

**VIRGINIA:**

At a regular meeting of the Washington County Board of Supervisors held Tuesday, April 11, 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

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

**3. Approval of Agenda**

*On motion of Mr. Owens, second by Mr. Rector, it was resolved to approve the agenda with the following amendment:*

**Addition of 14.a. – Closed Meeting:**

*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.*

*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 March 16, 2006 Joint Recessed Meeting as presented; March 21, 2006, Joint Recessed Meeting as presented; March 28, 2006 Recessed Meeting as presented and the March 28, 2006 Regular Meeting with the following corrections:*

*Page 14242, Item 18, Correct second paragraph, first sentence to read: “Supervisor Paul Price reported that due to the increased number of dog damage claims that he believes a program in which owners of vicious dogs (i.e., pit bulls, etc) would be required to register the dogs should be implemented.”*

*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). Chester Poore for Old Meadowview Restoration, Inc., on behalf of Steven Hopp, Property Tax Map #067A3-A-39, 39A: Request for a Special Exception Permit to construct and operate a restaurant on property located at the intersection of State Route 609 and State Route 805 in the Meadowview Square in a V (Village) 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. Phillip Newton addressed the Board explaining that he and Dr. Steven Hopp were partners in the proposed restaurant project and offered to answer any questions the Board may have. Discussion ensued among the Board.

Responding to inquiries from the Board, Mr. Newton provided a brief description of the restaurant and stated that the maximum seating capacity would be 50.

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

***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 request of Chester Poore for Old Meadowview Restoration, Inc., on behalf of Steven Hopp for a Special Exception permit to construct and operate a restaurant on property located at the intersection of State Route 609 and State Route 805 in the Meadowview Square in a V (Village) zone, Monroe Magisterial District.***

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

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

(2). *Brumley Gap Volunteer Fire Department, Inc., Property Tax Map #029-A-46A: Request for a Special Exception Permit to construct an addition to an existing volunteer fire department on property located on the north side of State Route 689 near the intersection of State Route 689/State Route 687 in a CR (Conservation Recreation) zone, Jefferson 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. Britt White, representing Brumley Gap Fire Department, addressed the Board explaining that the Fire Department has made a change to their Special Exception Permit request that was presented to the Washington County Planning Commission. Mr. White explained that the request to the Planning Commission was for construction of an addition to the existing fire department. He further explained that since the Planning Commission meeting they have discovered that the corner of the existing structure where the proposed addition was to be constructed is built upon a large rock. Mr. White stated that to keep from causing damage to the existing structure the Fire Department now proposes to construct a metal building behind the existing structure. A drawing of the proposed change was distributed to the Board.

Supervisor Paul Price addressed the Board explaining that originally it was suggested that a metal building be constructed behind the building. However, there were concerns at that time that because the community uses the second level of the Fire Department for showers and parties that the existing driveway would get blocked. Mr. Price explained that a second driveway is planned as shown on the drawing. He stated that the vehicles that were needed first to respond to calls would continue to be housed in the existing Fire Department, which faces Brumley Gap Road.

Discussion ensued among the Board.

Responding to inquiries from the Board, Mr. White explained that the Fire Department owns the property where the second driveway is shown on the drawing and further that construction of the metal building would be cheaper than the original plan.

The County Attorney was asked if the matter needed to go back before the Planning Commission because of the change.

County Administrator Mark Reeter addressed the Board explaining that the proposed change is just a change in location; therefore, the matter does not need to be sent back to the Planning Commission. Mr. Reeter further explained that the Fire Department would need to watch the setback to the rear property line where the new building is to be located.

County Attorney Lucy Phillips inquired of Mr. White about the distance between the originally proposed addition compared to the location of the new building. Mr. White explained it is approximately 115' behind the existing building. Ms. Phillips advised the Board that this is a significant change from the original application; however, it was the Board's discretion whether to proceed with the application or refer it back to the Planning Commission. She stated that ordinarily this situation might call for a second review by the Planning Commission as a result of the change in the application. Ms. Phillips apologized for the difference in opinion from that of the County Administrator and stated this is the first time the matter was brought to her attention.

