

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, March 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. Kenneth Reynolds, Chairman of the Board, who welcomed everyone in attendance.

2. Invocation and Pledge of Allegiance

Supervisor Paul Price gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

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

Revision to Item 13. Consent Agenda – Addition of New Item e and Item f.

*Item e. – Supplement Appropriation – Washington County Public Library for Vehicle Repairs
Item f. – Release of \$50,000 – Barter Foundation for Stonewall Square Improvement Project*

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

*Mr. McCall Aye
Mr. McCrady Aye
Mrs. Mumpower Aye*

<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>

County Administrator Mark Reeter proposed to the Board that they consider combining the Public Hearings listed as Items 5.a. 1 through 3 into one hearing. Likewise he proposed that the Public Hearings listed as Items 5.b. 4-6 be combined.

It was consensus of the Board to combine the public hearings as proposed by the County Administrator

4. Approval of Minutes

On motion of Mr. Owens, second by Mr. McCall, it was resolved to approve the minutes of the February 28, 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. Public Hearings:

It was consensus of the Board to combine the following public hearings:

a. Requests for Rezoning of Property:

(1). *The Vernie D. Kendrick and Gretchen M. Kendrick, L.C., Property Tax Map #089-A-41B, 089-2-5C, 089-A-41A and 089-2-5:* Request to rezone approximately 51 acres of property located on the South side of State Route 735 near the intersection of State Route 735/State Route 736 from A-1 (Agricultural, Limited) to M-2 (Industrial, General), Monroe Magisterial District

(2). *John G. Holmes, Property Tax Map #089-A-42:* Request to rezone approximately 113.88 acres of property beginning on the West side of State Route 91 and running to the South side of State Route 736 from A-1 (Agricultural, Limited) and M-2 (Industrial, General) to M-2 (Industrial, General), Monroe Magisterial District

(3). *Stacey E. Holmes and Margaret C. Garriques by John G. Holmes, Attorney in Fact, Property Tax Map #089-A-45A:* Request to rezone approximately 24 acres of property located near the intersection of State Route 91 and State Route 736 from A-2 (Agricultural, General) and A-1 (Agricultural, Limited) to M-2 (Industrial, General), Monroe Magisterial District

Mr. Reynolds opened the public hearing and invited comments both in support of and in opposition to the request to rezone property.

Mr. Jim Elliott, Legal Counsel for the landowners and the lessee, Glade Stone, addressed the Board. Mr. Elliott explained that the quarry has existed for 50 years. He further explained that the quarry needed to be further developed beyond its current boundaries to accommodate operation of equipment for rock crushing. In order to allow for this equipment and the expansion of the quarry the property included in the 200-acre tract in question that is currently zoned A-1 (Agricultural, Limited) must be rezoned to M-2 (Industrial, General). He stated that only 38 acres of the 200-acre tract would be used for rock mining operation. The remaining land would be used for roads, buffers, water runoff and other similar uses associated with the quarry. Mr. Elliott reviewed with the Board a drawing of the property. Mr. Elliott stated that the vicinity of the quarry is not a highly concentrated residential area and that it makes sense to rezone the property since sand and graveling operations have been in existence on the adjacent property. Mr. Elliott provided the Board with examples of how critical stone is to the economy and that the cost of stone per load is significant in terms of costs for construction and development. Therefore, it is imperative that haul rates be kept low. In addition, he explained that the Virginia Department of Mines, Minerals and Energy heavily regulate this industry and make very stringent provisions for safety and environmental issues.

Mr. Kenneth Taylor and Jerry Short, operators of Glade Stone were present to answer any questions from the Board.

Discussion ensued among the Board. Responding to an inquiry from the Board, Mr. Elliott stated that the 38 acres to be used for the expansion of the quarry is spread across the several parcels identified for rezoning.

Mr. Rector inquired if the Board granted the Special Exception Permit whether it would be possible to restrict operations to the 38 acres only. Mr. Elliott asked that the Board not place such stipulations at this time because the property has not been surveyed. He further stated that the plans were drawn out to the best means possible.

Responding to an inquiry from the Board, Mr. Kenneth Taylor explained that basically the quarrying operation was not visible from Route 91.

