliminate personal property taxation of each qualifying vehicle with an assessed value of \$1,000 or less.

(c) Relief with respect to qualifying vehicles with assessed values of more than \$1,000 shall be provided at a percentage, annually fixed and applied to the first \$20,000 in value of each such qualifying vehicle, that is estimated fully to use all available state PPTRA relief. The percentage shall be established annually as a part of the adopted budget for the County.

§ 4. Transitional Provisions.

(a) Pursuant to authority conferred in Item 503.D of the 2005 Appropriations Act, the County Treasurer is authorized to issue a supplemental personal property tax bill, in the amount of 100 percent of tax due without regard to any former entitlement to state PPTRA relief, plus applicable penalties and interest, to any taxpayer whose taxes with respect to a qualifying vehicle for tax year 2005 or any prior tax year remain unpaid on September 1, 2006, or such date as state funds for reimbursement of the state share of such bill have become unavailable, whichever earlier occurs.

(b) Penalty and interest with respect to bills issued pursuant to subsection (a) of this section shall be computed on the entire amount of tax owed. Interest shall be computed at the rate provided in Washington County Code section 58-283 from the original due date of the tax.

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

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

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

b. Public Hearing and Consideration of Adoption of An Ordinance to Grant Cable Plus, Inc. a Franchise Agreement for Construction and Operation of a Cable Television System in the County of Washington, Virginia

County Attorney Lucy Phillips addressed the Board explaining the proposed ordinance is presented on behalf of Cable Plus, Inc. This company seeks a franchise agreement to construct a cable television system that is built off of the "backbone" constructed by BVU OptiNet. Ms. Phillips further explained that State law requires the Board of Supervisors to hold a public hearing prior to adoption of an ordinance to grant a franchise agreement for operation of a cable television system within the County, and for the Board to determine if it is in the best of the County to allow more than one franchise agreement for cable television systems. If more than one franchise agreement is granted, the County must treat all providers equally.

Mr. Roberts opened the public hearing and invited comments both in support of and in opposition to the request for a Cable Television System Franchise Agreement.

Mr. David Eaton, President of Cable Plus, Inc., addressed the Board explaining that he plans to construct a cable television system off of the "backbone" constructed by BVU OptiNet and will offer the cable television service to areas of Washington County where BVU offers high speed internet and telephone service, particularly the Brumley Gap area. Mr. Eaton further explained that his company operates a cable system in Russell County and in Tennessee.

Responding to an inquiry from the Board concerning the company that currently offers cable television service to the Brumley Gap area, Mr. Eaton explained that he is in negotiations to purchase Cooney Cable. He further explained that the BVU OptiNet "backbone" goes through five counties and that his company will be competing with other television service providers.

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

On motion of Mr. McCall, second by Mr. Owens, the Board acted to adopt the following ordinance and grant the franchise agreement to Cable Plus, Inc. as presented:

***AN ORDINANCE TO GRANT TO CABLE PLUS, INC. A FRANCHISE AGREEMENT FOR
CONSTRUCTION AND OPERATION OF A CABLE TELEVISION SYSTEM
IN THE COUNTY OF WASHINGTON, VIRGINIA***

WHEREAS, Virginia Code section 15.2-2108 authorizes a locality to grant a franchise to construct, operate, and maintain a cable television system within the jurisdictional limits of the County; and

WHEREAS, effective July 1, 2003, Article 1.1 of Chapter 21 of Title 15.2 of Virginia Code established statutory standards by which a municipality may provide cable television service; and

WHEREAS, the City of Bristol, doing business as BVU OptiNet, (BVU Optinet) requested from the County of Washington, Virginia, a Franchise Agreement to provide cable television service within the jurisdictional limits of the County, to be effective July 1, 2003; and

WHEREAS, the attorney for BVU Optinet, having reviewed applicable statutory restrictions and standards required for a municipality to offer cable television service, certified that BVU OptiNet is in full compliance with such statutory requirements; and

WHEREAS, the Board of Supervisors of the County of Washington, Virginia, after public notice and public hearing at its regular meeting on June 10, 2003, granted to BVU OptiNet a franchise agreement to construct and operate in the county a cable television system; and

WHEREAS, Cable Plus, Inc. has applied for a franchise agreement to construct in Washington County, Virginia, a cable television system that is built off of the "backbone" constructed by BVU OptiNet and to market the cable television signal to subscribers in Washington County that, by virtue of state law restrictions, are outside of the area in which BVU OptiNet may market its cable television signal direct to subscribers; and

