

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Wednesday, November 9, 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. Mr. Roberts recognized Supervisors-elect Paul Price and Jack McCrady.

2. Invocation and Pledge of Allegiance

Supervisor Odell Owens gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

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

Addition of Second Closed Meeting:

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)

<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. Reynolds, second by Mr. Ingle, it was resolved to approve the minutes of the October 25, 2005, regular meeting with the following corrections:

Page 14023, Second Paragraph: *correct paragraph to read fire tanker truck.*

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 changes have been made to the above referenced minutes.

5. Recognition of Damascus Girl’s Little League Softball Team

Chairman John Roberts presented certificates to the following members and coaches of the Damascus Girl’s Little League Softball Team for winning the 9-10 year old All Stars Virginia State Softball Championship for 2005:

Montana Orfield	Tom Orfield, Coach
Becky Belcher	Joe Richardson, Coach
Brittany Horne	Jeff Fritz, Coach
Devynne Stiltner	David Morrison , Coach
Haley Owens	
Mariah Morrison	
MaKenzie Richardson	
Morgan Lowe	
Presley Patrick	
Lauren Fritz	
Amelia Wampler	

Mr. Roberts presented the team with a plaque that will be placed at Rhea Valley Elementary School.

The Board commended the young ladies and coaches for their accomplishment.

6. Public Hearings:

a. Request for Special Exception Permit:

(1). *Michael Wayne Sweet, Property Tax Map #167-A-29A*: Request for a Special Exception Permit to construct a Two-Family Dwelling on property located on the north side of Lakewood Drive and Denton Valley road (State Route 670) in a SR (Shoreland Recreation) zone, Madison Magisterial District

Mr. Roberts opened the public hearing and invited comments both in support of and in opposition to the request for a special exception permit.

Mr. Michael Sweet addressed the Board explaining that he wishes to construct a duplex on his property and because of the zoning of the property that he needed a Special Exception Permit.

Ms. Mary Warner addressed the Board explaining that she is Michael Sweet's Grandmother. Ms. Warner stated that she has no objections to the construction of the duplex, but does have concerns about access to the property. She explained that previously she deeded a right-of-way to her grandson and that he placed a manufactured home on that right-of-way. She stated that she could not grant her grandson another right-of-way for access to the proposed duplex.

Discussion ensued among the Board.

County Zoning and Subdivision Official Cathie Freeman addressed the Board explaining that Mr. Sweet had told the Planning Commission that the right-of-way matter was resolved. Mrs. Freeman further explained that Mr. Sweet could be authorized to construct and rent the duplex with the Special Exception Permit; however, before he could subdivide the property and sell the duplex he would be required to submit a preliminary plat and comply with the County Subdivision Ordinance.

Mr. Sweet addressed the Board explaining that the right of way to the property where he plans to construct the duplex would be on property he owns.

Substantial discussion ensued among the Board. The primary issue discussed was the right-of-way that would serve the proposed duplex.

Mr. Patrick Mannix addressed the Board questioning the legality of the legal advertisements for this public hearing.

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

Further discussions ensued among the Board concerning the right-of-way issue.

County Attorney Lucy Phillips addressed the Board explaining that Mr. Sweet has sufficient property to construct the multi-family dwelling. Ms. Phillips further explained that the lot is pre-existing and non-

conforming and that a private road serves the property. She stated that at a later date if Mr. Sweet decided to subdivide and sell the property there would be some issues to be resolved at that time.

On motion of Mr. Reynolds, second by Mr. Owens, the Board acted to follow the recommendation of the Washington County Planning Commission and approve the request of Michael Wayne Sweet for a Special Exception Permit to construct a Two-Family Dwelling on property located on the north side of Lakewood Drive and Denton Valley road (State Route 670) in a SR (Shoreland Recreation) zone, Madison Magisterial District.

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. Consideration of Re-appropriation of Capital Project Funds to Washington County School Board

Dr. Alan Lee addressed the Board explaining that earlier in the year the Board of Supervisors approved a return of set-aside capital project construction funds in the amount of \$930,000.00. Dr. Lee explained that \$480,000.00 was allocated for replacing gymnasium floors at all four high schools. He advised the Board that upon inspection by their contractor, it was identified that the Patrick Henry High School floor did not need to be replaced, but would be serviceable for years if professionally sanded and refinished. Therefore, only \$259,447.00 was spent on the gym floor replacement project leaving a balance of \$220,523.00. Dr. Lee explained that the School Board requests Board approval of expanding the balance to do the following projects:

1. Patrick Henry School gym enhancements - \$50,000.00
2. Installation of softball field lights - \$170,253.00

The School Board feels that the softball fields need to be lit so that the girls can participate in softball in the Spring at the same time the boys play baseball.

