

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, February 14, 2006, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia the following were present:

PRESENT:

Kenneth O. Reynolds, Chairman
Jack R. McCrady, Jr., Vice Chairman
Phillip B. McCall
Dulcie M. Mumpower
Odell Owens
Paul O. Price
Anthony S. Rector

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. Reynolds, Chairman of the Board, who welcomed everyone in attendance.

2. Invocation and Pledge of Allegiance

Supervisor Dulcie Mumpower gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

On motion of Mr. Rector, second by Mr. McCrady, it was resolved to remove the following item from the Agenda:

Item 17.b.

Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(1) for discussion and consideration of performance of specific public officers, appointees or employees of the public body; specifically the County Administrator.

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

Mr. McCall Nay
Mr. McCrady Aye

<i>Mrs. Mumpower</i>	<i>Nay</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

On motion of Mrs. Mumpower, second by Mr. Price it was resolved to approve the Agenda with the following amendments:

Addition of Item 12.a.

Consideration of Request for Amendment of M-2 Zoning District Regulations

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

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

4. Approval of Minutes

On motion of Mr. Rector, second by Mr. McCrady, it was resolved to approve the minutes of the January 24, 2006, regular meeting with the following correction:

Page 14155, correct motion to read:

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

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

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

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

5. Public Hearings:

a. Request for Special Exception Permit:

(1). Kitty Rosenbaum-Mumpower, Property Tax Map #'s 070-A-52 and 090-A-52: Request for a Special Exception permit to construct and operate a small business in general, more specifically, an automotive repair shop to include rebuilding, restoration and a Virginia inspection Station on property located on the south side of State Route 714 near the intersection of State Route 714/Route 736 in an A-1 (Agricultural, Limited) zone, Monroe Magisterial District

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

Mr. David Fleenor addressed the Board speaking in opposition to the request for a special exception permit for the construction of the proposed garage. Mr. Fleenor stated his reasons for opposing the request are because he believes in the preservation of farmland and does not believe such land should be spot zoned. He further stated his concerns with possible safety issues that may result from the increase in traffic on Prices Bridge Road (State Route 714) and because the proposed location of the garage cannot be seen from the highway.

Discussion ensued among the Board.

Mr. Fleenor inquired that if the proposed garage ceased to continue operation would the property revert back to agricultural. He stated that the purpose for asking this question is that he is concerned that a larger commercial garage that would do repair work on tractor trailers may locate on the property.

County Administrator Mark Reeter explained that a Special Exception Permit is carried forward with the new owners as long as they are continuing to operate a similar type of business, in this case, an automotive repair shop. This limits the business to the repair of automobiles and not other types of motor vehicles such as tractor-trailers. Mr. Reeter further explained that should an owner of the property leave the business abandoned for more than a two-year period then a new application for a Special Exception Permit would be required.

Ms. Kitty Rosenbaum-Mumpower and Mr. Dwight Allen Mumpower addressed the Board explaining they were the property owners and are requesting a Special Exception Permit to construct an automotive repair garage.

A question and answer period ensued. Responding to inquiries from the Board, Ms. Rosenbaum-Mumpower explained that the majority of the work to be conducted at the proposed garage would be automotive repair and issuance of Commonwealth of Virginia inspection stickers. Mr. Mumpower explained to the Board that he opened his business four years ago and that since that time he has established a good customer base. He noted that he does automotive work for the Town of Glade Spring Police Department. Mr. Mumpower stated that his policy is that his customers have two days to pick up their vehicle after their work has been completed. He further stated that the hours of operation for his business are currently 7:00 AM to 7:00 PM Monday through Friday. If his business is approved by the Virginia Department of Motor Vehicles to issue inspection stickers then he will be required to extend his hours of operation to be open on Saturdays for one-half day. Mr. Mumpower explained that the proposed garage would be located approximately 70' from the road and further that the garage would be a metal

building with well maintained landscaping. He further stated that the metal building could be used in the future as a farm garage.

Supervisor Tony Rector asked Mr. Mumpower if he would have objections to having stipulations placed on the Special Exception Permit stating there would be no junk cars could be parked at the facility, that there be a limit of 10 disabled vehicles parked on site over a three day period and hours of operation be limited to six days per week from 7:00 AM to 7:00 PM.

