

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, February 28, 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. Kenneth 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 approve the agenda with the following amendments and further to postpone the evaluation of the County Administrator until August 2006:

Removal of 14.a.

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.

New Item 14.a.

Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(5) for discussion concerning prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; specifically prospective businesses proposed for location in The Highlands commercial development at Exit 7.

New Item 14.b.

Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(7) for consultation with the County Attorney and with retained legal counsel, Richard Cranwell by teleconference, where such consultation and briefing in open meeting would adversely affect the negotiations or litigating posture of the Board of Supervisors and which require the provision of legal advice by legal counsel regarding probable litigation in the matter of the landowner-initiated annexation petition filed against Washington County and City of Bristol by Leonard L.P., Henard Enterprises, Inc., J. H. Spurgeon, R&J Development Co. LLC, and Crown Point Development, Inc.

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

February 14, 2006 Recessed Meeting

On motion of Mr. McCall, second by Mr. McCrady, it was resolved to approve the minutes of the February 14, 2006, recessed meeting as presented.

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>

February 14, 2006 Regular Meeting

On motion of Mr. Owens, second by Mrs. Mumpower, it was resolved to approve the minutes of the February 14, 2006, regular meeting as presented.

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>

5. Consideration of Dog Damage Claim, Randy Coleman

Mr. Randy Coleman addressed the Board requesting approval of a dog damage claim. Mr. Coleman explained that he raises longhorn Mexican cross cattle and had recently had five calves killed by wild dogs. He further explained that over the past 24 months he has had 20 calves killed by either coyotes or wild dogs.

Animal Control Officer Darrell Thacker addressed the Board explaining that a dog damage claim was filed on February 6 for three calves that were killed by wild dogs. On February 7, a report was filed for two additional calves killed.

Discussion ensued among the Board. The primary issue discussed was the problems with coyotes and that perhaps the Board should look into considering the establishment of a bounty program.

On motion of Mr. McCrady, second by Mr. Owens, it was resolved to authorize payment to Randy Coleman in the amount of \$1,700 for a dog damage claim.

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>

Further discussions were devoted to the establishment of a coyote bounty program in Washington County.

6. Presentation of County Financial Statements for Fiscal Year Ending June 30,2005

The representatives from Robinson, Farmer, Cox Associates were not present at this time; therefore, the Board moved to the next item of business.

7. Consideration of Relocation of South Abingdon Precinct Polling Location to Higher Education Center

Ms. Connie Bundy, member of the Washington County Electoral Board, addressed the Board explaining the South Abingdon polling place currently located at the Washington County Lifesaving Crew building on Park Streets needs to be relocated because of handicapped accessibility requirements. Ms. Bundy explained that the Electoral Board has obtained permission from the Southwest Virginia Higher Education Center to relocate the polling place to that facility. She requested that the Board schedule a public hearing on the matter.

Discussion ensued among the Board.

Responding to an inquiry concerning other polling places in the County that may have handicapped accessibility issues, Ms. Bundy explained there were four other precincts that had problems, but that the South Abingdon is the most expensive one to fix.

On motion of Mr. Rector, second by Mr. Price, the Board acted to schedule and advertise a public hearing on the matter of the relocation of the South Abingdon Precinct polling place.

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

- Mr. McCall Aye*
- Mr. McCrady Aye*
- Mrs. Mumpower Aye*
- Mr. Owens Aye*
- Mr. Price Aye*
- Mr. Rector Aye*
- Mr. Reynolds Aye*

8. Recess

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

9. County Administrator Reports

a. Request for Public Hearing on Brumley Gap Volunteer Fire Department Application for County Emergency Medical Services Permit

County Administrator Mark Reeter addressed the Board explaining that the Brumley Gap Volunteer Fire Department is requesting an Emergency Medical Services Permit from the County to provide Basic First Responder emergency medical services within its fire response district. Basic First Responder services

consist of primary first aid treatment to injured persons on a non-ambulatory basis (i.e. seriously injured persons would be to be transported to the hospital by a EMS responder permitted to provide Advance Life Support services). Mr. Reeter explained that the request had been referred to the County’s Emergency Services Committee for their recommendation.

Supervisor Paul Price addressed the Board explaining that this service was needed in the rural communities.