It was pointed out that the only adjoining property was used for a graveyard; therefore, there was little risk of complaint as a result of the revised application.

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

***On motion of Mr. Price, second by Mr. Rector, the Board acted to approve the request of Brumley Gap Volunteer Fire Department, Inc., for a Special Exception Permit to construct a metal building behind the existing volunteer fire department on property located on the north side of State Route 689 near the intersection of State Route 689/State Route 687 in a CR (Conservation Recreation) zone, Jefferson Magisterial District***

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

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

b. Public Hearing and Consideration of Conveyance of Right-of-Way to Steve Weston from Regal Drive to Adjoining Property for Purpose of Access to Proposed Residential Subdivision

County Attorney Lucy Phillips addressed the Board to explain why this matter was brought to it for review. She stated that the issue first came to the County's attention in 2005 when the property that is now owned by Earth Treasures was owned by Kenneth and Patricia Denton. The Dentons requested that the County convey to them a right of way for access from Regal Drive, which serves the William Cole

Industrial Park, to their property that adjoins the industrial park. At that time, the Dentons had a contract with Steve Weston for purchase of their property. Before the matter was brought to the Board for review, however, Mr. Weston purchased the property from the Dentons. Ms. Phillips reminded the Board that, in February, 2006, Mr. Weston had made a presentation to the Board regarding his intended use of the former Denton property for a residential subdivision. He asked that the Board convey to his company, Earth Treasures, L.L.C., which owned the property, a right of way to provide a second means of access to the residential subdivision. At the next subsequent meeting of the Board, the Board asked the County Administrator to schedule a public hearing regarding the proposed conveyance of the right of way to Mr. Weston. Ms. Phillips further explained that, although there was an Agreement dated 1985 between the Industrial Development Authority and the Dentons regarding conveyance of the right of way, the right of way had never been conveyed pursuant to the Agreement. Ms. Phillips stated that due to operation of the statute of limitations, the Board did not have a legal obligation to convey the right of way, but the Board could still choose to do so at its discretion.

Substantial discussion ensued among the Board. Supervisor Paul Price inquired to Ms. Phillips where she obtained information that the right-of-way was never conveyed. Responding to the inquiry, Ms. Phillips discussed the 1985 Agreement between the IDA and the Denton's concerning the right-of-way, and stated that the IDA never actually made the conveyance of the right-of-way. Mr. Price asked about the deed of conveyance from the Dentons to Earth Treasures, which states that the conveyance is made "together with all the grantors rights under the agreement between the grantors, the Washington County Industrial Development Authority dated August 9, 1985." Ms. Phillips explained that the deed of conveyance from the Denton's to Earth Treasures says that it is with any rights that existed as far as a right-of-way, but the Denton's could not convey the right-of-way to Earth Treasures because it was not a property interest ~~they~~ the Dentons held at the time of the conveyance.

Further discussions ensued among the Board. There was a question as to whether the referenced 1985 Agreement would be transferred to Earth Treasures.

Ms. Phillips explained that the 1985 Agreement would not be legally enforceable at this time due to the statute of limitations for enforcement of the contract having expired. She further explained that since there was no deed for conveyance to the Dentons of the right of way, the property right was never established.

Supervisor Jack McCrady inquired about the recent survey that shows that the conveyed property includes a strip of land beyond the current cul-de-sac of Regal Drive stopping short of the Earth Treasures property line by fifteen (15) feet. Ms. Phillips responded by explaining that the discrepancy could have been an accident or by fault of inadequacies in surveys between 1985 and the present survey. She further explained that the Board of Supervisors was conveyed fee simple ownership, which is complete ownership without any burdens by other owners of the strip of land that now is Regal Drive. The IDA conveyed this land to the Board of Supervisors in 1985 because at that time it was necessary for the County to get industrial access road funds from the State to develop the industrial access road. Ms. Phillips stated that in the deed from the IDA to the Board of Supervisors there was a length of 0.54 miles from the Jeb Stuart highway right of way specified for the strip of land that was conveyed for purposes of the industrial access road. She further stated that recently Addison Surveyors did a survey to determine exactly what amount of land was described by the deed, and the Addison Surveyors plat indicated that the 1985 conveyance to the Board of Supervisors from the IDA ended 15 feet short of reaching to the property boundary with the Earth Treasures property. Ms. Phillips says the language of the deed says the length was running .54 miles from the State road right-of-way through the Industrial Park as marked in the field at the time. Therefore, as of 1985 there were stakes or some type of indication in the field and