Mr. Mumpower stated that he had no objections to the proposed stipulations.

Ms. Rosenbaum-Mumpower commented about the safety concerns regarding the traffic that were raised by Mr. Fleenor. She stated that she has obtained from the Virginia Department of Transportation a commercial entrance permit off of Prices Bridge Road to the proposed business.

Mr. Fleenor addressed the Board explaining that he took photographs of Mr. Mumpower’s existing business and they show sixteen cars parked at the garage and that the outside of the business does not look commercial in any way.

Mr. Mumpower explained that there are two businesses operating from his current location (Gary’s Used Cars and Glade Automotive) and this is the reason for the additional vehicles parked on site.

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

Further discussions ensued among the Board. The primary issues discussed were whether or not there should be a stipulation on the Special Exception Permit regulating the number of disabled cars parked at the business at one time.

On motion of Mr. Rector, second by Mrs. Mumpower, the Board acted to follow the recommendation of the Washington County Planning Commission and approve the request of for a Special Exception permit to construct and operate a small business in general, more specifically, an automotive repair shop to include rebuilding, restoration and a Virginia inspection Station on property located on the south side of State Route 714 near the intersection of State Route 714/Route 736 in an A-1 (Agricultural, Limited) zone, Monroe Magisterial District with the following stipulations:

- (1). No junk motor vehicles shall be stored on property.***
- (2). No more than 12 disabled or inoperable motor vehicles shall be parked on the property during any three-day period.***
- (3). The hours of operation of the shop shall be limited to six days per week (Monday-Saturday) from 7:00 AM to 7:00 PM.***

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

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

- b. Public Hearing and Consideration of Proposed Resolution and Adoption of an Ordinance to Abandon a section of Cambridge Avenue between Linden Street and Alder Street and to vacate the public right-of-way that lies south of and parallel to Cambridge Avenue in the unincorporated Emory Community, Monroe Magisterial District for construction of student housing for Emory and Henry College

County Attorney Lucy Phillips addressed the Board explaining that State law requires adoption of a resolution to abandon a road. Ms. Phillips further explained that adoption of an ordinance is required to vacate a public right of way. She stated that both documents have been prepared for Board consideration.

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

Ms. Sara Beamer, Chief Financial Officer, Emory and Henry College, addressed the Board explaining that the closing of Cambridge Avenue as a public road would permit the College to better utilize the space for student housing. The road would be converted to a walkway accessible for emergency vehicles.

Discussion ensued among the Board.

Mr. Rees Shearer addressed the Board explaining that a number of residents in the Emory area that live up the hill from Linden and Alder Streets have approached the College requesting they be given the opportunity to provide their input on the ingress and egress for the new residential housing parking lot. Mr. Shearer stated that he understands the new parking lot will have 107 spaces. He further stated that the residents are concerned about increase in traffic on Linden and Alder Streets. Mr. Shearer asserted that neither Linden nor Alder Streets meet the requirements of the Virginia Department of Transportation for vehicular passing. He appealed to the Board to encourage Emory and Henry to communicate with their neighbors about the traffic situation on Linden and Alder Street after the closing of Cambridge Avenue.

Further discussions ensued among the Board.

Responding to an inquiry from the Board, Ms. Beamer explained the preliminary plans for the new parking lot show east and west ingress and egress from both Linden and Alder Streets. She further stated that the College shares concerns of the residents about the width of the streets and other traffic issues.

Mr. Ray Hancock addressed the Board explaining that he lives on Waterhouse Lane in Emory, VA and currently can access the graveyard where his wife is buried via Cambridge Avenue. Mr. Hancock explained if the road is abandoned he would have take Hillman Highway to the graveyard.

