

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, December 13, 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 the Washington County Leadership Class that was in attendance.

2. Invocation and Pledge of Allegiance

Supervisor Phillip McCall gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

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

Addition of Item 14.a.:

Consideration of Resolution Approving Issuance of Private Activity Bonds by Washington County Industrial Development Authority to benefit Emory & Henry College

Addition of Item 14.b.:

Consideration of Request of Emory & Henry College Abandonment of a Portion of Cambridge Avenue between Linden Street and Alder Street in the Emory Community

Addition of Item 17.d. County Attorney Reports:

Consideration of Resolution Extending Current Franchise Agreement of Charter Communications

Addition of Item 19.j. Consent Agenda:

Supplemental Appropriation – Electral Board Wiring for Voting Machine Storage Building

Addition of Item 19.k. Consent Agenda:***Supplemental Appropriation - \$250,000.00 in Tobacco Commission Grant Funds to Washington County IDA******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. Rector, it was resolved to approve the minutes of the November 22, 2005, regular meeting as presented.******The vote on this motion was as follows: (6-0-1)***

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

5. Public Hearings:**a. Request for Rezoning of Property:**

(1). Impact International Church, Property Tax Map #142-5-3: Request to rezone approximately .57 acres of property located at 21381 Old Dominion Road or more specifically on the north side of State Route 1712 at the intersection of State Route 1712 and Salem Road from M-1 (Industrial, Limited) to B-2 (Business, General), Wilson Magisterial District

Mr. Roberts opened the public hearing and invited comments both in support of and in opposition to the request for rezoning.

Mr. Ryan LaStrange, CEO for Impact International Church, Inc., addressed the Board explaining that the church is requesting the property in question be rezoned to B-2 (Business, General). Mr. LaStrange stated that the property is contiguous with another parcel that has the B-2 zoning designation. He stated that this property would be used to house a temporary sanctuary until their new church could be built on property (six acres) they purchased that was part of the Campbell property. Mr. LaStrange further stated that all the space is needed for congregational meetings, operation of their bible college, as well as a number of community outreach programs.

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

On motion of Mrs. Mumpower, second by Mr. Rector, it was resolved to follow the recommendation of the Washington County Planning Commission and approve the application of Impact International Church to rezone approximately .57 acres of property located at 21381 Old Dominion Road or more specifically on the north side of State Route 1712 at the intersection of State Route 1712 and Salem Road from M-1 (Industrial, Limited) to B-2 (Business, General), Wilson 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>

- b. Public Hearing and Consideration of Adoption of an Ordinance to Add Section 52-216 and to Amend Sections 52-8, 52-103, 52-156, and 52-212 of Chapter 52 of the Code of the County of Washington, Virginia to lessen restrictions on divisions for the purpose of conveyances to family members and to redefine “remnant” and “vehicular access easement”

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

County Planner Wally Horton addressed the Board explaining that County staff prepared proposed amendments to the County Subdivision Ordinance in response to direction from the Board of Supervisors. The following is an overview of the proposed amendments:

1. Definition of “remnant”: adds language to clarify that a lot created solely for public utility purposes and storm water detention purposes does not have to meet minimum lot requirements for a residential building lot;
2. Definition of “right of way”: adds a definition for “right-of-way;”
3. Definition of “street, legal status undetermined”: deletes the definition for this term because it is no longer used in the subdivision ordinance;
4. Definition of “street, private”: deletes reference to improvement of entrance because that requirement is stated elsewhere in the ordinance;
5. Definition of “Street, withheld”:
 - a. “Pre-existing withheld street”: (i) deletes reference to improvement to entrance because that requirement is stated elsewhere in the ordinance; and (ii) reduces minimum width requirement to ten feet for purposes of creation of lots for conveyances to family;”
 - b. “Family withheld streets”: reduces minimum width requirements to ten feet for purposes of creation of lots for conveyances to family;
6. Definition of “Subdivision, Minor”: deletes restriction against change in street for minor subdivisions because of possibility of increasing width of street for purposes of conveyance to family;
7. Definition of “Vehicular Access Easement”: language changes for clarification purposes only;
8. Conditions of approval, family divisions and family subdivisions: (i) adds statement that no building permits will be issued for construction on a parcel created by family division within the first two years after conveyance if the application is by a person other than a member of the family that owned the original lot; (ii) adds requirements for notices to be included on

- plat regarding responsibility for road maintenance expenses for private roads created for purposes of conveyance of lot to family;
9. Location provisions: (i) some changes for clarification purposes only; (ii) reduces minimum width requirement to ten feet for purposes of creation of lots for conveyances to family; (iii) eliminates setback requirements for private streets created for purposes of conveyance of parcel to family;
 10. Conditions of approval for “vehicular access easement”: establishes the plat notice requirement for “vehicular access easement.”

Discussion ensued among the Board. An issue of concern discussed was if the ordinance allowed for provisions in cases of hardships. Mr. Horton explained that hardships were addressed in the ordinance.

Mr. John Ratliff addressed the Board speaking in favor of the proposed amendments to the County Subdivision Ordinance. Mr. Ratliff explained that he owns 46 acres of land that was given to him and his wife by his father-in-law and under the current County Subdivision Ordinance they are unable to obtain a building permit to build a house. He stated that by adopting the proposed amendments the County Subdivision Ordinance would be in line with the state provisions for family divisions.

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

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

ORDINANCE NO. 2005-10

An Ordinance to Add Section 52-216 and to Amend Sections 52-8, 52-103, 52-156, and 52-212 of Chapter 52 of the Code of the County of Washington, Virginia, to Lessen Restrictions on Divisions for the Purpose of Conveyances to Family Members and to Redefine “Remnant” and “Vehicular Access Easement”

WHEREAS, the Board of Supervisors of the County of Washington, Virginia, adopted a new ordinance, effective July 1, 2005, to govern the division and subdivision of land; and

WHEREAS, state law allows, in any county that has had population growth of ten percent or more from the next-to-latest to latest decennial census year, based on population reported by the United States Bureau of the Census, that a subdivision ordinance may include reasonable provisions permitting divisions of lots or parcels for the purpose of sale or gift to a member of the immediate family of the property owner subject only to the restriction that such divisions shall be subject to all requirements of the Code of Virginia and to any requirements imposed by the local governing body; and

WHEREAS, the County of Washington, Virginia, has had population growth of ten percent or more from the next-to-latest to latest decennial census year, based on population reported by the United States Bureau of the Census; and

WHEREAS, the ordinance to govern the division and subdivision of land, effective July 1, 2005, included provisions specifically applicable to divisions of lots or parcels for the purpose of sale or gift to a member of the immediate family of the property owner; and

WHEREAS, the Board of Supervisors has reconsidered the provisions applicable to divisions of lots or parcels for the purpose of sale or gift to a member of the immediate family of the property owner and determined that the interests of public health, safety, and welfare would be

best served by allowing such divisions on a less restrictive basis, specifically in regard to the types of right-of-ways utilized to access properties subject to such divisions; and

WHEREAS, the definitions of “remnant” and “vehicular access easement” required improvement to clarify their meaning and application,

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 Chapter 52, Subsections 52-8, 52-103, 52-156, and 52-212 are amended, as set forth below:

Sec. 52-8. Definitions.