Further discussions ensued among the Board. Primary issues discussed were if the mining operation would be conducted close to the church and residents and concerns about the water runoff off to Ramblewood Drive.

Mr. Elliot explained to the Board that the DMME would not allow mining operations to interfere with graveyards, churches, institutions or residents and further that the permits must be renewed annually.

County Attorney Lucy Phillips reviewed DMME mining regulations with the Board.

Responding to an inquiry from the Board, Mr. Jerry Short explained that the elevation of the mining operation is above the river and that the mining operations would not occur closer than 200' to the river. Mr. Short further explained that stormwater management ponds are already in existence.

At this time, the following people spoke in opposition to the request to rezone property:

Ms. Diane Johnson addressed the Board explaining that her property is adjacent to the R.T. Craig property, but not on the side of the quarry operation. Ms. Johnson stated the presentation made tonight before the Board was quite different than the presentation made to the Planning Commission because there was no reference to mining only 38 acres when the proposal was presented to the Planning Commission. She stated that the citizens in attendance do not wish to stop the quarrying operation, and they would like to be good neighbors. Ms. Johnson stated that the citizens do not have a trust level established with the company and have concerns that the asphalt plant would be located on Route 91. There are other concerns involving the water quality and other safety concerns. She asked the Board to consider rezoning the property in small increments, which would allow time for the company and residents to establish communication.

Mr. Phil Crane addressed the Board explaining that he had not received notice of the intent to rezone and that he was an adjoining property owner. Mr. Crane further explained that a small strip of land between the river and his property is where a majority of the quarry operation will take place. He stated that the middle fork of the Holston River is a significant water source and he has concerns about water quality. Mr. Crane stated that he and his wife had bought their farm in the 1980's and had worked very hard to pay for the farm. He further stated that he is not opposed to growth, but has many concerns especially the impact of the mining operation will have on his farm and for the water quality.

Mr. Ed Davis addressed the Board explaining that he was a geographer and has quite a bit of knowledge about the rock mining industry. Mr. Davis stated that the County will not "shut down" economically if the quarry operation is not permitted to expand. He expressed concerns regarding the impact to the middle fork of the Holston River. Mr. Davis further stated that much effort has been put into restoring the river. He explained that blasting that would occur at the quarry could have an impact not seen on the surface because the blasting occurs so far underground. Mr. Davis asked that the Board give careful consideration before approving the request and not to assume that the DMME would take care of any safety or environmental concerns.

Ms. Linda Crane addressed the Board. Ms. Crane provided the Board with a picture of her home that had been in existence for 235 years. The house was constructed in 1771 and was one of the six forts built along the Holston River. She stated that a small strip of kindred land is all that separates the rock quarry expansion from her home. Ms. Crane expressed concerns about the impact the expansion would have on the foundation of her home. She further stated that it was an honor and privilege to preserve a piece of history. Ms. Crane explained that their farm is used to raise llamas and cattle, and that they provide school and daycare tours of the farm. She further expressed concerns that her livestock might possibly die from heart attacks as a result of the blasting which was the case when the blasting occurred during the construction of Enterprise Road at Exit 22 off of I-81.

Ms. Mary Parks addressed the Board explaining that she owns 15 acres on Monroe Road. Ms. Parks explained that from her home she could see the current office building for quarry operations and requested that the property not be rezoned. Ms. Parks asked the Board to protect the citizens and not to rely on state and federal agencies to provide the protection. Ms. Parks asked that if the property were rezoned that regulations be placed as suggested by the Planning Commission. She further expressed concerns about traffic issues on Route 91.

Mr. Howard Davis addressed the Board explaining that he has been a resident of Washington County for 38 years and pastors the church that borders three sides of property in question. Mr. Davis stated that he attended the Planning Commission meeting and there was no mention made that the quarry expansion would occur on only 38 acres of the property. He explained that the existing church building has been

used for 23 years and is concerned about the encroachment of the expansion to the church. Mr. Davis inquired if there would be entrance roads constructed close to the church and also about the hours of operation and if any mining activities would occur on Sundays. He requested a 500' buffer zone around the church that would help prevent damage to the building from the rock quarry operation.