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

On motion of Mr. Rector, second by Mr. Price, the Board acted to adopt the following Resolution and Ordinance as presented and to authorize conveyance of the affected real property to the adjoining landowners; and to direct the County Attorney to prepare a quitclaim deed to this effect:

**RESOLUTION 2006-03
TO ABANDON SECTION OF CAMBRIDGE AVENUE BETWEEN LINDEN STREET AND
ALDER STREET IN THE UNINCORPORATED COMMUNITY OF EMORY, MONROE
MAGISTERIAL DISTRICT, COUNTY OF WASHINGTON, VIRGINIA**

WHEREAS, public notice was posted as prescribed under § 33.1-151, Code of Virginia, announcing the proposal to abandon the section of road described below from the secondary system of state highways that would be considered by the Board of Supervisors of the County of Washington, Virginia, and

WHEREAS, no public hearing on the proposed abandonment was requested; and

WHEREAS, the Commissioner of the Virginia Department of Transportation (VDOT) was provided the prescribed notice of this Board's intent to abandon the subject section of road, and

WHEREAS, the representative of the Commissioner responded that VDOT did not oppose the proposed abandonment as long as a turnaround acceptable to the VDOT Abingdon Area Resident Engineer is constructed at the end of the Alder Street stub;

WHEREAS, after considering all evidence available, this Board is satisfied that no public necessity exists for the continuance of the section of 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, and hereby deems that section of road is no longer necessary as a part of the secondary system of state highways;

NOW, THEREFORE, BE IT RESOLVED, subject to the effective date stated herein, this Board abandons the above described section of road and removes it from the secondary system of state highways, pursuant to § 33.1-151, Code of Virginia; and directs Emory & Henry College, as the party requesting this abandonment, to work with VDOT to construct a turnaround at the end of the Alder Street stub in accordance with VDOT requirement; and

BE IT FURTHER RESOLVED, that this abandonment shall be effective upon the date of completion of construction of a turnaround at the end of the Alder Street stub to the satisfaction of the VDOT Abingdon Area Resident Engineer; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Abingdon Area Resident Engineer of the Virginia Department of Transportation.

**ORDINANCE NO. 2006 - 02
AN ORDINANCE VACATING THE ALLEY THAT LIES SOUTH OF AND PARALLEL TO
CAMBRIDGE AVENUE BETWEEN LINDEN STREET AND ALDER STREET
IN THE VILLAGE OF EMORY IN THE MONROE MAGISTERIAL DISTRICT
OF WASHINGTON COUNTY, VIRGINIA**

WHEREAS, there is a public right of way in the Emory Village of the Monroe Magisterial District of Washington County, Virginia, located south of and parallel to Cambridge Avenue between Linden Street and Alder Street, and it is referenced in deeds for the adjoining parcels recorded at Deed

Book 660, Page 445; Deed Book 952, Page 399; and Deed Book 1068, Page 475 as “the alley” or the “twelve foot alley;” and

WHEREAS, the owner of all but one of the properties adjoining this public right of way has requested the Board of Supervisors of Washington County to adopt an ordinance to vacate this public right of way pursuant to section 15.2-2006 of the 1950 Code of Virginia, as amended; and

WHEREAS notice of intention to vacate this public right of way has been published at least twice, with at least six days elapsing between the first and second publication, in a newspaper having general circulation in the locality and said notice specified the time and place of a hearing at which persons affected may appear and be heard regarding the proposed abandonment; and

WHEREAS the Board has held the public hearing in accordance with said notices; and

WHEREAS, the Board finds that said public right of way is not presently, nor has ever been a common means of ingress and egress for the general public and/or adjoining residents, nor has it ever been paved, improved, or regularly used for purposes of vehicular travel, and that vacation of the right of way would not cause damages to the interests in neighboring property;

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

1. That the Board of Supervisors of Washington County, Virginia, does hereby adopt the following ordinance pursuant to section 15.2-2006 of the 1950 Code of Virginia, as amended:

Ordinance 2006-XXX. Vacation of the public right of way located south of and parallel to Cambridge Avenue between Linden Street and Alder Street in the Emory Village of the Monroe Magisterial District of Washington County, Virginia.

A public right of way, of undetermined width, located south of and parallel to Cambridge Avenue between Linden Street and Alder Street in the Emory Village of the Monroe Magisterial District of Washington County, Virginia, and referenced in deeds for the adjoining parcels recorded at Deed Book 660, Page 445; Deed Book 952, Page 399; and Deed Book 1068, Page 475 is hereby vacated from the public domain pursuant to section 15.2-2006 of the 1950 Code of Virginia, as amended, hereby vacating and extinguishing said public right of way. The boundary lines of the adjoining parcels shall be relocated to the center of the vacated right of way.