It was consensus of the Board to schedule and advertise a public hearing on this matter for a future Board meeting.

b. Request for Letter of Support for Glade Spring Application for Tobacco Commission Funds for Glade Spring to Saltville Rails-to-Trails Project

Mr. Reeter explained that the Mount Rogers Planning District Commission is requesting a letter of support for the Town of Glade Spring’s application for funding from the Tobacco Commission for the proposed Glade Spring to Saltville Rails-to-Trails Project. He further explained the Board should decide what position it wishes to take regarding this project.

Supervisor Paul Price addressed the Board stating that the Board probably should not take a position on the proposed trail at this time until ownership of the land is determined. Mr. Price explained that the letter of support that is being request is for grant money to be used for completion of an engineering and marketing study.

Discussion ensued among the Board.

On motion of Mr. Price, second by Mr. Rector, the Board acted to authorize a letter of support be written to the Mount Rogers Planning District Commission for the Town of Glade Spring’s application for the Tobacco Commission for funds that would be used for the completion of engineering and marketing plans for the proposed Glade Spring to Saltville Rails-to-Trails Project.

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 of County Financial Statements for Fiscal Year Ending June 30,2005

Ms. Deanna Cox with Robinson, Farmer, Cox Associates presented the Board with the Audit Report for fiscal year ending June 30, 2005. Ms. Cox explained that the only reporting change was that GASB 40 was implemented, which requires disclosures for investments. She stated that the financial condition of the County is good from an audit standpoint and further stated that the County’s restricted fund balance is above the 10% recommended.

Ms. Cox reviewed with the Board their management letter outlining recommendations that were meant to improve the internal control structure or result in other operating efficiencies.

Discussion ensued among the Board.

At this time, Ms. Cox thanked the County staff for their cooperation during the audit and commented that the County had some of the best accounting personnel in the region.

On motion of Mr. Owens, second by Mr. Rector, it was resolved to accept the Financial Statements for Fiscal Year ending June 30, 2005, as presented.

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>

10. County Attorney Reports

a. Consideration of Response to Steve Westin Request for Conveyance if Right-of-Way from Regal Drive to Adjoining Property for Purpose of Access to Proposed Residential Subdivision

County Attorney Lucy Phillips addressed the Board explaining that at the Board’s February 14 meeting, the Board heard a presentation by developer Steve Westin and surveyor Ken Addison concerning a 113-lot residential subdivision development proposed for property that Mr. Westin recently purchased from Kenneth O & Patricia K. Denton that adjoins the William Cole Industrial Park. Ms. Phillips explained that Mr. Westin is requesting the Board grant to him the right of way to connect the industrial access road, Regal Drive (State Route 1640), which runs through William Cole Industrial Park, to a road that would provide access to his proposed subdivision. She further explained there was a 1985 Agreement between the Dentons and the Washington County Industrial Development Authority (IDA) that the IDA would grant this right of way to the Dentons, the IDA never actually conveyed the right of way to the Dentons. Along with the land, Mr. Westin also acquired any legal rights that the Dentons may have had to enforcement of the 1985 Agreement. Ms. Phillips stated that should the Board wish to convey the right of way to Mr. Westin that State law requires a public hearing to be conducted that would give owners in the William Cole Industrial Park a chance to express their opinions.

The Board devoted substantial discussion to this matter.

It was consensus of Board to conduct a public hearing on Steven Westin’s request for conveyance of a right of way from Regal Drive to his property that adjoins the William Cole Industrial Park.

11. Board Information

Mr. Reeter reviewed the following Board Information:

- Calendar of Board Meetings and Board Committee Meetings for March.
- Legislation to Extend Law Enforcement Officers Retirement System (LEOS) Benefits to All Deputies
- Southwest Virginia Regional Jail Authority FY 2006-07 Budget Estimates.

12. Consent Agenda

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

- a. Supplemental Appropriation – General Services for Miscellaneous Revenues Received*
- b. Supplemental Appropriation –Sheriff’s Office for State Compensation Board Revenues to be Received*
- c. Supplemental Appropriation-Sheriff’s Office for Various Miscellaneous Revenues Received*
- d. Supplemental Appropriation-Sheriff’s Office for Interstate Traffic Enforcement Revenues to be Received*
- e. Canceled Check-General Fund*

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>

13. Board Member Reports

Supervisor Paul Price reported that the issues with the Co-op Garage have been resolved.

Mr. Price proposed to the Board that consideration be given to changing the due date for Real Estate and Personal Property taxes to November 20. This would make the County’s tax due date two weeks prior to the towns. Mr. Price stated that for the first year taxpayers could be give a 30 day grace period before being charged a penalty and interest for late payment. Also, by not having the due date so close to Christmas it will help many citizens.