Discussion ensued among the Board.

Responding to an inquiry, Dr. Lee explained the work at Patrick Henry High School includes addressing safety and appearance issues. He further explained that the softball fields serving all four County High Schools would be included in the light installation project.

On motion of Mr. Reynolds, second by Mr. Rector, the Board acted to approve the School Board's request to utilize unspent capital project construction funds totaling \$220,523.00 on enhancements to the gym at Patrick Henry High School and to install lights at the softball fields.

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>

9. Consideration of Resolution Requesting Incorporation of Wynscape Drive and Lexi Drive into State System of Secondary Highways, Wynscape Subdivision

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

**RESOLUTION 2005-41
 ADDITION OF 408 LINEAR FEET OF WYNSCAPE DRIVE AND
 570 LINEAR FEET OF LEXI DRIVE
 TO SECONDARY SYSTEM OF STATE HIGHWAYS
 WYNSCAPE SUBDIVISION**

WHEREAS, the street(s) described on the attached Additions Form SR-5A, fully incorporated herein by reference, are shown on the plats recorded in the Clerk’s Office of the Circuit Court of Washington County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form SR-5A to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department’s Subdivision Street Requirements, and

BE IT FURTHER RESOLVED this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easement for cuts, fills and drainage, and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Resident Engineer for 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>

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

Scrivener's Note: The Additions Form SR-5A referenced above is included as Minutes Exhibits Item 2005-11-09-A.

10. Consideration of Approval of SWIFA Industrial Access Road Construction Agreements and Surety Instruments for Completion of Phases I and II of the Highlands Business Park

Mr. John Tate, Legal Counsel for the Smyth Washington Regional Industrial Facilities Authority (SWIFA) and SWIFA Chairman Russell Owens appeared before the Board concerning the construction of the industrial access road into the Highlands Business Park. Mr. Tate explained that the industrial access road project is divided into two phases. Phase I of the industrial access road will provide access from U.S. Highway 11 into the Highlands Business Park. Its construction was originally estimated to cost \$423,360.00, a portion of which was funded by Commonwealth Industrial Access funds in the amount of \$361,680.00. Unexpected Virginia Department of Transportation (VDOT) requirements involving project plan design, right of way, and off-site drainage improvements caused delays in construction and increases in cost. At this time, the cost is expected to reach \$595,000.00. The Commonwealth Transportation Board approved additional funding in the amount of \$85,820.00, for a total of \$447,500.00 for construction of Phase I of the industrial access road. The Commonwealth Transportation Board funding is subject to Board of Supervisors approval of an Addendum to the VDOT Project Administration Agreement for Phase I. In addition, VDOT requires that the County secure the construction expense with a letter of credit because there are no facilities currently located on the access road. The letter of credit, which is provided on behalf of SWIFA, would be surrendered to VDOT if no suitable facility has made sufficient commitment to construct a facility on the road before July 21, 2010. The letter of credit is secured by the Deed of Trust for one of the parcels in the Highlands Business Park.

Mr. Tate further explained that Phase II construction has recently become necessary to allow access to the parcel of property purchased by American Electric Power for the construction of a customer service center. This parcel is located beyond Phase I. Construction costs for Phase II are estimated to be \$380,000.00, and the Commonwealth Transportation Board has agreed to fund \$340,000.00 of this expense. These industrial access road funds are also contingent upon the Board entering into an Agreement with VDOT and secured by a letter of credit.

Discussion ensued among the Board.

On motion of Mr. Rector second by Mr. Ingle, the Board acted to approve the Addendum to the VDOT Project Administration Agreement for Phase I and the VDOT Project Administration Agreement for Phase II and to authorize John Roberts to sign the agreements on behalf of the 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*

Scrivener’s Note: The Agreements referenced above is included as Minutes Exhibits Item 2005-11-9-B.