WHEREAS, the Board of Supervisors, having considered public comment, economic factors, the impact on private property rights, the impact on public convenience, the public need and potential benefit, and such other factors as are relevant, found that the granting to Cable Plus, Inc. of a franchise to construct, operate and maintain a cable television system within the jurisdictional limits of the County of Washington, Virginia, will enhance the public welfare;

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

- 1. That the County of Washington, Virginia, does hereby grant Cable Plus, Inc. a franchise to construct, operate and maintain a cable television system within the jurisdictional limits of the County, and*
- 2. In so doing, the County of Washington, Virginia, enters into a Franchise Agreement with Cable Plus, Inc. to include the terms and conditions as set forth below; and*
- 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; and*
- 4. That Mark K. Reeter, County Administrator is authorized to execute all necessary documents; and*
- 5. That this ordinance and franchise agreement shall become effective November 1, 2005; and*
- 6. That said Franchise Agreement shall expire on October 31, 2012, as written in said Franchise Agreement; and*
- 7. That the terms and conditions of the Franchise Agreement shall be as follows:*

[Franchise Agreement included as an exhibit to the minutes]

- 3. That this ordinance shall become effective immediately upon its enactment.*

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

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

Scrivener's Note: The Franchise Agreement referenced above is included as Minutes Exhibits Item 2005-10-25-A.

6. Consideration of Dog Damage Claim, Roy & Mary Hayton

Mr. Roy Hayton addressed the Board explaining that on the morning of October 4, 2005, he witnessed two dogs attacking his goats. Mr. Hayton explained that he shot at the dogs. Three goats were killed by the dogs and another one injured. Animal Control was called and completed an investigation.

On motion of Mr. Ingle, second by Mr. Reynolds, it was resolved to provide compensation to Mr. & Mrs. Hayton in the amount of \$324 for the three goats killed by dogs.

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

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

7. Presentation by County Department of Social Services

County Department of Social Services Douglas Meade presented the Board with a status report of various matters involving his department. Mr. Meade provided reports on the following issues:

- Anticipated requests from County citizens for help with home heating bills – Mr. Meade explained that the Department of Social Services is very concerned that their clients will not be able to afford to pay their heating bills this winter. Social Services staff has met with various human services and faith-based organizations to identify some strategies. The Crisis Center has established two telephone lines (628-7731 and 466-2312) for low-income individuals to call when they run out of fuel and have no funds to purchase more. Hopefully the Department of Social Services along with help from fuel companies and faith-based organizations can assist the individuals.
- Employment program – Mr. Meade explained that the State has implemented a successful employment services program for welfare clients. The Federal Government has recognized Virginia as having the top employment program in the County. As a result of this recognition, Virginia has been awarded a bonus of 7.2 billion dollars.
- Mr. Meade made the Board aware of the increasing affect that the methamphetamine drug is having on the children in Washington County. Approximately 20% of the children in foster care today come from homes where this drug was used or manufactured. This drug is dangerous to children. The fumes released from the cooking of this drug can be deadly. A Drug Symposium was recently held at the Southwest Virginia Higher Education Center. Two committees were formed as a result of the Symposium to work on public awareness, enforcement, education and treatment.

- Social Services work with Red Cross concerning Hurricane Katrina victims. Mr. Meade provided the Board with a detailed report of the work done by the County Department of Social Services to assist the Hurricane Katrina victims.
- Mr. Meade reviewed the Social Services required involvement in the new federal Medicare prescription drug program.

The Board expressed their appreciation for the work of the Department of Social Services.

Scrivener's Note: The Hurricane Katrina Report referenced above is included as Minutes Exhibits Item 2005-10-25-B.

8. Presentation by William King Regional Arts Center

William King Regional Art Center Director Betsy White provided the Board with an update on the Art Center's future capital project. Mrs. White presented a PowerPoint presentation that overviewed the campus plan. The Campus Plan has three parts: (1.) Site Work and Landscaping; (2.) Addition to Museum Building; and (3.) Artisans Courtyard. Mrs. White stated that the general goal of the new campus project is to solve accessibility and parking issues and to develop the Art Center to its full potential.

Mrs. White reviewed the Economic Impact Analysis of the campus expansion project that was completed by the Weldon Cooper Center for Public Service. She stated that the report was very favorable and projects that over a five-year period the planned expansions and improvements will generate approximately 12 million dollars.