Mr. Randy Rasnake addressed the Board explaining that he owns property along the middle fork of the Holston River. Mr. Rasnake explained that his family uses the property for recreation purposes. He further explained that he was a former coal miner and knows first hand how accidents and mishaps occur. Mr. Rasnake expressed concerns about water quality and what happens if the quarry operation pollutes the water.

Ms. Emily Lockney addressed the Board explaining that she was a high school teacher and interested in water quality.

Ms. Eva Anderson addressed the Board echoing the comments of the other citizens that have spoken. Ms. Anderson expressed her concerns for the safety of the wildlife.

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

Substantial discussion ensued among the Board.

Supervisor Paul Price addressed the concerns raised by Mr. Howard Davis about mining activities around the church. Mr. Price stated that many of the concerns were addressed in the DMME mining permit.

Supervisor Tony Rector commented that he understands concerns of the citizens about the blasting and contamination issues. Mr. Rector stated that the Planning Commission has suggested good stipulations.

Supervisor Jack McCrady inquired to Mr. Elliot about the impact of the 200' buffer zone recommended by the Planning Commission.

Mr. Elliott explained that the DMME regulations stated that mining operations shall be conducted in a manner that would protect churches, cemeteries, institutions, etc. He stated that a double layer of regulations seems to make a difficult situation for the mining operation. Mr. Elliott further stated that the Board has the right to place reasonable regulations on the property.

Further discussions ensued among the Board. Many supervisors expressed concerns about additional regulations other than those of federal and state agencies and if the County could enforce new regulations.

On motion of Mr. Rector, second by Mr. Price, the Board acted to follow the recommendation of the Washington County Planning Commission and rezone the following:

(1). The Vernie D. Kendrick and Gretchen M. Kendrick, L.C. request of to rezone approximately 51 acres of property located on the South side of State Route 735 near the intersection of State Route 735/State Route 736 from A-1 (Agricultural, Limited) to M-2 (Industrial, General), Monroe Magisterial District

(2). John G. Holmes request to rezone approximately 113.88 acres of property beginning on the West side of State Route 91 and running to the South side of State Route 736 from A-1 (Agricultural, Limited) and M-2 (Industrial, General) to M-2 (Industrial, General), Monroe Magisterial District

(3). *Stacey E. Holmes and Margaret C. Garriques by John G. Holmes, Attorney in Fact, request to rezone approximately 24 acres of property located near the intersection of State Route 91 and State Route 736 from A-2 (Agricultural, General) and A-1 (Agricultural, Limited) to M-2 (Industrial, General), Monroe Magisterial District*

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. Requests for Special Exception Permit:

It was consensus of the Board to combine the following public hearings:

(4). *The Vernie D. Kendrick and Gretchen M. Kendrick, L.C., Property Tax Map #089-A-41B, 089-2-5D, 089-2-5C, 089-A-41A and 089-2-5:* Request for a Special Exception Permit to operate an asphalt mixing plant, a crushed stone operation and a sand and gravel operation on property located on the South side of State Route 735 near the intersection of State Route 735/State Route 736 in an M-2 (Industrial, General) zone, Monroe Magisterial District (if rezoning is approved)

(5). *John G. Holmes, Property Tax Map #089-A-42:* Request for a Special Exception Permit to operate an asphalt mixing plant, a crushed stone operation and a sand and gravel operation on property beginning on the West side of State Route 91 and running to the South side of State Route 736 in an M-2 (Industrial, General) zone, Monroe Magisterial District (if rezoning is approved)

(6). *Stacey E. Holmes and Margaret C. Garriques by John G. Holmes, Attorney in Fact, Property Tax Map #089-A-45A:* Request for a Special Exception Permit to operate an asphalt mixing plant, a crushed stone operation and a sand and gravel operation on property located near the intersection of State Route 91 and State Route 736 in an M-2 (Industrial, General) zone, Monroe Magisterial District (if rezoning is approved)

Mr. Reynolds opened the public hearing and invited comments both in support of and in opposition to the requests for a Special Exception Permit.