11. Recess

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

12. County Administrator Reports:

- a. Draft Mileage Reimbursement Policy for Volunteer Firefighters and EMS Personnel

County Administrator Mark Reeter addressed the Board explaining that upon the Board’s request at their October 25 meeting, he developed a draft reimbursement policy for providing funds to offset the cost of high fuel costs for County volunteer firefighters and emergency medical services (EMS) personnel in responding to calls using their personnel vehicles to drive to the fire hall/rescue squad or to the incident itself. Mr. Reeter stated that he recommends the policy be submitted to the County Emergency Services Committee for further review and recommendation.

Supervisor Tony Rector addressed the Board explaining that at the October 25 meeting he requested that \$26,000.00 be given to the County fire and emergency medical services organizations to offset fuel costs. Since that meeting he has spoken with several of these departments and proposes that the money be divided equally among all members.

Discussion ensued among the Board. It was consensus of the Board to send the draft policy to the County Emergency Services Committee for further review and recommendation.

13. County Attorney Reports

- a. **Proposed transfer of control of Central Telephone Company of Virginia: United Telephone-Southeast, Inc. and Spring Payphone Services of Virginia, Inc. from Sprint Nextel Corporation to LTD Holding Company**

County Attorney Lucy Phillips reported that the County received notice of the proposed transfer of control of Central Telephone Company of Virginia from Sprint Nextel Corporation to LTD Holding Company. The Board is being asked to submit any comments they may have concerning the transfer. Ms. Phillips asked the Board to advise her if they wished any comments be submitted on behalf of the County.

14. 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 scheduled for November 18, 2005 at 7:00 PM
- Notice of the first public information meeting conducted by the Virginia Highlands Airport Commission concerning the proposed Airport Expansion Project.
- Environmental Assessment Project Summary Report for the proposed Virginia Highlands Airport Expansion.
- Notice of the Veteran’s Day Service scheduled for November 11 at 10:00 AM at the Veteran’s Memorial Park in Abingdon, VA.
- Photographs of the Radio Tower Project on Brumley Mountain.

15. Consent Agenda:

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

- a. Payment of Bills – October 2005*
- b. Revenue Refunds – Animal Sterilization Fee*
- c. Supplemental Appropriation – Sheriff’s Office for Special Investigative Activities Account*
- d. Supplemental Appropriation – Sheriff’s Office for Alcohol, Tobacco and Activities Account*
- e. Supplement Appropriation – Sheriff’s Office for Law Enforcement Terrorism Prevention Grant*
- f. Transfer from Reserves for Contingencies to Washington County Life Saving Crew for Boat and Trailer Purchase*
- g. Budget Status Reports for October of 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>

16. Board Member Reports

Supervisor Odell Owens requested that the John Battle High School Floricultural Program under the direction of Phillip McCroskey be recognized at a future meeting for winning the State competition and placing 7th in National competition.

In another matter, Mr. Owens requested a status on the speed study requested for Musick Drive.

Supervisor Kenneth Reynolds asked that the Virginia Department of Transportation be requested to conduct a speed study on Whites Point Drive (SR 1514).

Supervisor Phillip McCall inquired if the next meeting of the Joint Land Use Steering Committee should be rescheduled sometime after January 1, 2006. Discussion ensued among the Board. It was consensus of the Board to reschedule the Joint Land Use Steering Committee for sometime after January 1, 2006.

17. 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 an existing business proposed for expansion in the Washington County Industrial Park**
- b. **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. Ingle, second by Mr. Owens, the Board acted to convene in Closed Meeting pursuant to 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 an existing business proposed for expansion in the Washington County Industrial Park and 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 and County Attorney Lucy Phillips in both closed meetings and to include IDA Chairman Russell Owens in the first closed meeting.*

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>

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

After returning to the meeting, the Chairperson noted that upon motion of Mr. Ingle, second by Mr. Owens, and favorable vote, the Board of Supervisors reconvened in open meeting. The Chairperson called for any participant in the closed meeting(s) who believed that there was a departure from the requirements of the Virginia Freedom of Information Act during the closed meeting(s), to state the

substance of the departure that they believed took place. No members of the Board responded to the Chairperson's call for statements.

On motion of Mr. McCall, second by Mr. Rector, the members of the Board certified the closed meeting(s) in accordance with the requirements of the Virginia Freedom of Information Act. By vote in favor of this motion, each member certified that the closed meeting 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)

<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>

18. Adjourn

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

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

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

Prepared by:

Naoma A. Mullins, Recording Clerk

11-09-05 14039

Approved by the Washington County Board of Supervisors:

John B. Roberts, Sr., Chairman