Discussion ensued among the Board.

Scrivener's Note: The Economic Impact Analysis referenced above is included as Minutes Exhibits Item 2005-10-25-C.

9. Presentation Concerning Abingdon Farmers Market

Town of Abingdon Director of Planning Garrett Jackson addressed the Board explaining that the Town is pursuing a more permanent facility for the Farmer's Market. Mr. Garrett stated that the Farmer's Market has been part of the community for 20 years. There are 35 registered vendors with 75% of these vendors being Washington County residents. Many of the vendors have complained about the Town not having a permanent facility. Also, many interested vendors have said they do not participate in the Farmer's Market because there is not a permanent facility. The Town has identified a possible relocation site on Remsburg Drive, directly behind the Fields-Penn House and the Municipal Parking Lot at the corner of Main Street and Cummings Street. Mr. Jackson explained that the Town is working on a design modeled after the Farmer's Market facility in Rocky Mount, VA. This particular facility model could be designed in such a way to allow a stage for street dances and/or other concerts or street parties.

Mr. Jackson stated that the Town of Abingdon will be applying for a grant from the Virginia Tobacco Indemnification Grant Program and asks that the County provide a letter of support for the project. Mr.

Jackson further stated that the Town would submit a request to the County for funding assistance during the FY 2006-2007 budget cycle.

Discussion ensued among the Board.

Responding to an inquiry, Mr. Jackson explained that many of the Farmer’s Markets in Virginia have been constructed by funds from the Virginia Tobacco Commission and that he thought the Town of Abingdon stood a good chance to receive a grant for their project. Also, the Town of Abingdon would provide the property for the Farmer’s Market and Appalachian Sustainable Development would oversee the management of the Farmer’s Market.

Further discussion ensued among the Board with it being suggested that the Town of Abingdon possibly obtain guidelines on Farmer’s Markets from the State of North Carolina.

On motion of Mr. Rector, second by Mr. Owens, the Board acted to provide a letter of support for the Town of Abingdon’s Virginia Tobacco Indemnification Grant application for the Farmer’s Market relocation project.

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

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

10. Consideration of Resolution Regarding Agricultural Losses from Recent Drought Conditions

County Administrator Mark Reeter explained that over the last several weeks many localities in the region have begun to seek federal and state funding for the recovery of agricultural losses due to the severe drought conditions experienced. Mr. Phil Blevins with the Washington County Extension Office is requesting the Board adopt a resolution for Washington County. Therefore, if the Governor were to declare an agricultural disaster, Washington County would already have submitted their request for assistance.

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

RESOLUTION 2005-39

BE IT HEREBY RESOLVED by the Board of Supervisors of Washington County, Virginia to request the Governor of Virginia to declare that Washington County be designated as an agriculture disaster for 2005 due to losses incurred in the following agricultural commodities:

<u>Commodity</u>	<u>Loss</u>	<u>Value</u>
Pasture	45 days lost	\$1,012,500.00
Hay	30%	\$ 590,625.00
Loss in gain of feeder cattle	5%	\$ 594,850.00
Total		\$2,197,975.00

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

11. Consideration of Supplemental Appropriations for Various Emergency Services-related Needs:

Mr. Reeter addressed the Board explaining the following emergency services related requests:

- a. Washington County Lifesaving Crew is requesting a supplemental appropriation of \$38,500.00 for the purchase of two (2) motorboats for use in lake and flood related rescues and recoveries. Washington County Lifesaving Crew is the only emergency services organization in the County that conducts rescues and recoveries on South Holston Lake.

Mr. Reeter explained that the Emergency Service Committee proposes that the Board approve funding for one boat and trailer at this time. Then during the FY 2006-07 budget cycle the Board could consider funding for the purchase of the second boat.

- b. The Damascus Rescue Squad is requesting a supplemental appropriation of \$6,452.00 in matching grant funds for the purchase of a replacement cardiac monitor.
- c. A number of County fire departments have applied for and have been awarded or are anticipating the award of grants from the U. S. Department of Homeland Security for the purchase of fire apparatus requiring a 5% match. The following are the fire departments receiving funding and the amount of the local match:

Washington County Fire and Rescue	\$12,650.00
Brumley Gap Fire Department	\$ 4,423.00
Meadowview Fire Department	\$ 8,437.00
Glade Spring Fire Department	\$ 9,937.00
Contingency – Other	<u>\$ 53.00</u>
TOTAL LOCAL MATCH	\$35,500.00

The Emergency Services Committee recommends a supplemental appropriation of at least \$35,500.00 be set-aside to fund the required 5% local match for these grants.