the people involved in the transaction at the time walked the property and agreed that was the appropriate piece of land to convey to the Board of Supervisors. After that time the road was developed and accepted by the Virginia Department of Transportation for public maintenance and it is now Regal Drive. However, the County does not know exactly what was staked in the road at the time.

The Board devoted further discussions to the fifteen (15) feet discrepancy. Ms. Phillips explained that because of the fifteen (15) feet discrepancy between the amount of land conveyed to the Board of Supervisors and the property line, the IDA may still technically own that fifteen (15) feet length. Ms. Phillips explained that when the County discussed this matter with the Denton's, the Denton's attorney had asked that both the IDA and the Board certify any conveyance of the requested right of way. Doing so would resolve any potential ownership issues created by the 15 foot discrepancy. Ms. Phillips stated that she considered his request a reasonable means to resolve the issue if the Board decided to convey the right of way.

Supervisor Odell Owens inquired if the IDA had any records pertaining to the conveyance. Ms. Phillips explained that the IDA does not have records that help in this matter. She further explained that the minutes of the Board of Supervisors were researched regarding the acquisition for the purpose of construction of Regal Drive and there was nothing identified in the minutes that was helpful to resolution of the ownership issue.

Further discussions ensued among the Board. Board members felt that the IDA intended to convey the fifteen (15) feet to the County.

At this time, Mr. Reynolds opened the public hearing and invited comments both in support of and in opposition to the proposed conveyance.

Mr. Steve Weston made a presentation to the Board concerning his request. Mr. Weston explained that he would like to clarify some mistakes in the information written in the Board's agenda materials. Mr. Weston stated that this matter comes before the Board not over a fifteen (15) feet discrepancy, but to decide whether or not the County will honor the Agreement made by the IDA on August 9, 1985, with the Denton's. At this time, Mr. Weston distributed to the Board a packet of materials concerning this issue. Mr. Weston asserted that the right-of-way given by the IDA has been used continuously for the entire 21 one-year period after it was issued.

Mr. Weston addressed the fifteen (15) feet discrepancy. He explained that the survey conducted by Addison Surveyors was not prepared for the purposes of determining whether there is a discrepancy, but was prepared to determine whether the land conveyed by the IDA to the County went all the way to the Denton property line or just the cul-de-sac. Mr. Weston referenced another document written in 1985 that states the length of the right of way given by the IDA was "approximately 0.54 miles to a dead end." He stated that the only dead end is the Denton property line. Mr. Weston further stated that an unofficial estimate made last year at his request by a Virginia Department of Transportation (VDOT) representative measured approximately 0.54 miles. The difference is 0.526%, which surely falls within the scope and definition of "approximately 0.54 miles." Therefore he asserted there is no 15 feet owned by the IDA. Mr. Weston explained that from his research of all the deeds issued by the IDA of sale of parcels in the Industrial Park that have a plat attached shows that Regal Drive went all the way to the Denton property line and then curved up 90 degrees at an angle north to property owned by Sonny Wright so that he would not be landlocked. The curve referenced above ran along the Denton property line for over 200'. Mr. Weston referenced a deed and attached plat to property owned by Robert W. Edwards dated April 7, 1988 that depicts what the IDA conveyed and also understood that that Regal Drive goes to the cul-de-sac and

the paper extension of it beyond that where it ran. He also referenced a deed and attached plat issued in 1988 to Mr. and Mrs. Lester that shows Regal Drive running exactly to the Denton property line up to Mr. Wright's property.