* * *

~~Residence, single family. Definition to be taken from USBC.~~

* * *

~~Remnant. Any lot that does not meet the minimum lot requirements of the County Code, excluding preexisting non-conforming lots and lots for public utility purposes and storm water detention purposes.~~

* * *

~~Right-of-way. The definition of right-of-way shall be as defined by Black's Law Dictionary. A person's legal right, as established by recorded instrument, to pass through grounds or property owned by another. Such legal right shall be determined to exist based on evidence of recorded instrument, including, but not limited to, deed or plat, that indicates the general or specific location of the right-of-way as well as numerical specification of its width. For purposes of this chapter, the term, "right-of-way," shall include, but not be limited to, "street" and "vehicular access easement" as defined in this chapter as subcategories or types of "right-of-way." In the event a route of access is identified by deed or plat as a right of way without specification of width, then it shall be established as a right-of-way for purposes of this chapter by recordation of an instrument signed by all affected property owners that established the width from the property to be divided to the point of intersection with a public street or by recordation of court order that established width of the right of way from the property to be divided to the point of intersection with a public street.~~

* * *

~~Street, legal status undetermined. (May also be referred to as Class E streets for classification purposes). Any street, where there is no clear indication of government acceptance of public dedication, and/or which does not meet the definitional criteria for a vehicular access easement or withheld street. There shall be no further divisions or subdivisions created and abutting such streets whose legal status is undetermined.~~

* * *

~~Street, private. (May also be referred to as Class B-1, Class B-2, and Class B-3 streets as described herein for classification purposes). A street, providing ingress and egress off of a dedicated recorded public street, that is dedicated and accepted by the county for public use but is privately maintained at the expense of individual property owners served or benefited by such street pursuant to this chapter, and that is not incorporated into the state system of secondary highways.~~

The private street types allowed, subject to the requirements of sections 52-214, 52-215, and all other requirements of this chapter, are:

- (1) *Rural private street (Class B-1 Street). A private street serving as access to and from no more than two lots or residences as part of a two-lot division or two-lot subdivision in accordance with section 52-156.*
 - a. *A lot or structure having frontage along a public street shall not be counted as one of the two lots or structures for purposes of determining whether a street qualifies as a rural private street.*
 - b. *An existing rural private street may serve as access to additional lots if such lots are created as part of a family division or family subdivision and may provide access to a family withheld street in cases where a lot proposed for a family subdivision is an interior lot and would otherwise be landlocked (See: section 52-156). ~~In such cases, the rural private street entrance to any public street shall meet, or be improved to meet, highway department standards to accommodate two-way traffic.~~*
- (2) *Private street(s) built to public street standards (Class B-2 Street). A private street serving only gated residential subdivisions, as defined in this chapter and the zoning ordinance.*
- (3) *Commercial access street (Class B-3 Street). A publicly dedicated street serving major subdivisions of a commercial nature built to highway department standards that has not been accepted for incorporation into the state system of secondary highways. Such streets shall be maintained by a property owners association and additional requirements as determined on a case-by-case basis in accordance with agreements between the agent, subdivider, and governing body.*

* * *

Street, withheld. (May also be referred to as Class C-1 and Class C-2 streets as described herein for classification purposes). A street withheld from dedication for public use that is maintained solely at private expense, and is not incorporated, or eligible for incorporation, into the state system of secondary highways. No new withheld streets will be created under the provisions of sections 52-212, 52-213, or any other provision of this chapter with the exception of new family withheld streets. Withheld streets are composed of the following two types:

- (1) *Pre-existing withheld street (Class C-1 Street). A previously existing, unchanged, and withheld right-of-way, approved by the planning commission under a prior ordinance (chapter 54) as withheld from dedication for public use and recorded under any prior ordinance regulating the subdivision of land.*
 - a. *Pre-existing withheld streets approved under a prior ordinance (chapter 54) may abut and access an additional lot(s) ~~or a family withheld street~~ in accordance with section 52-156 provided they have an existing and continuous right-of-way of 20 feet or greater from the new lot(s) to the intersection with a public road and the entrance to any public street meets, or is improved to meet, highway department standards to accommodate two-way traffic.*
 - b. *Pre-existing withheld streets approved under a prior ordinance (chapter 54) may abut and access an additional lot(s) created for purposes of conveyance to a family member in accordance with section 52-156 and/or a family withheld street, as defined in this chapter, provided it has an existing and continuous right-of-way of 10 feet or greater from the new lot(s) to the intersection with a public road.*
- (2) *Family withheld street (Class C-2 Street). A withheld right-of-way of not less than 10 feet or greater than 20 feet in width abutting lots as part of a family division or family subdivision and accessing off of an existing right-of-way as follows:*

- a. *In cases where a lot proposed for a family subdivision does not abut any public streets, the family withheld street may access, in accordance with all requirements of this chapter, off of ~~a~~ right of way of 10 feet or greater in width intervening pre-existing withheld street, an existing rural private street, or a vehicular access easement between the lot being subdivided and the nearest public street. A right-of-way of less than 10 feet in width may be enlarged to at least 10 feet, but no wider than 20 feet, in order to be allowed to provide access to a family withheld street.*
- b. *Otherwise, family withheld streets shall access off of a dedicated and recorded public street.*

Subdivision, minor. Subdivisions that do not involve the extension of any public water or public sewer service, limited to the following:

- (1) *Family subdivision. A subdivision of property for the purpose of sale or gift to a family member of the owner of the property pursuant to the Code of Virginia and this chapter, limited to subdividing a lot into:*
- a. *More than two lots for the purpose of sale or gift to a family member of the owner of the property pursuant to the Code of Virginia and this chapter, which does not result in the creation of, ~~or change in,~~ any street, road, easement or right-of-way, other than a new family withheld street, as may be required to provide access to a lot(s); or*
- b. *Two lots for the purpose of sale or gift to a family member of the owner of the property pursuant to the Code of Virginia and this chapter, which does not result in the creation of, ~~or change in,~~ any street, road, easement or right of-way, other than requiring a new family withheld street to access at least one of the lots.*
- (2) *Two-lot subdivision. The apportionment of a lot of land into two lots for the purpose, whether immediate or future, of sale, transfer, or building development and that does not result in the creation of, or change in, any street, road, easement or right-of-way, other than requiring a new rural private street to access at least one of the lots.*

* * *

Vehicular access easement, access easement. (May also be referred to as Class D streets for classification purposes). A right-of-way composed of the following characteristics:

- (1) *The right-of-way accesses off of a dedicated recorded public street, and is composed of an uninterrupted right-of-way of 20 feet or greater providing full frontage along the lot being divided;*
- (2) *The entrance to a public street is in accordance, or will be improved to be in accordance, with highway department standards to accommodate two-way traffic, including cases where a vehicular access easement will access a new family withheld street;*
- (3) *The ~~street or roadway~~ right-of-way is physically located on the ground, and its location, including the right-of-way, has been legally established with recorded plat and/or deed book and page prior to the date of adoption of this chapter, and there is no change in the alignment, the length, or the width of such street or roadway other than improving the entrance, as may be required, to a ~~any~~ public street to be in accordance with highway department standards;*
- (4) *The ~~street~~ right-of-way is not publicly maintained; and*
- (5) *The ~~street or roadway~~ right-of-way was not previously approved for withholding from public dedication by the county.*

~~*There shall be no further divisions or subdivisions created and abutting any vehicular access easement except in accordance with provisions of this chapter.*~~

* * *

Sec. 52-103. Conditions of approval, family divisions and family subdivisions.

Each approval of a plat for a family division or family subdivision shall be subject to the following conditions:

- (1) *No lot, including the residue, shown on the family division or subdivision plat may be sold or conveyed to a person other than a "family member," defined herein, for a period of two years from the date of recordation of this plat except for purposes of securing any purchase money and/or construction loan, including bona fide refinancing, or unless such lots are subject to an involuntary transfer such as foreclosure, death, catastrophic illness, judicial sale, condemnation or bankruptcy. Written documentation verifying such shall be submitted to the agent for determination of hardship. In the event that a lot created by family division or family subdivision is conveyed to a non-family member prior to expiration of this two-year holding period, the County shall not issue building permit(s) for construction on said lots in the absence of evidence of hardship, as described in this section, until after expiration of the two-year holding period from the date of the original conveyance to family member.*
- (2) *If any lot created by the recordation of this plat is conveyed back to the grantor, it shall be recombined with the parent lot within six months after such conveyance. A note to this effect shall be added to each plat and in the deeds for a family division or family subdivision.*
- (3) *Any family-withheld street or other right of way that is not publicly dedicated that serves as access to a family division or family subdivision, from the point of intersection with a public road to the family division or family subdivision, shall be clearly identified and/or noted as such on the final plat drawn and recorded for such family division or family subdivision, stating that the right of way does not meet state standards and will not be maintained by the highway department or the county. In addition, the plat shall include a statement that the owners of the properties abutting such right-of-way shall be responsible for the expenses of maintenance and, in the event the owners wish to bring the right-of-way into the state system of secondary highways, the owners of the properties abutting such right of way shall be responsible for all expenses and land acquisitions necessary to do so.*

* * *

Sec. 52-156. Location.

(a.) All lots shall meet the requirements of the zoning ordinance.

(b.) The entrance to any public street that intersects with any right-of-way serving a division or subdivision shall meet or be improved to meet highway department standards to accommodate two-way traffic.

(c.) There shall be no further divisions or subdivisions created and abutting any vehicular access easement except in accordance with provisions of this chapter.

(d) Each lot within a major subdivision shall abut on a public street, a private street built to public street standards or a commercial access street, dedicated by the subdivision plat pursuant to provisions of this chapter.

~~(2e)~~ Each lot within a family subdivision shall abut on streets as follows:

1. Family subdivisions consisting of two lots may abut, in part, on any right-of-way of 10 feet or greater in width of the following: an existing public street, a pre-existing withheld street, a vehicular access easement, or on an existing rural private street. At least one of the lots shall abut on a new family withheld street pursuant to provisions of this chapter. A right-of-way of less than 10 feet in width may be enlarged to at least 10 feet, but no wider than 20 feet, in order to be allowed to provide access to one of the lots in a family subdivision consisting of two lots.

~~b-2.~~ Family subdivisions consisting of three or more lots shall abut on any right-of-way of 10 feet or greater in width of the following: an existing public street, an existing rural private street, an existing family withheld street, a pre-existing withheld street, a vehicular access easement, or a new family withheld street as may be needed to provide access to one or more lots pursuant to provisions of this chapter. A right-of-way of less than 10 feet in width may be enlarged to at least 10 feet, but no wider than 20 feet, in order to be allowed to provide access to a family subdivision consisting of three or more lots.

~~(3f)~~ A two-lot subdivision may abut, in part, on an existing public street. At least one of the two lots of a two-lot subdivision shall abut on a new rural private street pursuant to provisions of this chapter.

~~(4g)~~ Each lot within a two-lot division shall abut on any of the following: an existing public street, an existing rural private street, a pre-existing withheld street, or on a vehicular access easement pursuant to provisions of this chapter. The following additional requirements shall be satisfied in cases where lots in a two-lot subdivision are to be abutted and accessed by vehicular access easements: There shall be no subsequent division of either lot for a period of five years after the final plat is legally recorded without complying with all requirements for major subdivisions in this chapter. A note to this effect shall be added to each plat and in the deeds to the lots.

~~a.~~ There shall be no subsequent division of either lot for a period of five years after the final plat is legally recorded without complying with all requirements for major subdivisions in this chapter. A note to this effect shall be added to each plat and in the deeds to the lots.

~~(5h)~~ Each lot within a family division shall abut on any right-of-way of 10 feet or greater in width of the following: an existing public street, a pre-existing withheld street, an existing family withheld street, or on an existing rural private street, or on a vehicular access easement pursuant to provisions of this chapter.