Mr. Patrick Mannix addressed the Board speaking in opposition to granting the requests for special exception permits.

Ms. Diane Johnson addressed the Board expressing disappointment that the rezoning request was approved. Ms. Johnson requested that the Board place regulations stating that the operation of the quarry would not be visible from Route 91. She stated that the citizens look to the Board for protection.

Ms. Mary Parks addressed the Board explaining that no amount of regulations is good enough and that people expect the Board to protect them.

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

Discussion ensued among the Board. Primary issues discussed were stipulations that should be placed on the Special Exception Permits if approved. Subsequently the following action was taken:

On motion of Mr. Rector, second by Mr. McCrady, the Board acted to follow the recommendation of the Washington County Planning Commission and approve the following requests for Special Exception Permits with stipulations as outlined:

(1). The Vernie D. Kendrick and Gretchen M. Kendrick, L.C., request for a Special Exception Permit to operate an asphalt mixing plant, a crushed stone operation and a sand and gravel operation on property located on the South side of State Route 735 near the intersection of State Route 735/State Route 736 in an M-2 (Industrial, General) zone, Monroe Magisterial District.

(2). John G. Holmes request for a Special Exception Permit to operate an asphalt mixing plant, a crushed stone operation and a sand and gravel operation on property beginning on the West side of State Route 91 and running to the South side of State Route 736 in an M-2 (Industrial, General) zone, Monroe Magisterial District.

(3). Stacey E. Holmes and Margaret C. Garriques by John G. Holmes, Attorney in Fact, request for a Special Exception Permit to operate an asphalt mixing plant, a crushed stone operation and a sand and gravel operation on property located near the intersection of State Route 91 and State Route 736 in an M-2 (Industrial, General) zone, Monroe Magisterial District.

The following stipulations apply to the Special Exception Permits:

- 1. A horizontal Buffer zone of 200' is required along the river and up Monroe Road to the Church and a 300' foot buffer zone will apply around the Church.***
- 2. The main crusher shall stay in the vicinity of Ramblewood Road not visible to Monroe Road.***
- 3. Any asphalt plant shall stay in the vicinity of Ramblewood Road not visible to Monroe Road.***
- 4. There will be no Sunday operations unless there is an emergency.***

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>

(7). **Jack K. Hagy, Jr., on behalf of Teri L. Puckett, Property Tax Map #143A4-A-9:** Request for a Special Exception Permit to construct and operate a veterinary clinic with pet grooming, pet boarding, an animal day care facility and boutique on property located on the north side of State Route 11 near the intersection of State Route 11/State Route 625 in a B-2 (Business, General) zone, Wilson 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.

Jimmy Ball addressed the Board on behalf of Teri Puckett providing an overview of the proposal to construct and operate a pet grooming parlor, pet clinic and boarding kennel. Mr. Ball explained that the proposed facility would be located near Exit 10 off of I-81. The existing lot is 40' deep and 246' wide. The proposed building would be 100' wide by 200' long. He further explained that no dog would be visible from outside of the facility. The proposed facility would be the most elaborate kennel and grooming parlor in Virginia. Mr. Ball read a statement from the Architectural Firm of Beeson and Beeson stating the design of the building called for use of materials to absorb the sound and to reduce noise coming from the facility. He stated that the kennels inside and out would be washed down three times per day and bleached once per day. The water would drain into the septic system. Mr. Baugh further stated that Ms. Puckett for the past two years has operated a facility on Lee Highway that is located between the Appco Convenience Store and a truck Stop. She has yet to receive a complaint.

Ms. Sue Ann Reeter, resident of Moseby Avenue and an adjoining property owner spoke in opposition to the request. Ms. Reeter stated her objections were mainly from concerns about noise. The subdivision in which she lives is comprised of mostly older adults. She further stated that she is concerned the kennel would decrease property values. Ms. Reeter requested that the facility not be located close to a residential area.

Mr. Harold Hibbs of Moseby Avenue addressed the Board explaining that he could see the proposed facility from his front, screened-in porch. If the kennel is allowed to be constructed it would take away the privacy he now enjoys when he sits on his porch. Mr. Hibbs expressed concern that the 500-gallon septic system would not be sufficient to take care of all the dog waste.