Mr. Weston continued that last year he was involved in a meeting with Mr. Kenneth Denton and IDA Chairman Russell Owens wherein he asserted that Mr. Owens stated that the IDA would honor its Agreement made with Mr. Denton in 1985, but that the County now owns the land so there is no instrument that the IDA could sign it has to be signed by the County. He further explained that what is known is that the IDA did the best they could to make an Agreement to issue Mr. Denton an unrestricted 50' permanent right-of-way from the Denton property to Route 58 which is included in an Agreement signed by Mr. William A. Cole and notarized on August 9, 1985. This ended a lawsuit that was brought by Mr. Denton against the IDA to enforce his pre-existing right-of-way to get out to Route 58 from his property. Mr. Weston stated that this issue did not begin in 1985, but that the issues in 1985 came about because the William Cole Industrial Park was going to be placed in an area where there was a farm road that went out to Route 58. The farmers used the road all by agreement to get to Route 58. When the industrial park was proposed, Mr. Denton's property was threatened to be cut off meaning that he would not have a way to get out to Route 58. Therefore, Mr. Denton brought a lawsuit against the IDA. The IDA settled the lawsuit and issued the 1985 Agreement for a right-of-way. He further stated that Mr. Denton's right-of-way pre-dated the build out of the William Cole Industrial Park and all the deeds that were issued by the IDA to property owners in the industrial park.

Mr. Weston referenced a deed issued by the IDA to convey 60' of property to the County for the construction of Regal Drive. He stated that the County paid to build Regal Drive in order to complete the industrial park. The IDA then issued deeds for the property and now does not own land in the industrial park. Mr. Weston asserted that the deed that the IDA issued to the County contains a mistake. He further asserted that the deed says, "IDA has done no act to encumber the said land." Mr. Weston says this is a mistake because four months earlier on August 9, 1985, the IDA had made Agreement with Mr. Denton to give him a right-of-way. So for the IDA four months after to convey title to land that the Denton right-of-way ran over to the County and not say anything about the fact they had just settled a lawsuit giving Mr. Denton a right-of-way was an error made by the IDA. Incidentally, Mr. Weston stated he tried to look at the court file to see if this matter could be clarified as to how such a mistake could have occurred. He asserted that the court file is missing.

Mr. Weston explained that what Earth Treasures (his family's company) paid to the Denton's for their property in February 2006 has been made subject of the presentation to the Board in Agenda materials and he asserted that it contains erroneous information concerning a possible reduction in purchase price of the Denton property attributable to the right-of-way issue. Mr. Weston stated that the right-of-way was an issue and an issue that the Denton's had intended to resolve with the Board of Supervisors. However, the Denton's had several family medical emergencies and the Denton's needed to sell the property. He stated that the Denton's asked him to go forward with closing on the property and requested he carry forward the right-of-way issues. Mr. Weston stated that under the circumstances he felt the right thing to do was honor the request of the Denton's. He further stated that he has issue with the Agenda material stating that the property was purchased in absence of a right-of-way given to the Denton's by the IDA in 1985. Mr. Weston asserted this is not a true statement and explained that the truth is the deed describing the property conveyed states "together with all the grantors rights under an agreement between the grantors and the Washington County Industrial Development Authority dated August 9, 1985, referenced to which is hereby made and which agreement is incorporated herein by reference." This language is on the deed and is included as one of the documents in the packet provided to the Board. Mr. Weston stated that all the rights that Mr. Denton had he gave to Earth Treasures. Also, contrary to what was written in

the Agenda materials, Mr. Weston stated that he does not request the Board to grant a right-of-way because the right-of way has already been granted. The request to the Board is for them to honor the Agreement of the IDA. The right-of-way from the Denton property over Regal Drive to Route 58 was there first and used by both sides before the industrial park was developed, before Regal Drive was built and before the IDA sold tracts of land within the industrial park.