(6) As a precursor to potential further development, the subdivider shall make provisions in the deeds to lots created as part of a family subdivision, family division, or two-lot division abutting pre-existing withheld streets, family withheld streets, or vehicular access easements for all buildings and structures to be so constructed as to meet all setback requirements of chapter 66 after permitting the widening by dedication of such streets to a width of 40 feet. Deed covenants requiring a minimum setback line from the center of the existing street right-of-way for all such construction will meet this requirement.

* * *

Sec. 52-212. Withheld streets; approval criteria, design and construction standards.

In considering approval of withheld streets, the agent shall allow only new family withheld streets as provided in this chapter and such streets shall access only lots or residences in existence as result of a lawfully created family subdivision in accordance with the Code of Virginia and this chapter. ~~New family withheld streets shall meet the definitional requirements of this chapter and the entrance to any public street shall meet highway department standards to accommodate two-way traffic in cases where the family withheld street abuts/accesses three or more properties.~~

2. That Chapter 52 new Subsection 52-216 is added, as set forth below:

Division 8. Private Streets, ~~and~~ Streets Withheld from Public Dedication, and Vehicular Access Easements.

* * *

Sec. 52-216. Vehicular Access Easement, conditions of approval.

Vehicular Access Easements shall be clearly identified as such on the final plat, with a certification identifying and signed by the benefited property owner(s) served by such street stating:

1. Which streets in the subdivision are not publicly dedicated, nor accepted for dedication by the county, as vehicular access easements;
2. That vehicular access easements will not be maintained by the state department of transportation or county;
3. That the vehicular access easement shall be maintained by the benefited property owner(s) served by such street;
4. That the vehicular access easement is ineligible for incorporation into the state system of secondary highways unless it is brought into conformance with the requirements of the highway department at no cost to the county or state and that, upon any future request for public dedication as public streets, the owners of the abutting lots shall, at their own expense, satisfy all applicable requirements imposed by the governmental bodies or agencies involved and in effect at that time;
5. Until the vehicular access easement is improved and incorporated into the state secondary highway system certain public services may not be available to the property; and
6. That the property owner shall record this statement in the deeds to the lots prior to the issuance of a building permit on a lot not having frontage on a public street, and grantors of any subdivision lots that contain vehicular access easements must include this statement on each subsequent deed of conveyance thereof.

* * *

2. 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.
3. That this ordinance shall become effective immediately upon its enactment.

The vote on this motion was as follows: (4-3)

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

6. Consideration of Approval of Proposed Six-Year Plan for Secondary Highway Improvements, 2006-07 through 2011-12

Mr. Stephen Buston appeared before the Board to present a revised six-year plan for their approval and adoption of the revised budget. Mr. Buston explained that the projects on the previous six-year plan have not been changed and remain in the same priority order as the previous six-year plan. Projects added back to the plan from storage include Parks Mill Road and Barn Rock Road. Unpaved construction projects include Childress Hollow Road, Clinch Mountain Road and Whitaker Hollow Road. Mr. Buston advised the Board that two new projects were added to the plan (Whitaker Hollow Road and Azure Lane).

On motion of Mr. Ingle, second by Mr. Reynolds, the Board acted to adopt the following resolution:

**RESOLUTION 2005-42
APPROVAL OF SIX-YEAR SECONDARY ROAD PLAN 2006-2012**

BE IT HEREBY RESOLVED, the Washington County, Virginia Board of Supervisors does hereby approve the FY 2006-07 to 2011-12 Virginia Department of Transportation Secondary System Six Year Plan for Washington County, Virginia and,

BE IT FURTHER RESOLVED, that the Washington County, Virginia Board of Supervisors approves the first year of the plan titled, Details of Washington County, Virginia Secondary Construction Budget for July 1, 2006 through June 30, 2012.

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>

Mr. Buston expressed his appreciation to Supervisors John Roberts and Bobby Ingle.

Scrivener's Note: The Six-Year Plan referenced above is included as Minutes Exhibits Item 2005-12-13-A.

7. Consideration of Adoption of Various Resolutions Pertaining to the Meadowview Health Clinic and Community Facility Project

Mr. Brian Martin, Project Manager with Mount Rogers Planning District Commission addressed the Board providing a review of resolutions pertaining to the Meadowview Health Clinic and Community Facility Project that are required by the Community Development Block Grant Program. Also, Mr. Martin provided the Board with a status of the project. He advised that all funding needed for the project is now in place and there is approximately \$100,000 in contingency. Mr. Martin

stated that the facility will be an exact replica of the building demolished in the Meadowview Square.

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

**RESOLUTION 2005-43
WASHINGTON COUNTY NON-DISCRIMINATION POLICY**

BE IT HEREBY RESOLVED by the Board of Supervisors of Washington County, Virginia that the County of Washington, Virginia or any employee thereof will not discriminate against an employee or applicant for employment because of race, age, handicap, creed, religion, color, sex, or national origin. Administrative and Personnel officials will take affirmative action to insure that this policy shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; rates of pay or other forms of compensation; and selection for training.

**RESOLUTION 2005-44
WASHINGTON COUNTY RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION
PLAN**

BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that it hereby adopts the following Residential Anti-Displacement and Relocation Plan for the purpose of the Meadowview Health Clinic and Community Facility Project Grant (CIG):

A. Washington County will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income dwelling unit as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended. All replacement housing will be provided within three (3) years of the commencement of the demolition or rehabilitation relating to conversion.

B. Before obligating or expending funds that will directly result in such demolition or conversion, the County will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

- (1) a description of the proposed assisted activity;*
- (2) the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;*
- (3) a time schedule for the commencement and completion of the demolition or conversion;*
- (4) the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;*
- (5) the source of funding and a time schedule for the provision of replacement dwelling units;*
- (6) the basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy; and*
- (7) information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate-income households in the jurisdiction.*

C. Washington County will provide relocation assistance to each low/moderate-income household displaced by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provided under Section 104 (d) of the Housing and Community Development Act of 1974, as amended, or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

D. The County's FY 2005 project includes the following activities:

The Meadowview Health Clinic and Community Facility

E. The activities as planned will not cause any displacement from or conversion of occupiable structures. As planned, the project calls for the construction of a 12,300 sq. ft. facility to house a sliding fee clinic and community facility in the community of Meadowview. The County will work with the grant management staff, engineers, project area residents, and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

F. In all cases, an occupiable structure will be defined as a dwelling that meets local building codes or a dwelling that can be rehabilitated to meet code for \$25,000 or less.