Mr. Mick Arnold of Moseby Avenue spoke in opposition.

Mr. Mike Brown addressed the Board explaining that his house faced Moseby Avenue and is a neighbor to those individuals that have spoken. Mr. Brown explained that he was a customer to Ms. Puckett and that her current facility does smell like dogs and cats. He stated that the smell was his primary concern.

Mr. Ball addressed the Board providing clarification that the septic system is not a 500-gallon tank, but that it would carry 500 gallons of water per day. He further stated there would not be any smell coming from the building because everything is confined and cleaned within the building.

Discussion ensued among the Board at this time.

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

Supervisor Dulcie Mumpower addressed the Board explaining that the residential community adjacent to the proposed facility was a good community with a lot of elderly residents. Mrs. Mumpower stated that

this community has been faced with a lot of issues. They have won a few and lost a few. She further stated that Ms. Puckett’s plan is a good concept, but that she has problems with it being so close to a residential neighborhood. Mrs. Mumpower also stated her concerns with possible odor issues.

On motion of Mrs. Mumpower, second by Mr. Rector, the Board acted to follow the recommendation of the Washington County Planning Commission and deny the request of Jack K. Hagy, Jr., on behalf of Teri L. Puckett for a Special Exception Permit to construct and operate a veterinary clinic with pet grooming, pet boarding, an animal day care facility and boutique on property located on the north side of State Route 11 near the intersection of State Route 11/State Route 625 in a B-2 (Business, General) zone, Wilson Magisterial District.

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

<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>Abstained</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

(8). William Rush on behalf of John R. Dancer, Property Tax Map #172A-1-15, 16: Request for a Special Exception Permit to operate a small business in general, more specifically, a 24’ X 40’ woodworking and furniture upholstery shop on property located at 22191 Dayton Way off of State Route 757 near the intersection of State Route 757/State Route 1200 in an A-1 (Agricultural, Limited) zone, Taylor 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. John Dancer addressed the Board explaining that he currently lives in Konnarock and has been doing, woodworking and upholstery business. Mr. Dancer explained that he would like to move this business to Dayton Lane in Damascus. He further explained that the neighbors to the south of Dayton Lane have expressed concerns about an increase in traffic, if lumber/other materials would be stored outside and the hours of operation for the business. Mr. Dancer explained that the very nature of his business would not allow the lumber used sole for his building furniture or the finished product to be stored outside. All work would be contained inside of building. Since the business is not a retail business there would be no traffic. He stated that he does custom work and delivers to his customers.

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

On motion of Mr. McCrady, second by Mr. Price, the Board acted to follow the recommendation of the Washington County Planning Commission and approve the request of William Rush on behalf of John R. Dancer, for a Special Exception Permit to operate a small business in general, more specifically, a 24’ X 40’ woodworking and furniture upholstery shop on property located at 22191 Dayton Way off of State Route 757 near the intersection of State Route 757/State Route 1200 in an A-1 (Agricultural, Limited) zone, Taylor Magisterial District.

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>

c. Public Hearing and Consideration of Adoption of an Ordinance Regarding the Granting of a Franchise Agreement to Techcore Consultants, III (d/b/a, Almega Cable)

County Attorney Lucy Phillips addressed the Board explaining that State law requires that the Board of Supervisors hold a public hearing prior to adoption of an ordinance to grant a franchise agreement for operation of a cable television system within the boundaries of the County. Ms. Phillips explained that in many localities only one cable television system franchise is allowed; however, the law provides that more than one franchise agreement may be granted if the governing body finds that the public welfare will be enhanced. She further explained that Almega Cable purchased the operations of J. Feeney Co. to which the County had issued a franchise agreement for the same operations.

Mr. Richard Bessemer representing Almega Cable addressed the Board. Mr. Bessemer reviewed a map of their service area. He explained that Almega Cable has approximately six miles of plant in Washington County. The plant runs along Route 19 and down Hidden Valley Road for approximately two and one-half miles. Currently they have about six customers.