- d. The Brumley Gap Fire Department is requesting a supplemental appropriation of up to \$80,000.00 for assistance in the construction of an addition to their existing fire department building.

Mr. Reeter advised the Board that the Emergency Services Committee has reviewed and recommends items a., b., and c. Item d has not been reviewed by the Emergency Services Committee and is at the Board of Supervisors discretion.

Supervisor Bobby Ingle addressed the Board concerning the request from the Brumley Gap Fire Department. Mr. Ingle explained that in February 2006 the Fire Department would be receiving a new fire tanker truck. The fire station is not currently big enough to house the new truck. Therefore, an addition to the building is required. Also, a part of the fire department building is used by the community center. Once the new addition is completed, the existing parts of the fire department will be turned over to the community center. The Fire Department is requesting financial assistance of up to \$80,000.00 from the County for the construction project. Mr. Ingle further explained that the Fire Department has \$30,000.00 set aside for the project and that they would not need all the money from the County at once. Further, the Fire Department will not need any of the money until after January 1, 2006. Mr. Ingle asked the Board to support the request from the Brumley Gap Fire Department.

Substantial discussion ensued among the Board concerning the various emergency services related requests. Subsequently, the following actions were taken:

- a. Supplemental Appropriation for Purchase of Boats by Washington County Lifesaving Crew

It was consensus of the Board to table action on this request until the first November Board meeting in order that County staff could obtain an exact figure of the costs for one boat and trailer as recommended by the Emergency Services Committee.

- b. Supplemental Appropriation of Matching Funds for Purchase of Cardiac Monitor by Damascus Rescue Squad

On motion of Mr. Ingle, second by Mr. Rector, it was resolved to approve a supplemental appropriation of \$6,452.00 from reserve for contingencies to the Damascus Rescue Squad for the purchase of a cardiac monitor.

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>

- c. Supplemental Appropriation of Matching Funds for Homeland Security Fire Grants Awarded to Various Fire Departments

On motion of Mr. Ingle, second by Mr. Rector, the Board acted to approve a supplemental appropriation in the amount of \$35,500.00 from reserve for contingencies for matching funds set-aside for various fire department grants as follows:

<i>Washington County Fire and Rescue</i>	<i>\$12,650.00</i>
<i>Brumley Gap Fire Department</i>	<i>\$ 4,423.00</i>
<i>Meadowview Fire Department</i>	<i>\$ 8,437.00</i>
<i>Glade Spring Fire Department</i>	<i>\$ 9,937.00</i>
<i>Contingency – Other</i>	<i>\$ <u>53.00</u></i>
 <i>TOTAL LOCAL MATCH</i>	 <i>\$35,500.00</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>

At this time, Supervisor Ton Rector requested the Board consider giving \$2,000 to each fire and emergency services organization in the County (13 total) to assist with fuel costs. Mr. Rector explained that he has received many calls concerning the increase fuel costs of fire and emergency services personnel traveling to and from the fire and rescue stations on calls.

Discussion ensued among the Board concerning this request.

A motion was made and seconded to approve a supplemental appropriation in the amount of \$26,000.00 from reserves for contingencies to be divided equally among the 13 fire and emergency medical services organizations in the County. The motion was withdrawn.

After further discussions it was consensus of the Board to table action on this item to allow County staff to review the matter and determine an appropriate formula for the distribution of the funds to assist with fuel costs.

- d. Supplemental Appropriation for Brumley Gap Fire Department Building Project

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

On motion of Mr. Ingle, second by Mr. Rector, the Board acted to approve a supplemental appropriation in the amount of \$35,000.00 from reserves for contingencies to the Brumley Gap Fire Department to assist with the construction costs for an addition to the fire department building.

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>

Further discussions ensued concerning funding for fire and emergency medical services organizations.

12. Recess

On motion of Mr. Ingle, second by Mr. Rector the Board acted to take a ten-minute recess.

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

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

13. County Administrator Reports:

- a. Voting Credentials for VACo Annual Meeting

On motion of Mr. Reynolds, second by Mr. Rector, it was resolved to designate Odell Owens as Washington County's voting delegate to the VACo Annual Meeting. It was further resolved to designate Kenneth Reynolds as the alternate.