**RESOLUTION 2005-45
FAIR HOUSING CERTIFICATION IN COMPLIANCE WITH
TITLE VIII OF THE CIVIL RIGHTS ACT 1968**

WHEREAS, Washington County has been offered and intends to accept federal funds authorized under the Housing and Community Development Act of 1974, as amended, and

WHEREAS, recipients of funding under the Act are required to take action to affirmatively further fair housing;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that the Board agrees to take at least one action to affirmatively further fair housing each grant year, during the life of its project funded with Community Development Block Grant Funds. The action taken will be selected from a list provided by the Virginia Department of Housing and Community Development.

**RESOLUTION 2005-46
WASHINGTON COUNTY LOCAL BUSINESS AND EMPLOYMENT PLAN**

BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that it hereby adopts the following Local Business and Employment Plan for the purpose of the Meadowview Health Clinic and Community Facility Project Grant (CIG):

- 1. Washington County designates as its Local Business and Employment Project Area the boundaries of Washington County.*
- 2. Washington County, its contractors, and designated third parties shall in utilizing Community Improvement Grant funds utilize businesses and lower income residents of the Project Area in carrying out all activities, to the greatest extent feasible.*
- 3. In awarding contracts for work and for procurement of materials, equipment, or services Washington County, its contractors, and designated third parties shall take the following*

steps to utilize businesses which are located in or owned in substantial part by persons residing in the Project Area:

- a) *Washington County shall ascertain what work and procurements are likely to take place through the Community Improvement Grant funds;*
- b) *Washington County shall ascertain through various and appropriate sources including:*
 - Virginia Employment Commission*
 - Washington County News*
 - The business concerns within the project area which are likely to provide materials, equipment, and services which will be utilized in the activities funded through the Community Improvement Grant.*
- c) *The identified business concerns shall be apprised of opportunities to submit bids, quotes, or proposals for work or procurement contracts which utilize CIG funds.*
- d) *To the greatest extent feasible the identified business and any other project area business concerns shall be utilized in activities which are funded with CIG funds.*

4. In the utilization of trainees or employees for activities funded through CIGs Washington County, its contractors, and designated third parties shall take the following steps to utilize lower income persons residing in the project area:

- a) *Washington County in consultation with its contractors (including design professionals) shall ascertain the types and number of positions for both trainees and employees which are likely to be utilized during the project funded by CIGs.*
- b) *Washington County shall advertise through the Washington County News the availability of such positions with the information on how to apply.*
- c) *Washington County, its contractors, and designated third parties shall be required to maintain a record of inquiries and applications by project area residents who respond to advertisements, and shall maintain a record of the status of such inquiries and applications.*
- d) *To the greatest extent feasible, Washington County, its contractors, and designated third parties shall utilize lower income project area residents in filling training and employment positions necessary for implementing activities funded by CIGs.*

5. In order to ascertain substantial compliance with the above affirmative actions and Section 3 of the Housing and Community Development Act of 1968, Washington County shall keep, and require to be kept by contractors and third parties, listings of all persons employed and all procurements made through the implementation of activities funded by CIGs. Such listings shall be completed and shall be verified by site visits and interviews, crosschecking of payroll reports and invoices, and through audits if necessary.

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. Presentation Concerning Activities of Washington County Public Library Planning Committee

Washington County Public Library Director Charlotte Parsons made a presentation to the Board concerning activities of the Washington County Public Library Planning Committee. Ms. Parsons began her presentation by expressing appreciation to outgoing Board members John Roberts and Bobby Ingle. She explained that Library staff and the Library Planning Committee have engaged in activities for making improvements to the Library's facilities. Activities have been conducted with the knowledge and full understanding that official support is needed from the Board of Supervisors before plans could be enacted. The following are highlights of the activities:

Hayters Gap and Mendota Library Branches

- Preliminary engineering and architectural work provided estimates of the cost to improve and expand these two libraries
- Grants were submitted, asking for half of the amount needed for the repairs
- Grants were not funded
- Blueprints are being reviewed in preparation for developing more detailed plans for improvements at Hayters Gap

Damascus

- Property suitable for a library has been identified, purchase price discussed, and estimates obtained for renovation costs
- Town of Damascus has committed \$30,000 toward purchase of property
- Blue Ride Tourism Office is interested in locating an information site in a new library
- Community group is organizing to raise funds for renovation
- Grants and loans from federal agencies have been explored

Main Library

- Expansion on the current site has been considered; lack of available land curtails the plan
- Two potential sites have been identified; cost is being investigated

General

- Bristol Public Library will "lend" library shelving no longer needed
- County will be asked to help store the shelving until it is needed for future projects

Upcoming Plans

- Library Board and Library Planning Committee will continue to explore options for improvements
- Need for improvements and demand for service throughout the County will be compared and related to the options and potential costs
- A prioritized list of needs, estimated cost and time frame will be available during the budget process in the Spring of 2006

Discussion ensued among the Board. Supervisor John Roberts addressed the Board explaining that he served on the Library Planning Committee from its inception. Mr. Roberts stated that the Library is vital to the communities they serve. He further stated that it would not take a lot of money to make the improvements needed at the Hayters Gap and Mendota branches and urged the Board to look strongly at funding for the improvements during the next budget year. Supervisor Bobby Ingle

stated that the branches at Hayters Gap and Mendota are heavily used and a valuable asset to those communities.

9. Consideration of Personnel Committee Recommendations Concerning Salary Adjustments for Administrative Division Personnel

Chairman John Roberts addressed the Board explaining that at the November 22 Board meeting, the Personnel Committee presented to the Board the Committee’s recommended Compensation Adjustment Plan for Administrative Division personnel. The Board acted to table further consideration of this matter to this meeting in order that the Board could review the SESCO Management Consultant’s report.

The Board devoted considerable discussion to this item. Several Supervisors expressed concerns with the fairness and cost of the compensation plan.

Responding to an inquiry from the Board, Mr. Reeter explained that the Board had voted to do the comprehensive salary study in phases beginning with the Administrative Division. Other County departments including the constitutional officers’ employees would be the next phase of the study if the Board chose to do so.

On motion of Mrs. Mumpower, second by Mr. Owens, the Board acted to adopt the County Personnel Committee’s Compensation Adjustment Plan for Administrative Division employees effective January 1, 2006.

The vote on this motion was as follows: (5-2)

<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>Nay</i>
<i>Mr. Reynolds</i>	<i>Nay</i>
<i>Mr. Roberts</i>	<i>Aye</i>

On motion of Mrs. Mumpower, second by Mr. McCall, it was resolved to transfer \$15,000.00 from Line-Item 19410-1950, Compensation of Leave to Line-Item 91410-1990, Compensation-Administration Pay Adjustment, and to authorize release of funds in this line-item for implementation of Year One of the Compensation Plan.