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

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

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

***Ordinance 2006-06
Regarding the Granting of a Franchise Agreement to
Techcore Consultants, III (d/b/a, Almega Cable)***

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

WHEREAS, by resolution adopted on April 23, 2002, the Board of Supervisors of the County of Washington, Virginia, granted a franchise agreement to J. Feeney Associates, Inc., after federal bankruptcy court transferred to J. Feeney Associates, Inc., the Franchise Agreement previously issued by the Board to Cooney Cable of Bastian, L.P.; and

WHEREAS, Techcore Consultants III (d/b/a, Almega Cable) purchased J. Feeney Associates, Inc. on February 1, 2005, and undertook continued operation of

the cable television system previously operated by J. Feeney Associates, Inc. in the County of Washington, Virginia, at that time; and

WHEREAS, Techcore Consultants III (d/b/a, Almega Cable) has applied to the County for issuance of a Franchise Agreement to supercede and replace the Franchise Agreement previously issued to J. Feeney Associates, Inc. and to allow continued operation of the cable television system in the County, as hereinabove described; and

WHEREAS, the Board of Supervisors, having held a public hearing on this application on March 14, 2006, and considered public comment, economic factors, the impact on private property rights, the impact on public convenience, the public need and potential benefit, and such other factors as are relevant, found that the granting to Techcore Consultants III (d/b/a, Almega Cable) of a franchise to construct, operate and maintain a cable television system within the jurisdictional limits of the County of Washington, Virginia, will enhance the public welfare;

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

- 1. That the County of Washington, Virginia, does hereby grant Techcore Consultants III (d/b/a, Almega Cable) a franchise to construct, operate and maintain a cable television system within the jurisdictional limits of the County; and*
- 2. In so doing, the County of Washington, Virginia, revokes the Franchise Agreement previously granted to J. Feeney Associates, Inc.; and*
- 3. The County of Washington, Virginia, enters into a Franchise Agreement with Techcore Consultants III (d/b/a, Almega Cable) to include the terms and conditions as set forth in the attached Franchise Agreement; and*
- 4. That should any section or provision of this ordinance or of the attached Franchise Agreement be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance and Franchise Agreement; and*
- 5. That Mark K. Reeter, County Administrator, is authorized to execute all necessary documents; and*
- 6. That this ordinance shall be effective immediately; and*
- 7. That the term of said Franchise Agreement shall be from February 1, 2005, through January 31, 2012, as written in said Franchise Agreement; and*
- 8. That the terms and conditions of the Franchise Agreement shall be as set forth in the attached Franchise Agreement.*

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*

Scrivener’s Note: The Franchise Agreement referenced above is included as Minutes Exhibits Item 2006-03-14-A.

9. Recess

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

6. Consideration of Resolution of Support for Application for CDBG Funds by Town of Damascus for Orchard Hill Community Development Project

County Administrator Mark Reeter addressed the Board explaining that the Town of Damascus is considering an application for Community Development Block Grant (CDBG) funds to address housing rehabilitation, water and sewer needs along a portion of Orchard Hill Road. Mr. Reeter explained that the project is similar to although less extensive than the Mock Hollow Neighborhood Revitalization Project. The Orchard Hill project includes a new 6” public water line and public sanitary sewer service by Damascus as well as housing rehabilitation. He stated that the Town is requesting the Board of Supervisors consider adoption of a Resolution supporting their application. At this time, the Town is not asking for financial support.

Discussion ensued among the Board.

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

**RESOLUTION 2006-04
 IN SUPPORT OF A
 VIRGINIA COMMUNITY DEVELOPMENT BLOCK GRANT
 APPLICATION BY THE TOWN OF DAMASCUS FOR THE
 ORCHARD HILL ROAD COMMUNITY DEVELOPMENT PROJECT**

BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that it hereby endorses and supports the Application by the Town of Damascus, Virginia for Community Development Block Grant funds for the Orchard Hill Community Development Project.