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. A certified copy of this ordinance shall be recorded as deeds are recorded in the land records of the Office of Clerk of Circuit Court of Washington County, Virginia pursuant to section 15.2-2006 of the 1950 Code of Virginia, as amended and indexed in the name of the County of Washington, Virginia as Grantor and in the names of the United States Postal Service and Emory & Henry College as Grantees.

4. *That this ordinance shall become effective sixty (60) days from the date of its passage and adoption.*

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

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

6. Presentation by Abingdon Veterans Memorial Park

Mr. Emmit Yeary, President of the Board of Directors of the Veterans Memorial Fund of Abingdon, Inc., made a presentation to honor Supervisor Odell Owens for his past dedication and service to the Board of Directors and to the veterans of Washington County. Mr. Yeary stated that Mr. Owens had been a valuable asset to the Board of Directors and was instrumental in obtaining funds for the Veterans Memorial Park.

Mr. Owens expressed his appreciation for the recognition and stated that the group is very unselfish and that the Park is an asset to all the veterans of Washington County.

At this time, Mr. Yeary presented the Board with a framed replica of the bronzed ribbon themed “Until You’re Home Again” that will be displayed at the Park. He requested that the Board display the bronzed ribbon in the Board of Supervisors meeting room.

On motion of Mr. Owens, second by Mr. McCrady, it was resolved to display the bronzed ribbon in the Board of Supervisors meeting room.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

Mrs. Mumpower was away from the Board table.

7. Presentation by People, Incorporated of Southwest Virginia

Mr. Rob Goldsmith, Executive Director, People, Inc., presented the Board with a presentation concerning the programs and activities offered by People, Inc. The following is an overview of the programs and activities offered:

- Child and Family Services

Head Start
Early Head Start
Resource Mothers
Dickenson County Child Care Center
Abingdon Child Development Center
Building Blocks

- Community and Economic Development

Small Business Development and Financing
Ninth District Development Financing
Cars for Work
Individual Development Accounts

- Community Services

Comprehensive Health Investment Program (CHIP)
Project Discovery
Reading for Jobs
Parents In Education
Domestic Violence Services and Shelter Program
Virginia Community Action Re-entry System (CARES)
Senior Services
Washington County Free Dental Clinic
Child Care Resource and Referral
Earned Income Tax Credit Outreach

- Housing

IPR and Housing Preservation
CDBG Rehabilitation Specialists
Weatherization and Minor Home Repair
Housing Counseling and Homeownership
Transitional Housing
Affordable Multi-Family Rental Housing (Riverside Place, Whites Mill Point)
Section 8 Housing Choice Vouchers

- Workforce Development

Workforce Investment Act
Adult and Youth Programs
Center for Employment and Training (CET)
Youthbuild

At this time, Mr. Goldsmith presented the Board with information on the proposed Sweetbriar Subdivision, a multi-family housing development project to be developed on property owned by People, Inc. on Elementary Drive in Abingdon, VA. The preliminary plat for this project plans a 21-lot subdivision and preliminary plans are to construct twelve duplex units. The goal of this project is to provide affordable housing to working families in Washington County earning up to 60% of the area median income.

Discussion ensued among the Board.

Mr. Goldsmith requested the Board to authorize County participation in making application for a Community Development Block Grant (planning grant) to identify housing rehabilitation projects and to establish a countywide housing rehabilitation program for qualifying homeowners. Mr. Goldsmith explained that the Community Development Block Grant application process requires that the local governing body conduct two public hearings. He proposed the Board schedule the public hearings on March 14 and March 28.

On motion of Mr. McCall, second by Mrs. Mumpower the Board acted to authorize the scheduling of public hearings on March 14, 2006, and March 28, 2006, regarding People, Inc. Community Development Block Grant application.

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

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

At this time, it was consensus of the Board to take a ten-minute recess.