The vote on this motion was as follows: (5-2)

<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>Nay</i>
<i>Mr. Reynolds</i>	<i>Nay</i>
<i>Mr. Roberts</i>	<i>Aye</i>

Scrivener’s Note: The Compensation Adjustment Plan referenced above is included as Minutes Exhibits Item 2005-12-13-A.

10. Consideration of Resolution Approving Amendment of Smyth-Washington Regional Enterprise Zone

County Administrator Mark Reeter addressed the Board explaining that Smyth County is preparing an amendment application to the Virginia Department of Housing and Community Development for the Smyth-Washington Regional Enterprise Zone to add portions of the Town of Marion which can now be included due to State code changes, and also extending the zone to the Wythe County line. Because Chilhowie, Glade Spring and Washington County are also participants in the regional zone, Smyth County need resolutions of support from those governing bodies to go into their application. The proposed amendment does not affect Washington County nor prevent any subsequent amendments that Washington County may want to make.

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

**RESOLUTION 2005-47
ENTERPRISE ZONE AMENDMENT**

WHEREAS, the current joint Enterprise Zone, including portions of Glade Spring, Chilhowie, Smyth County and Washington County, was established to provide economic incentives to businesses who locate in the zone; and

WHEREAS, the Smyth County Board of Supervisors is proposing a boundary amendment to the zone in order to add portions within the Town of Marion and additional unincorporated area in eastern Smyth County that were not originally included in the zone; and

WHEREAS, the Board of Supervisors of Washington County recognizes the need to make periodic revisions to the current Enterprise Zone and that it may in the future submit zone amendments, but currently the County has no proposed amendment to its portion of the zone; and

WHEREAS, no public hearing is required to be held by the Board of Supervisors of Washington County because there will be no impact from this amendment to the County.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Washington County hereby acknowledges the Enterprise Zone amendment application from Smyth County and agrees to its submittal.

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

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

11. Consideration of Resolution Requesting Incorporation of Spring Garden Drive into State System of Secondary Highways, Spring Hill Subdivision

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

**RESOLUTION 2005-48
ADDITION OF 850 LINEAR FEET OF SPRING GARDEN DRIVE
TO SECONDARY SYSTEM OF STATE HIGHWAYS**

SPRING HILL 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>
<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 Additions Form SR-5A referenced above is included as Minutes Exhibits Item 2005-12-13-C.

12. Consideration of Resolution Requesting Incorporation of Joe Derting Drive into State System of Secondary Highways, Abingdon Regional Jail Facility Property

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

**RESOLUTION 2005-49
ADDITION OF 1,935 LINEAR FEET OF JOE DERTING DRIVE
TO SECONDARY SYSTEM OF STATE HIGHWAYS**

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>
<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 Additions Form SR-5A referenced above is included as Minutes Exhibits Item 2005-12-13-D.

13. Consideration of Supplemental Appropriation for the Crooked Road Heritage Music Trail Project

County Administrator Mark Reeter addressed the Board explaining that the Crooked Road Heritage Music Trail Project is requesting a supplemental appropriation of \$5,000.00 prior to December 31 of this year as Washington County’s contribution toward matching funds for additional state and federal grants. Mr. Reeter explained that the Crooked Road Heritage Music Trail Project has not provided specific information as to what grants they are pursuing. They also indicated that they will be asking for annual appropriations beginning in the FY 2006-2007 budget year. Mr. Reeter stated that the County’s contingency fund has dropped below \$100,000 and recommended the Board take a conservative approach to supplemental appropriations.

Discussion ensued among the Board.

On motion of Mr. Rector, second by Mr. Owens, the Board acted to deny the request from the Crooked Road Heritage Music Trail for \$5,000.00 pending receipt of additional information.

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>

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

14. Consideration of Award of Bid for Courthouse Security Equipment

Accounting Manager Mark Seamon addressed the Board explaining over the past several months an informal County Courthouse Security Committee has worked in conjunction with the County Facilities Committee, chief Circuit Court Judge Randall Lowe and Sheriff Fred Newman to review courthouse security measures. Based upon the Committee's recommendations the County formally requested proposals for a security upgrade to the County Courthouse. The scope of the project includes the installation of cameras, metal detectors, e-ray package scanning security system, locking devices and all associated equipment and monitoring devices. Mr. Seamon explained that funding for the project will be taken from 2005 Homeland Security Grant funds awarded to the County. He stated that in October of this year the County issued request for proposals for the Courthouse Security Project. Three proposals were received. The Committee is recommending that a contract be entered into with Dynamark Security, Inc. in the amount of \$54,956.55 because Dynamark's solution added more flexibility, scalability and future expandability than the other proposals.

Discussion ensued among the Board.

Responding to an inquiry from the Board, Mr. Seamon explained that Dynamark's proposal was the highest cost of the three proposals received. However, the Committee recommended Dynamark because they offered a computer based security system with the best technology and future expandability.

Mr. Reeter addressed the Board explaining that this recommendation only begins to address courthouse security issues and that the court will most likely require upgrades to the system.

On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved to award the contract for County Courthouse Security Upgrade to Dynamark Security, Inc. in the amount of \$54,956.55. 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*

14.a. Consideration of Resolution Approving Issuance of Private Activity Bonds by Washington County Industrial Development Authority to benefit Emory & Henry College

County Administrator Mark Reeter addressed the Board explaining that the Washington County Industrial Development Authority (IDA) requests Board approval for the issuance of private activity bonds in an amount not to exceed \$3 million for the purpose of construction of additional student housing for Emory & Henry College. State Code requires approval by the Board of Supervisors although neither the County nor IDA secures or guarantees the bonds to any degree. Further the bonds do not count against the debt of the County.