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

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

b. Consideration of Joint Committee to Review State Route 1717 Relocation Project

Mr. Reeter explained to the Board that he is proposing the formation of a joint committee consisting of two Supervisors, two members of the Washington County Industrial Development Authority and the Wilson District representative to the Washington County Planning Commission to review the status of the State Route 1717 Relocation Project for the purpose of reviewing, formulating and recommending a new approach to the project.

Discussion ensued among the Board.

On motion of Mr. Ingle, second by Mr. Reynolds, it was resolved to adopt the following resolution and to appoint Supervisors Dulcie Mumpower and Phillip McCall to the Joint State Route 1717 Relocation Project Review Committee:

**RESOLUTION 2005-40
STATE ROUTE 1717 RELOCATION PROJECT REVIEW COMMITTEE**

WHEREAS, pursuant to the By-Laws of the Washington County Board of Supervisors for Calendar Year 2005, Committees and Advisory Boards of the Board of Supervisors may be formed for the purposes of in-depth review, investigation, oversight, research, development and/or reporting on or about matters of interest to the Board or County, and

WHEREAS, the Board of Supervisors has determined there are such matters that warrant the establishment of Committees and Advisory Boards;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that it hereby establishes and makes the appointments to the following Committee as of September 13, 2005:

Joint State Route 1717 Relocation Project Review Committee, for the purpose of review, development of recommendations and reporting on matters pertaining to the State Route 1717 Relocation Project, in coordination with the Washington County Industrial Development Authority and Washington County Planning Commission.

This Joint Committee shall consist of Dulcie Mumpower and Phillip McCall as representatives of the Board of Supervisors, and the Wilson District representative to the Washington County Planning Commission. The Washington County Industrial Development Authority shall appoint two Authority Board members to this Joint Committee. The County Administrator and Assistant County Administrator shall coordinate and assist in the work of this Joint Committee. These Joint Committee members may seek additional Committee participants as deemed necessary and appropriate in pursuit of Joint Committee matters. All meetings of this Joint Committee shall be open to the public unless such matters come before the Joint Committee as may be exempt from disclosure pursuant to the Virginia Freedom of Information Act.

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

Mr. Ingle

Aye

<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>

c. Election Day and First November Board Meeting – November 8

On motion of Mr. McCall, second by Mr. Rector, it was resolved to reschedule the first November Board meeting to November 9.

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>

d. Thanksgiving Holiday Schedule

On motion of Mr. Reynolds, second by Mr. Owens, the Board acted to grant one-half day of additional holiday leave to Administrative Division employees on Wednesday, November 23.

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>

14. County Attorney Reports:

a. Draft Amendment of County Code Chapter 52 Addressing Streets Serving Family Divisions

County Attorney Lucy Phillips addressed the Board providing a review of the proposed amendments to the County Subdivision Ordinance that would lessen restrictions on division of properties for purposes of conveyances to family members. Ms. Phillips stated that Mr. Ken Addison had submitted comments and that a copy of his comments was included with the agenda materials. She further stated that responses to Mr. Addison’s comments were incorporated into the memorandum she provided to the Board, and, at the meeting, Ms. Phillips distributed Mr. Addison’s additional correspondence that responded to the County Attorney memorandum that analyzed his comments. Ms. Phillips also stated that the County

Administrator and County Planner had input in the memorandum that she prepared regarding Mr. Addison's comments on the subdivision ordinance.

The following is a review of the draft amendments:

1. Selection of definition for "right-of-way." The Board is asked to determine whether, for purposes of family divisions and family subdivisions, the width of the right-of-way must be proven by a recorded deed, plat, or other instrument or whether the County should allow family subdivision of land to occur on properties accessed by a right-of-way for which the width is not specified.
2. Approval of the draft amendments to allow family subdivisions and family divisions of property accessed by right-of-way at least ten feet in width. The original form of the ordinance required the right-of-way to be at least twenty feet in width. State law allows family subdivisions and family divisions to be accessed by a right-of-way ten to twenty feet in width.
3. Approval of draft amendment sections that provide: if the right-of-way is specified on a recorded instrument as less than ten feet in width, the person wishing to divide property for purposes of a family conveyance is required to purchase the additional right-of-way width from affected property owners to achieve the minimum ten foot width.
4. Approval of draft amendment section that provides: if a parcel created by family division or subdivision is conveyed to a non-family member before expiration of the two-year holding period, then the County is prohibited from issuing building permits for the affected property until passage of the two-year holding period. Currently, the ordinance does not specify County response in the event a conveyance to non-family member is made prior to expiration of the two-year holding period.
5. Approval of draft amendment section that requires deed and plat notations for family divisions and subdivisions to identify non-public road access and state that maintenance shall be at the expense of the property owner.
6. Approval of draft amendment section that requires improvement of the intersection of private right-of-way with the public street to meet highway department standards to accommodate two-way traffic. At the worksession, John Bolling of the Virginia Department of Transportation indicated that this improvement would be required in the event of additional divisions of property on a non-public road.