8. Presentation by Elderspirit Community, Inc.

Ms. Bernice Wilson, Project Director for ElderSpirit Community, made a presentation to the Board concerning plans to build a second ElderSpirit Community in Abingdon/Washington County. Ms. Wilson explained that ElderSpirit is a new concept for elderly housing and that the ElderSpirit Community in Abingdon is the first of its kind in the nation. She further explained that ElderSpirit is the name chosen by a group of older adults committed to spiritual growth, caring for one another, respect for the earth and service to the larger community. ElderSpirit is a cohousing type of collaborative housing that attempts to combine autonomy of private dwellings with neighborhood living. Ms. Wilson explained that Trailview Development Corporation was formed in 1999 to develop the senior cohousing complex, an affordable and mixed-income neighborhood. The site includes 29 housing units, a common house, a meditation center, vegetable garden, and a path to the Virginia Creeper Trail. She stated that all the units in the first ElderSpirit Community are spoken for. Ms. Wilson further explained that a Community Development Block Grant (CDBG) application is being submitted through the Mount Rogers Planning District Commission to the Virginia Department of Housing and Community Development for a planning grant in the amount of \$25,000 for the second ElderSpirit Community Project. She stated that the request to the

Board of Supervisors is for a letter of support for the planning grant and a financial commitment of \$15,000 for matching grant money. Ms. Wilson advised the Board that the Town of Abingdon is writing a letter of support and is committing \$10,000.

Discussion ensued among the Board. The primary issue discussed was the identification of land for the project and if the County could make a financial commitment to the project at this point in the fiscal year.

Responding to inquiries from the Board, Ms. Wilson explained that if land chosen for the project is within the Town of Abingdon the Town would sponsor the project. If land is chosen within the County, the Town of Abingdon has agreed to still make the \$10,000 contribution.

Further discussions ensued. Subsequently, the following action was taken:

On motion of Mr. McCrady, second by Mr. McCall, the Board acted to endorse a letter of support for ElderSpirit Community CDBG Planning Grant application and further to consider \$15,000 to be used as matching funds for the grant in the FY 2006-2007 fiscal year.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Nay</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

9. Presentation by Highlands Jazz Festival

Mr. Chris Johnson, Chairman of the Highlands Jazz Festival, made a presentation to the Board concerning the Festival. Mr. Johnson explained for the past six years Abingdon has hosted the Highlands Jazz Festival at the Southwest Virginia Higher Education Center. The event is dedicated to the preservation of American Jazz and features top-notch entertainers from throughout the United States. He stated that plans are underway to have Benny Goodman appear at the 2007 festival. Mr. Johnson further explained that the festival has taken on an educational aspect in that high school and college bands attend the festival to receive instruction from the festival performers. Mr. Johnson requested the Board consider a \$2,500 contribution to be used for operational funds.

Discussion ensued among the Board.

On motion of Mrs. Mumpower, second by Mr. Owens, it was resolved to appropriate \$2,500 from Reserve for Contingencies to the Highlands Jazz Festival.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Nay</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>

<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Nay</i>
<i>Mr. Rector</i>	<i>Nay</i>
<i>Mr. Reynolds</i>	<i>Nay</i>

The motion failed.

10. Consideration of Amendment of By-laws Articles 7.2 and 8.5 – Addition of Citizen Comments to Board Meeting Agenda (tabled from January 24 meeting)

County Administrator Mark Reeter addressed the Board explaining that at the January 24 meeting the Board instructed that a stronger set of By-laws provisions be drafted governing the conduct of Citizens Comments. Mr. Reeter explained that proposed Resolution “A” would readopt the provisions governing Citizen Comments in effect prior to Calendar Year 2001 (the original rules). Proposed Resolution “B” sets out a new, stronger set of rules governing Citizens Comments. The following is a summary of proposed Resolution “B”:

- A County resident or property owner may speak only one time per month during Citizen Comments;
- Strict limit of three minutes per speaker.
- All speakers must complete a registration form available during the Board meeting identifying no more than three specific topics they wish to address the Board about;
- The Board either by consensus or vote must approve hearing individual speakers and their specific topics before the Chairman will call speakers to the podium;
- The Chairman or any Board member may raise a point of order with a speaker if the speaker strays off of the approved topic(s) or the speaker’s discourse becomes insulting, inflammatory or abusive;
- If a second point of order is raised with the speaker, the speaker automatically forfeits remaining time and must yield the Podium. Failure to yield the Podium enables the Chairman to remove speaker from meeting;
- Any speaker required to yield the Podium twice in one year shall have speaking privileges under Citizen Comments automatically forfeited for remainder of year, and
- Any speaker removed from a meeting shall have speaking privileges under Citizens Comments automatically forfeited for one year.