On motion of Mr. Rector, second by Mrs. Mumpower, the Board acted to adopt the following resolution:

**RESOLUTION 2005-50 OF THE BOARD OF SUPERVISORS OF
WASHINGTON COUNTY, VIRGINIA**

WHEREAS, the Industrial Development Authority of Washington County, Virginia (the "Authority"), has considered the application of Emory & Henry College (the "Applicant"), a non-profit institution of collegiate education, for the issuance of the Authority's revenue note (the "Note") pursuant to Title 15.2, Chapter 49 of the Code of Virginia of 1950, as amended, in one or more series, in a total amount now estimated not to exceed \$3,000,000, the proceeds of which are expected to be used to finance (a) the acquisition, design, construction and equipping of two approximately 6,200 square foot, 22-bed, student residences, a parking lot and related infrastructure and (b) costs of issuance of the Note (collectively, the "Project");

WHEREAS, the Authority on December 6, 2005, has held a public hearing on the issuance of the Note; and

WHEREAS, the Authority has requested the Board of Supervisors (the "Board of Supervisors") of Washington County, Virginia (the "County"), to approve the issuance of the Note to comply with Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), and to concur with the Authority's expectation that the County, the Authority and all subordinate issuing entities or authorities do not reasonably expect to issue in calendar year 2005 any other tax-exempt obligations (not including "private activity bonds" other than "qualified 501(c)(3) bonds," as those terms are defined in the Code), that when aggregated with the Note for purposes of Section 265(b)(3)(B) of the Code will be in excess of \$10,000,000, in order that the Authority may designate the Note as a "qualified tax-exempt obligation" under Section 265(b)(3)(B) of the Code; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Note, subject to terms to be agreed upon, a record of the public hearing and a "fiscal impact statement" with respect to the issuance of the Note have been filed with the Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF WASHINGTON COUNTY, VIRGINIA:

1. The Board of Supervisors hereby approves the issuance of the Note by the Authority for the benefit of the Applicant, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, to permit the Authority to issue the Note for the purpose set forth above.

2. Approval of the issuance of the Note, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, does not constitute an endorsement of the Note or the creditworthiness of the Applicant. As required by Section 15.2-4909 of the Virginia Code, the Note shall provide that neither the County nor the Authority shall be obligated to pay the Note or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefore, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, the County or the Authority shall be pledged thereto.

3. The County having not previously issued in calendar year 2005 tax-exempt obligations (not including "private activity bonds" other than "qualified 501(c)(3) bonds," as those terms are defined in the Code), in an amount greater than \$7,000,000, which are required to be aggregated with obligations issued by the Authority for purposes of Section 265(b)(3)(B) of the Code, and the County, the Authority and all subordinate issuing entities or authorities not reasonably expecting to issue in calendar year 2005 any other such obligations that when

aggregated with the Note will be in excess of \$10,000,000, the County concurs with the Authority's intention to designate the Note as a "qualified tax-exempt obligation" under Section 265(b)(3)(B) of the Code.

This Resolution shall take effect immediately upon its adoption.

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.b. Consideration of Request of Emory & Henry College Abandonment of a Portion of Cambridge Avenue between Linden Street and Alder Street in the Emory Community

Ms. Sara Beamer, Chief Financial Officer for Emory and Henry College, addressed the Board explaining that the College is requesting abandonment of a portion of Cambridge Avenue between Linden Street and Alder Street in order that the property could be incorporated into the College's student housing project.

Mr. Reeter advised the Board that the Virginia Department of Transportation has been made aware of the potential abandonment request and do not have any problems.

On motion of Mr. Rector, second by Mrs. Mumpower, it was resolved to adopt the following resolution and to initiate procedures necessary to vacate the alley:

RESOLUTION 2005-51

NOTICE OF INTENT TO ABANDON A PORTION OF CAMBRIDGE AVENUE (S.R. 838) LOCATED BETWEEN LINDEN STREET AND ALDER STREET IN EMORY, VIRGINIA, AND TO NOTIFY COMMISSIONER OF TRANSPORTATION BOARD OF SAME

WHEREAS, it appears to this Board that Cambridge Avenue (Secondary Route (S.R.) 838), from its intersection with Linden Street (S.R. 866) to its intersection with Alder Street (S.R. 839), a distance of approximately 410 feet, serves no public necessity and is no longer necessary as a part of the Secondary System of State Highways; and

WHEREAS, at its regular meeting on December 13, 2005, this Board indicated its consensus to proceed with the steps to abandon the section of Cambridge Avenue as requested by Emory & Henry College;

NOW, THEREFORE, BE IT RESOLVED: The Clerk of the Board is directed to post and publish notice of the Board's intent to abandon the aforesaid section of S.R. 838, pursuant to § 33.1-151 of the Code of Virginia of 1950, as amended.

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

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

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

15. Recess

It was consensus of the Board to take a ten-minute recess.

16. County Administrator Reports:

a. Final Draft of Proposed Board By-laws, General Policies and Operating Procedures for CY 2006

County Administrator Mark Reeter explained that the Board had been provided with the final draft of the By-Laws, General Policies & Operating Procedures of the Board of Supervisors for Calendar Year 2006 for their review and input. Mr. Reeter stated that no administrative changes are being proposed.

b. Board of Supervisors Committees and Advisory Boards for Calendar Years 2005 and 2006

Mr. Reeter reviewed the list of proposed Committees and Advisory Boards for Calendar Year 2006. It is recommended that all the existing committees and advisory boards be re-established. No new committees are being recommended.

c. Appointments Scheduled for January 10, 2006 Organizational Meeting

Mr. Reeter reviewed a list of appointments scheduled for the January 10, 2006, Organizational Meeting.

d. Upcoming Virginia Association of County Supervisors Forum and Legislative Day Events

Mr. Reeter reminded the Board of two upcoming Virginia Association of Counties meetings early next year:

VACo New County Supervisor Forum – January 6-8 2006 – Richmond
 VACo/VML 2006 Legislative Day – February 9, 2006 – Richmond

e. Christmas and New Years Holiday Schedule

Mr. Reeter reminded the Board that the County Administrative Offices will be closed Friday, December 23 and Monday, December 26 in observance of the Christmas Holiday. Offices will also be closed Monday, January 2, 2006 in observance of the New Year's Day Holiday.

f. December 20 Reception for Supervisors John Roberts and Bobby Ingle

Mr. Reeter reminded the Board of the reception in honor of Supervisors John Roberts and Bobby Ingle scheduled for Tuesday, December 20, 2005 beginning at 6:00 PM in Conference Room 1 of the County Administration Building.

g. Proposed Cancellation of December 27 Regular Meeting

On motion of Mr. Ingle, second by Mr. Owens, it was resolved to cancel the December 27 Regular 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>

17. County Attorney Reports:

a. Notice to the Public of a Joint Petition of 3 Communications, LLC, Leucadia National Corporation, and Witel Communications Group, LLC, for Approval of an indirect transfer of control

County Attorney Lucy Phillips reported that the County received notice of a joint petition of Level 3 Communications, LLC, Leucadia National Corporation, and Witel Communications Group, LLC for an indirect transfer of control. 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.

b. Notice to the Public of Appalachian Power Company's Request to Revise its Fuel Factor

Ms. Phillips advised the Board that the State Corporation Commission has scheduled a public hearing for 10:00 AM, January 12, 2006, for purpose of receiving comments on the Appalachian Power Company application to increase its current fuel factor from 1.420¢ per kWh to 1.785¢ per kWh.