The Board devoted substantial discussion to this issue. The primary issue of discussion was whether or not the right-of-way width and location should be established by legal instrument or court order. Subsequently the following action was taken:

On motion of Mr. Owens, second by Mr. Reynolds, it was resolved to direct the County Attorney to prepare a proposed amendment to Chapter 52 addressing streets serving family divisions stating that the right-of-way width and location shall be established by legal instrument or court order as well as the other changes included in the draft materials presented to the Board at the meeting.

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

Mr. Ingle

Abstained

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

Further discussions ensued among the Board.

Ms. Phillips explained that the ordinance would be reviewed by the Washington County Planning Commission and subsequently by the Board for consideration for adoption.

- b. Joint Petition of ANGD, LLC., et al. for approval of transfer of Virginia Gas Distribution Company to ANGD, LLC

Ms. Phillips reported to the Board that a notice has been received from ANGD, LLC., concerning the transfer of Virginia Gas Distribution Company to ANGD, LLC. She stated that if the Board wishes to submit comments concerning the transaction to advise her.

- c. Emergency Services Committee Recommendation for Ordinance permitting “Junior Firefighter” Program

Ms. Phillips explained to the Board that the Emergency Services Committee is making a recommendation that the County take the necessary steps to implement a Junior Firefighter Program. She further explained that State law allows any person aged 16 years or older to participate as volunteers with local volunteer firefighting companies as long as certain requirements are met. One requirement is adoption of an ordinance to allow participation by minors, aged 16 or older.

Discussion ensued among the Board.

On motion of Mr. Rector, second by Mr. Owens, the Board acted to direct the County Attorney to prepare an ordinance to permit a Junior Firefighter Program in Washington County.

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. Board Information

County Administrator Mark Reeter reviewed the following materials included in the Board Information section of the Agenda:

- Notice of the 37th Annual Abingdon Christmas Parade Christmas Parade scheduled for November 18, 2005 at 7:00 PM
- Southwest Virginia Regional Jail Authority Operating Statement
- Notice of the Virginia Highlands Airport Commission Environmental Assessment Coordination Meeting scheduled for November 9 at 2:00 PM
- Summary of Findings and Recommendations of the Southwest Virginia Wastewater Summit

16. Consent Agenda:

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

- a. Supplemental Appropriation – Recreation Department for Leo Sholes Pool Concessions*
- b. Supplemental Appropriation – Sheriff’s Office for Police Supplies*
- c. Supplemental Appropriation – General Services for Replacement Motor Vehicle*
- d. Supplemental Appropriation – Fire Fund Program*

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

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

17. Board Member Reports

Supervisor Tony Rector reported that progress is being made with the Love’s Truck Stop in Meadowview. Mr. Rector explained that as part of the Truck Stop Project, a pump station will be built and that Meadowview Elementary School would be connected. Also, Love’s Truck Stop officials are going to address safety concerns with the traffic around the school by constructing a road behind the school to reroute the Truck Stop traffic. He stated that the community so far has been very receptive to the Truck Stop Project.

18. 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

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. It was further resolved to include County Administrator Mark Reeter, County Attorney Lucy Phillips and Assistant County Administrator Christy Parker in the closed meeting.

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

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

Supervisor Bobby Ingle left Board meeting before the vote on the motion for closed meeting.

After returning to the meeting, the Chairperson noted that upon motion of Mr. Rector, second by Mr. Reynolds, 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: (6-0)

<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>

19. Adjourn

On motion of Mr. Rector, second by Mr. Reynolds, it was resolved to adjourn the meeting to Wednesday, November 9, 2005.

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

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

Prepared by:

Naoma A. Mullins, Recording Clerk

Approved by the Washington County Board of Supervisors:

John B. Roberts, Sr., Chairman