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

7. Presentation of Concerns about Impact of Development on Low-Income Persons

Mr. Lewis Loflin addressed the Board presenting concerns about the impact that development in Washington County is having on low-income citizens. Mr. Loflin explained that when development impacts a low-income residential area the people are often given very little notice that they have to move out of their residence and that they do not have the financial resources it takes to relocate. He gave the example of the Clear Creek Trailer Park issue that arose from an Exit 7 development project. The high income of people moving to Washington County is increasing the costs for housing; therefore, resulting in low-income people be forced to live in substandard housing. Mr. Loflin proposed two recommendations for the Board to consider: 1. The County should be obligated to assist low-income persons affected by development for example if a low-income individual is going to be displaced due to a County involved development project then the County or the developer should be responsible for paying the relocation costs of the low-income individual; 2. That six months to one-year notice be given to the low-income individual having to relocate.

Mr. Loflin thanked Mr. Reeter and the Board for the opportunity to speak.

8. Consideration of Agreement between Washington County, Town of Abingdon, and Virginia Highlands Small Business Incubator

County Attorney Lucy Phillips addressed the Board explaining that the County, the Town of Abingdon and the City of Bristol previously joined together to form the Virginia Highlands Small Business Incubator. In early 2006, the City opted to withdraw from participation in the activities of the Incubator. Ms. Phillips explained that as a result of the City's withdrawal from participation, the terms of the incubator operation and repayment of debt incurred for construction of the Incubator facility must be revised for division between the County and the Town without City participation. Ms. Phillips provided the Board with a review of the new agreement drafted for their consideration.

Ms. Phillips explained in brief that the Agreement provides that the County and Town agree, to the extent allowed by law, to share equally the debt service and operational costs of the Incubator. Each year, the Incubator will present to the County and the Town a proposed budget, and the County and Town would "coordinate in working toward the goal" of equal funding. The Agreement provides for adjustments in ownership interest and management participation in the event equal funding is not achieved. While the Agreement provides for funding the debt service and operational costs of the Incubator without the City's participation, it does not relieve the City of the moral obligation that the City accepted when it originally agreed to be a part of the Incubator formation. The Agreement specifically reserves the right to enforce such obligation if the need arises. Additionally, the Agreement would establish that the Board of Directors for the Incubator would consist of nine members. The County and the Town would appoint four members each, and those eight members would appoint one member. The Agreement provides that there could not be more than one member from each governing body appointed to the Incubator Board.

Discussion ensued among the Board.

On motion of Mrs. Mumpower, second by Mr. McCall, the Board acted to approve the Agreement and authorize the Chairman to sign the Agreement on behalf of the County.

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: The Agreement referenced above is included as Minutes Exhibits Item 2006-03-14-A.

10. County Administrator Reports:

- a. March 21 Joint Public Hearing with Virginia Highlands Airport Commission Concerning Proposed Virginia Highlands Airport Expansion Project

County Administrator Mark Reeter addressed the Board explaining that provided at their stations are the written comments that have been submitted in advance of the March 21 Joint Public Hearing with the Virginia Highlands Airport Commission concerning the proposed Virginia Highlands Airport Expansion Project. Mr. Reeter explained that advance copies of the materials would also be provided to Airport Commission members.

Mr. Reeter reviewed with the Board the proposed Agenda for the Public Hearing. He further reviewed proposed rules for the public hearing. The rules proposed are as follows:

- The Chairman of the Board of Supervisors shall officiate the public hearing.
- Speakers shall be called in order of those registered to speak on sign-up sheet available prior to beginning of public hearing. No further speaker registrations shall be accepted after 7:30 PM.
- Speakers shall be limited to 10 minutes each – remaining time may not be yielded.
- Topics speakers may present shall be limited to matters directly involving the proposed Virginia Highlands Airport Expansion Project.
- Members of the Board of Supervisors, Airport Commission and administrative personnel of those bodies shall not be obligated to respond to questions raised by speakers during the public hearing. Questions may be addressed during Closing Remarks at the discretion of Board/Commission members.
- The public hearing shall be closed after all speakers have been recognized. After 10:00 PM, the Chairman of the Board of Supervisors may at his discretion call for the consensus of both the Board and Airport Commission to close the public hearing if a majority of both bodies believe a fair representation of views have been adequately expressed.

Mr. Reeter explained that the public hearing was not a legally required public hearing and that no action would be requested of the Board of Supervisors or Airport Commission.