Mr. Weston explained to the Board that he proposes to use the right-of-way granted by the IDA as an emergency ingress and egress into his proposed development, and not as a primary entrance into the development. He further explained that a fire truck could negotiate Trigg Street and pass under the I-81 overpass leading to Barry Creek Road; however, if there were a wreck on the bridge, on Trigg Street or on Barry Creek Road then all emergency vehicles in and out of the homes in the Barry Creek area would be blocked. An emergency access via Regal Drive solves this potential problem. Mr. Weston proposed that a gate be installed across Regal Drive at the point of connection with his residential development accessible only to emergency vehicles in the event the Trigg Street access is blocked.

In closing, Mr. Weston explained that he respectfully requests that the Board of Supervisors honor the Agreement of the IDA and authorize the County Administrator to sign the necessary documents.

Mr. Sonny Wright addressed the Board explaining that for many years he unsuccessfully tried to get an adequate industrial access road built through the William Cole Industrial Park. Mr. Wright explained that he has questions concerning whether or not the appropriate right-of-way was ever used and about the length of the right-of-way. He stated that for 19 years he has owned property in the industrial park and because there was not an adequate industrial access road through the park he has been unable to fully utilize his property. Mr. Wright further stated that people had been interested in his land, but each time the project fell through because of the road issue. He explained that on many occasions he appeared before the Board of Supervisors and IDA to request help in getting an industrial access road built through the park. Mr. Wright further explained that he has spoken with the chief of the Abingdon Fire Department concerning the route their department would take to access Mr. Weston's property in case of an emergency and he was told they would travel Barry Creek Road and further that they would not take Route 58 to the industrial park. He stated that it was his opinion that the Board would be making a mistake if they conveyed the right-of-way and allowed residential traffic through the industrial park.

Mr. Kenneth Taylor, one of the owners of W & S Ready Mix, addressed the Board. Mr. Taylor stated that he represents one of six owners and that their main concern about the conveyance of the right-of-way and the proposed housing development is for safety reasons. There are approximately 70,588 trucks per year or 89 trucks per day that come through the industrial park either loaded or empty. He encouraged the Board to look to the future before taking action on the request.

Responding to inquiry from the Board, Mr. Taylor explained that the trucks he referenced are cement trucks, tandems and trucks that haul rock and sand. He further explained that if the road to the proposed residential development were for emergency vehicles only that his company would not have objections to the conveyance of the right-of-way.

Mr. Jim McCall addressed the Board explaining that he was a former member of the IDA and that it is his opinion that the right-of-way was extended to the Denton property. Mr. McCall further explained should the Board convey the right-of-way that the public can be trained to obey the law and not use the road other than in emergency situations.

Responding to an inquiry from the Board, Mr. McCall explained that he was aware of the lawsuit that has been mentioned and that it is his understanding that the Court granted the Denton’s use of the right-of-way and that this information should be in the minutes of the IDA.

County Attorney Lucy Phillips addressed issue of lawsuit. Ms. Phillips explained that no documents have been identified that proves that the court ordered a conveyance of the right of way to the Denton’s as resolution to referenced lawsuit.

Discussion ensued among the Board.

Responding to an inquiry from the Board, Mr. Wright explained that he would have a problem with the conveyance of the right-of-way to Mr. Weston even if emergency only access restrictions were placed on the conveyance.

Further discussions ensued.

Mr. McCrady explained that he has met with representatives from VDOT regarding this matter and that VDOT does not have a problem with increased traffic on this road. Further, VDOT representatives stated that should traffic become a problem they could install a traffic light.

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

At this time, the Board discussed this matter at length. The following are primary issues of concern and questions of the Board members:

- Ownership of the right-of-way
- Questions as to whether or not the right-of-way has been conveyed
- Concerns that the right-of-way should be used only in emergency situations
- Questions concerning the alleged lawsuit and concerns that no documents have been produced pertaining to the lawsuit
- Questions regarding how the proposed gated community would work.