Substantial discussion ensued among the Board concerning reinstating a Citizens Comments period. Several Supervisors commented that they had requests from their constituents requesting reinstatement of a Citizens Comments period. Other Board members expressed concern about the past history of litigation and legal expenses the County has incurred concerning the abuse of Citizens Comments by certain individuals. Most Board members felt that if a citizen has a legitimate issue to address the Board about they can either contact their Supervisor or the County Administrator to place them on a Board Meeting Agenda. This procedure has worked well over the last four years.

After lengthy discussions, it was consensus of the Board not to take action on the proposed amendment of By-laws reinstating a Citizens Comments period.

11. Recess

No recess was taken at this point.

12. County Administrator Reports:

County Administrator Mark Reeter addressed the Board explaining that at the Joint Land-Use Steering Committee meeting held February 13, the Committee considered the request of Glade Stone, Inc. to amend the County's present Industrial, General M-2 Zoning District regulations to clarify that mining/quarrying of stone is a permissible use by Special Exception Permit. The present language contained within the M-2 District regulations permits "Crushed stone operations" and Sand and gravel operations" pursuant to Sec. 66-523 (4) and (12), respectively, by Special Exception Permit. Mr. Reeter explained that as the County Zoning Administrator he has interpreted this language to include mining/quarrying of stone; however, it is recommended that the M-2 District regulations be amended to clarify that mining/quarrying of stone is in fact permissible by special exception permit. He further explained that upon review of the pending Glade Stone, Inc. proposal to expand their current quarrying operations along State Route 91 between Glade Spring and Damascus, the Committee voted to recommend amending the County's present M-2 Zoning District regulations accordingly. Mr. Reeter stated that the Committee further recommended that this amendment be expedited by conducting a joint public hearing between the Board of Supervisors and Washington County Planning Commission between March 6 and March 14. An application for rezoning and Special Exception Permit for Glade Stone, Inc. has been filed this month and will be processed for public hearing before the Planning Commission on February 27 and before the Board of Supervisors on March 14.

Discussions ensued among the Board.

County Attorney Lucy Phillips addressed the Board providing clarification that the Board is being asked to approve a joint meeting with the Planning Commission at which time the proposed amendments to the M-2 Zoning District regulations would be reviewed. Ms. Phillips explained that that first action to be taken would be the rezoning of the land surrounding Glade Stone, Inc., to an M-2 Zoning District and the second step would be to amend the present M-2 Zoning District regulations to clarify the uses allowed in an M-2 Zoning District by Special Exception Permit would include rock mining.

Further discussions ensued among the Board. Board members suggested conducting the joint meeting with the Planning Commission prior to the March 14 regular Board meeting beginning at 6:00 PM in Conference Room #1.

In another matter, Mr. Reeter advised the Board that he obtained dates of March 21, March 23 or March 27 from the Virginia Highlands Airport Commission to conduct the joint public hearing concerning the proposed airport expansion project. Mr. Reeter explained that he proposed using the Southwest Virginia Higher Education Center as the venue for the public hearing, and that the Grand Hall at the Higher Education Center is only available on March 21.

Discussion ensued among the Board. It was consensus of the Board to schedule the joint public hearing for March 21 beginning at 7:00 PM at the Southwest Virginia Higher Education Center. The Board members also requested that the joint public hearing be conducted under the control of the Board of Supervisors with the Chairman presiding over the meeting. Also, the Board requested that all written materials from citizens be submitted by 5:00 PM on March 13.

13. County Attorney Reports:

a. Requests for Amendments to County Code:

(1). Prohibiting Skateboarding in Meadowview Square

County Attorney Lucy Phillips addressed the Board explaining that the Meadowview Fire Department has expressed concern with skateboarding activities occurring in the Meadowview Square parking lot owned by the County. Ms. Phillips further explained that General Services Manager Frank Canter has made her aware that skateboarding has become a problem on other County properties. She stated that adoption of an ordinance to amend the County Code would be needed to regulate activities such as skateboarding.

Discussion ensued among the Board.

Supervisor Paul Price stated that he is a member of the Meadowview Fire Department and believes that an amendment to the County Code would be beneficial to the children.

Responding to an inquiry, Ms. Phillips explained that the Sheriff's Department would enforce the ordinance.

It was consensus of the Board for the County Attorney to prepare an ordinance for review and to authorize a public hearing.