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

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

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>

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

d. Consideration of Resolution Extending Current Franchise Agreement of Charter Communications

Ms. Phillips explained that the County's franchise agreement with Charter Communications for operation of a cable television system in the County expired on October 13, 2005. The County and Charter have negotiated for a franchise renewal, but as outlined in correspondence from Charter, schedule demands have interfered with completion of negotiations. A franchise extension would formalize the Board's authorization that the current franchise agreement would remain in effect for a reasonable time period while negotiations continue.

On motion of Mr. Rector, second by Mr. Reynolds, it was resolved to adopt the following resolution and to authorize the Chairperson of the Board to sign necessary documents to signify extension of the franchise agreement:

**RESOLUTION 2005-52
GRANTING SIX-MONTH EXTENSION TO THEFRANCHISE AGREEMENT
BETWEEN
THE COUNTY OF WASHINGTON, VIRGINIA, AND CHARTER COMMUNICATIONS FOR
OPERATION OF A CABLE TELEVISION SYSTEM IN THE COUNTY**

WHEREAS, Marcus Cable Associated, L.L.C, locally known as Charter Communications currently holds a cable franchise with Washington County, Virginia granted by Ordinance ("Franchise"), on October 13, 1998; and

WHEREAS, Charter's Franchise with the Washington County expired on October 13, 2005; and

WHEREAS, Charter and Washington County have been engaged in informal renewal negotiations in accordance with Section 626(h) of the Cable Act; and

WHEREAS, the parties continue to reserve all rights under the formal procedures of Section 626 of the Cable Act and do not waive any rights related thereto; and

WHEREAS, it is in the public interest to extend the current Franchise for an additional period of six months so that cable service to the public will not be interrupted.

NOW, THEREFORE, the franchise agreement with Charter shall be extended for a period of six months from the date of expiration of the current agreement, which shall renew the agreement to extend to April 13, 2006. If during the term of this extension the parties shall execute a renewal license of longer term the latter shall immediately supercede the former. Execution of this Extension shall not constitute a waiver of Washington County's or Charter's rights respecting the Franchise. Charter shall not be required to send another request for renewal of the Franchise under Section 626 as a result of this Extension.

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*

18. Board Information

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

- Minutes of the Meeting of the Washington County Planning Commission, November 28, 2005.
- Appointments to Boards, Authorities and Commissions Expiring June 30, 2006.
- Executive Summary - I-81 Corridor Improvement Study Tier I Draft Environmental Impact Statement

19. Consent Agenda

On motion of Mr. Rector, second by Mr. Owens, it was resolved to approve the following Consent Agenda items:

- a. Payment of Bills – November 2005*
- b. Revenue Refunds – Animal Sterilization Fee*
- c. Supplemental Appropriation – Sheriff’s Office for Miscellaneous Revenues Received*
- d. Supplemental Appropriation – Sheriff’s Office for Forfeited Asset Sharing Program*
- e. Supplemental Appropriation – Sheriff’s Office for Live Scan and Digital Photo Equipment*
- f. Transfer from Reserve for Contingencies to Indigent Care for Burial Expenses*
- g. Supplemental Appropriation – Electoral Board for Voting Machine Security Carts*
- h. Canceled Check – General Fund*
- i. Budget Status Reports for November of 2005*
- j. Supplemental Appropriation – Electoral Board Wiring for Voting Machine Storage Building*
- k. Supplemental Appropriation - \$250,000.00 in Tobacco Commission Grant Funds to Washington County IDA*

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*

20. Board Member Reports

Dulcie Mumpower thanked outgoing Supervisors John Roberts and Bobby Ingle for their leadership and contribution to Washington County. There has been a lot of progress made under their leadership. Mrs. Mumpower stated that it had been an honor to serve with these gentlemen.

Tony Rector stated that it had been an honor to serve on the Board with John Roberts and Bobby Ingle. Mr. Rector thanked Mr. Roberts for being his mentor. In another matter, Mr. Rector reported that the Sheriff’s Department has surplused a 1986 van, and that he would like this van donated to the Food Bank in Glade Spring.

*On motion of Mr. Rector, second by Mr. Ingle, it was resolved to donate the 1986 van surplused by the Sheriff’s Department to the Glade Springs Food Bank.
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>

Odell Owens expressed his appreciation to John Roberts for his leadership as chairman of the Board for the past two years. Mr. Owens further expressed appreciation to Bobby Ingle for his service and knowledge of the County’s business.

Kenneth Reynolds expressed appreciation to John Roberts and Bobby Ingle for their leadership and guidance.

Phillip McCall stated that it had been a pleasure to serve on the Board with John Roberts and Bobby Ingle.

John Roberts stated that it had been a pleasure to serve on the Board of Supervisors and to serve the citizens of the Taylor Election District and all of Washington County. Mr. Roberts further stated that it had been a pleasure to serve on Board.

Bobby Ingle stated that Washington County was a good place to live and that he had enjoyed his service on the Board of Supervisors. Mr. Ingle further stated that it had been a pleasure to serve the citizens of the Jefferson Election District and all of Washington County.

21. Closed Meetings:

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 industry proposed for location in *Oak Park: Center for Business or Industry.*

On motion of Mr. Reynolds, second by Mr. Owens, 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 industry proposed for location in Oak Park: Center for Business or Industry. It was further resolved to include County Administrator Mark Reeter and County Attorney Lucy Phillips, Assistant County Administrator Christy Parker, Sam Kiser with Thompson & Litton and Andy Hall with Virginia’s aCorridor.

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>

After returning to the meeting, the Chairperson noted that upon motion of Mr. Rector, second by Mrs. Mumpower, 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. It was noted for the record that Mr. Steve Buston, Resident Administrator with the Virginia Department of Transportation, later joined the Closed Meeting.

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>

22. Adjourn to January 10, 2006, Organizational Meeting

On motion of Mr. Rector second by Mr. Reynolds, it was resolved to adjourn to January 10, 2006, Organizational 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

Approved by the Washington County Board of Supervisors:

Chairman