Mr. Price inquired about why some County Boards/Commissions have term limits. Mr. Reeter explained that terms are established either by State law or by the respective Board/Commissions by-laws. Mr. Price further inquired if the Board could look into this matter and consider changing the term limitation. Further, He stated that he would like to see terms of appointments to Boards and Commissions come due within two years of a Board of Supervisors term.

Supervisor Jack McCrady reported that he would like to see information collected on the block voting procedures on General Assembly legislative issues being implemented in some of the eastern counties in Virginia. Mr. McCrady stated that he would like to form a similar program for the Counties in Southwest Virginia.

Discussion ensued among the Board regarding this issue. It was suggested that perhaps a program of this type could be initiated through the Planning Districts.

14. Closed Meeting

- a. 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 - ITEM REMOVED FROM AGENDA

County Administrator Mark Reeter requested that the Board conduct the second closed meeting (Item 14.b.) prior to the first closed meeting (Item 14.a.) to allow more time for Assistant County Administrator Christy Parker to finish a prospect visit and arrive at the Board meeting.

- a. Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(5) for discussion concerning prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; specifically prospective businesses proposed for location in The Highlands commercial development at Exit 7.
- b. Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(7) for consultation with the County Attorney and with retained legal counsel, Richard Cranwell by teleconference, where such consultation and briefing in open meeting would adversely affect the negotiations or litigating posture of the Board of Supervisors and which require the provision of legal advice by legal counsel regarding probable litigation in the matter of the landowner-initiated annexation petition filed against Washington County and City of Bristol by Leonard L.P., Henard Enterprises, Inc., J. H. Spurgeon, R&J Development Co. LLC, and Crown Point Development, Inc.

On motion of Mr. Rector second by Mr. Price, the Board acted to convene in closed meeting(s) pursuant to Virginia Code Section 2.2-3711(A)(7) for consultation with the County Attorney and with retained legal counsel, Richard Cranwell by teleconference, where such consultation and briefing in open meeting would adversely affect the negotiations or litigating posture of the Board of Supervisors and which require the provision of legal advice by legal counsel regarding probable litigation in the matter of the landowner-initiated annexation petition filed against Washington County and City of Bristol by Leonard L.P., Henard Enterprises, Inc., J. H. Spurgeon, R&J Development Co. LLC, and Crown Point Development, Inc., and pursuant to Virginia Code Section 2.2-3711(A)(5) for discussion concerning prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; specifically prospective businesses proposed for location in The Highlands commercial development at Exit 7. It was further resolved to include County Administrator Mark Reeter, County Attorney Lucy Phillips and retained legal counsel Richard Cranwell (via teleconference) in the first closed meeting (Agenda Item 14.b.). In addition it was resolved to include the following representatives from Newton Oldacre MacDonald in the second

closed meeting (Agenda Item 14.a.): Mike McGuffin and Mark MacDonald. The Board further acted to include County Administrator Mark Reeter, County Attorney Lucy Phillips and Assistant County Administrator Christy Parker in the second closed meeting (Agenda Item 14.a.).

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>

After returning to the meeting, the Chairperson noted that upon motion of Mr. Rector, second by Mr. Owens, and favorable vote, the Board of Supervisors reconvened in open meeting. The Chairperson called for any participant in the closed meeting(s) who believed that there was a departure from the requirements of the Virginia Freedom of Information Act during the closed meeting(s), to state the substance of the departure that they believed took place. No members of the Board responded to the Chairperson’s call for statements.

On motion of Mr. McCrady, 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. 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>

15. Recess to March 14, 2006 Joint Meeting with Washington County Planning Commission, 6:00 PM, Conference Room 1, County Administration Building

On motion of Mr. Rector, second by Mrs. Mumpower, it was resolved to recess the meeting to March 14, 2006, at 6:00 PM for a Joint Meeting with the Washington County Planning Commission to be held in Conference Room 1 of the County Administration Building.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>

Mrs. Mumpower *Aye*
Mr. Owens *Aye*
Mr. Price *Aye*
Mr. Rector *Aye*
Mr. Reynolds *Aye*

Prepared by:

Naoma A. Mullins, Recording Clerk

Approved by the Washington County Board of Supervisors:

Kenneth O. Reynolds, Chairman