(2). Amendment of Sec. 58-75 Revising Figures for Elderly/Disabled Tax Relief

Ms. Phillips explained to the Board that correspondence has been received from the Commissioner of Revenue indicating that figures governing the County Elderly and Disabled Tax Relief Program need to be updated. She further explained that amendment of County Code Sec. 58-75 would be needed to reset the figures to the levels recommended by the Commission of Revenue.

It was consensus of the Board to authorize the County Attorney to prepare an ordinance for review and to authorize a public hearing.

14. Board Information

County Administrator Mark Reeter reviewed the following Board Information:

- Minutes of the Meeting of the Washington County Planning Commission
- Correspondence from the Town of Saltville
- Correspondence from Andy Hall – Virginia aCorridor Program
- Correspondence from Governor's Office – Agricultural Disaster Request
- Advance copy of the County Audit for period ending June 30, 2005. Mr. Reeter advised the Board that a formal presentation of the audit will be made during the February 28 Board meeting.
- Governor Kaines Transportation Plan listing figures and showing funds that would come to Washington County and the Virginia Department of Transportation's Bristol District.

15. 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 – January 2006*
- b. Revenue Refunds – Animal Sterilization Fee*
- c. Canceled Check – General Fund*
- d. Budget Status Reports for January of 2006*

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

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

16. Board Member Reports

Supervisor Dulcie Mumpower inquired about the recognition of the 2005 John Battle High School Floriculture Team.

Supervisor Odell Owens explained that he planned to recognize the Floriculture Team during February.

Supervisor Paul Price reported that the present Co-Op Garage between the County and Washington County Schools for gasoline and other County vehicle maintenance services is about to be dissolved. Mr. Price suggested that the Board hold a joint meeting with the School Board to discuss the future of the Co-Op Garage. He stated that he believes the matter should be looked into further before dissolving the operation.

In another matter, Mr. Price explained that he was a member of the Clinch Mountain Fire Department and an associate member of the Valley Rescue Squad. He inquired if there would be any conflicts with his voting on fire and rescue issues during the upcoming budget process.

Supervisor Odell Owens read a section from the VACo County Supervisors Manual about the requirement for an employee compensation plan.

In another matter, Mr. Owens reported that citizens have expressed concerns to him about the situation at the Washington County Service Authority and also inquired about their services.

Chairman Kenneth Reynolds reported that during the presentation at the January 24 meeting concerning the Crooked Road Music Trail Project, it was mentioned that the organization would like the Board to appoint either a Board member or County citizen to represent Washington County on their Board of Directors. Mr. Reynolds asked Board members to consider someone for this appointment.

In another matter, Mr. Reynolds reported that he attended the Virginia Association of Counties Chairman’s Institute and received some valuable learning tools.

Supervisor Jack McCrady reported on the Virginia Association of Counties Chairman’s Institute. Mr. McCrady explained that he was impressed with the block voting procedures on General Assembly legislative issues being implemented in some of the eastern counties in Virginia. Mr. McCrady further explained that he would like to see a similar program in Southwest Virginia.

17. Closed Meeting(s)

- a. Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(7) for consultation with the County Attorney where such consultation and briefing in open meeting would adversely affect the negotiating or litigating posture of the Board of Supervisors and which requires the provision of legal advice by legal counsel regarding probable litigation involving a right-of-way claimed on property of the County by Kenneth O. & Patricia K. Denton, Madison Magisterial District

At this time, Mr. Steve Westin and Mr. Ken Addison made an impromptu presentation to the Board concerning a proposed residential subdivision development and a request for a right of way to the subdivision through the William Cole Industrial Park.

Discussion ensued among the Board with Mr. Westin and Mr. Addison.

After discussions with the County Administrator and County Attorney the Board decided not conduct the Closed Meeting referenced above.

- b. Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(1) for discussion and consideration of performance of specific public officers, appointees or employees of the public body; specifically the County Administrator

This Closed Meeting was removed from the Agenda.

18. Adjourn

On motion of Mr. Rector, second by Mr. Owens, it was resolved to adjourn.

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

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

Prepared by:

Naoma A. Mullins, Recording Clerk

Approved by the Washington County Board of Supervisors:

Kenneth O. Reynolds, Chairman