Mr. Reeter stated that a particular citizen group has asked for a 30-minute block of time at the beginning of the public hearing to present its position concerning the airport project.

Substantial discussion ensued among the Board. A Board member raised a question about limiting the topics discussed at the public hearing to only the airport expansion project stating that people have other airport related issues such as the trees at Forest Hills Cemetery. Board members did not object to providing a 30-minute block of time to the citizens group at the beginning of the public hearing, but suggested that a time limit for other speakers be decided on the night of the public hearing once they have determined how many people have registered to speak.

After further discussions, it was consensus of the Board to adopt the proposed rules modified to say that other airport related issues could be heard, that the citizen request for a 30-minute block of time be granted and that the time limit for others speakers would be determined at the time of the hearing.

b. Correspondence from Delegate Joe Johnson – Status of House Bill 1384

Mr. Reeter explained that House Bill 1384 introduced in this year's General Assembly would have redirected mobile telecommunication taxes collected by the County from the Town of Abingdon residents to the Town. This measure failed to be reported out of the House Finance Committee. Delegate Joe Johnson is suggesting that the County and Town decide how to handle this matter before the 2007 General Assembly convenes next year. Mr. Reeter stated that it is possible this matter has been rendered moot by other legislative actions this year regarding telecommunications tax collections.

11. County Attorney Reports

No report.

12. Board Information

Mr. Reeter reviewed the following Board Information:

- Resignation of Washington County Park Authority Member Tony Miller
- Correspondence from People, Inc. Regarding the Dissolution of the Abingdon Day Care Advisory Board
- Correspondence from County Accounting Manager Mark Seamon Concerning the Results of the Payroll Frequency Survey.

13. Consent Agenda

Accounting Manager Mark Seamon addressed the Board explaining that the Washington County Public Library is requesting a supplemental appropriation totaling \$805.90 to cover repair expenses to its newly acquired surplus vehicle. This vehicle was obtained from the County after the Library's other vehicle was totaled in an accident. The County received and kept the insurance claim check totaling \$4,425.00. Mr. Seamon explained that Library Director Charlotte Parsons is asking that the supplemental appropriation be taken from the insurance recovery monies.

Mr. Seamon further explained that the Barter Foundation is requesting the Board of Supervisors approval to release \$50,000.00 currently budgeted and appropriated for the Stonewall Square Improvement Project.

Discussion ensued among the Board concerning the request from the Barter Foundation. A Board member inquired if the \$50,000.00 was appropriated as matching funds for a grant, and further that the Barter had lost an Appalachian Regional Commission Grant. After further discussions concerning the request from the Barter Foundation, the following action was taken:

On motion of Mr. Rector, second by Mr. McCrady, the Board acted to table the request from the Barter Foundation.

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>

On motion of Mrs. Mumpower, second by Mr. Owens, it was resolve to approve the following consent agenda items:

- a. Payment of Bills, February 2006*
- b. Revenue Refunds – Animal Sterilization Fee*
- c. Transfer from Reserve for Contingencies to Indigent Care for Burial Expenses*
- d. Canceled Check – General Fund*
- e. Supplemental Appropriation – WC Public Library for Vehicle Repairs*
- g. Budget Status Reports for February 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>

14. Board Member Reports

Supervisor Odell Owens reported that he attended the official welcome home of the 278th Combat Unit. The Board was presented with a plaque in recognition of the support the County gave the 278th.

Supervisor Jack McCrady reported that he wished to make an appointment at this time to replace Tony Miller on the County Joint Parks and Recreation Committee. Therefore the following action was taken:

On motion of Mr. McCrady, second by Mr. Rector it was resolved to appoint David Matlock to fill the unexpired term of Tony Miller on the Washington County Parks and Recreation Committee.

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 6:00 PM March 16, 2006 for Joint Recessed Meeting with Washington County School Board, School Board Offices, 812 Thompson Drive, Abingdon

On motion of Mr. Rector, second by Mr. McCall, it was resolved to recess to 6:00 PM on March 16, 2006 for a joint recessed meeting with the Washington County School Board to be held at the School Board Offices, 812 Thompson Drive, Abingdon, VA.

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