Further discussions ensued. Subsequently, the Board took the following action:

***On motion of Mr. Owens, second by Mr. Rector, the Board acted to delay decision for no more than one month on the conveyance of right-of-way to Steve Weston from Regal Drive to adjoining property for purpose of access to proposed residential subdivision to allow time for information to be obtained on the following:***

- 1. Ownership of the fifteen (15) feet right-of-way,***
- 2. Clarify issues concerning legal action taken by the Denton’s against the IDA in 1985.***
- 3. Obtain information from VDOT concerning gated community issues***

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

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

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

**9. Recess**

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

**6. Presentation of People, Inc. County Housing Rehabilitation Program Planning Grant**

Mr. Robert Goldsmith, Executive Director, People, Inc., addressed the Board explaining that at the February 14 Board meeting he made a presentation concerning the County Housing Rehabilitation Program Planning Grant being applied for through the Virginia Department of Housing and Community Development Block Grant Program. Mr. Goldsmith further explained that at that meeting he requested the Board schedule two public hearings that were requirements of the Community Development Block Grant Program. He stated that since that meeting the Virginia Department of Housing and Community Development has changed their guidelines and no longer require the public hearings to be held. Mr. Goldsmith further stated that now the Board would need to authorize the County Administrator to submit a letter on behalf of the Board that states the County’s interest in the Planning Grant for the Housing Rehabilitation Project.

Discussion ensued.

*On motion of Mr. Rector, second by Mr. Owens, the Board acted to direct the County Administrator to write a letter of support for the County Housing Rehabilitation Program Planning 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>

Supervisor Paul Price inquired if Santa Cruz Drive was a private street. Mr. Price stated that it indicates so on the street sign, but that some of the residents have indicated that the Virginia Department of Transportation maintains the road. County Administrator Mark Reeter stated that he would research the matter.

**7. Consideration of Parade Permit, Greenfield Baptist Church Easter Crosswalk – April 14**

*On motion of Mr. Rector, second by Mr. McCall, the Board acted to grant a Parade Permit to Greenfield Baptist Church to conduct an “Easter Crosswalk” event on April 14.*

*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>

**8. Consideration of Appointments to Various Boards, Authorities and Commission:**

**a. Washington County Board of Building Code Appeals:**

- (1). Harry L. McKinney, Jr. – Madison District – Term Expired January 13, 2006 – Appointment for New Four-Year Term
- (2). James R. Brooks – Tyler District – Term Expired January 11, 2006 – Appointment for New Four-Year Term

*On motion of Mr. Owens, second by Mr. Rector, it was resolved to reappoint Harry L. McKinney and James R. Brooks to the Washington County Board of Building Code Appeals.*

*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. Washington County Board of Zoning Appeals (Recommendation of Judicial Appointees):**

- (1). William “Duffy” Carmack, Jr. – Term Expired January 1, 2006 – Recommendation of Appointment for New Five Year Term
- (2). Walter F. “Jr.” Doss – Term Expired January 1, 2006 – Recommendation of Appointment for New Five-Year Term

*On motion of Mrs. Mumpower, second by Mr. Price, the Board acted to recommend the re-appointment of William “Duffy” Carmack, Jr. to the Washington County Board of Zoning Appeals.*

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

<i>Mr. McCall</i>	<i>Aye</i>
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<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 Mr. Rector, second by Mr. McCrady, it was resolved to recommend the appointment of Mickey Tyler to the Washington County Board of Zoning Appeals.*

*The vote on this motion was as follows: (5-0-2)*

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

**10. County Administrator Reports:**

No report.

**11. County Attorney Reports:**

County Attorney Lucy Phillips addressed the Board explaining that after the March 21 Joint Public Hearing between the Board and the Virginia Highlands Airport Commission concerning airport issues a member of the press and a citizen asked her to do some research to identify if the airport expansion project would be placed on a referendum for public vote. Ms. Phillips reviewed the results of her research and explained that the Code does not set forth specific authorization for airport expansion projects to be placed on referendums. She requested the Board’s permission to advise the aforementioned citizen of the results of her research.

**12. Board Information**

Mr. Reeter reviewed the following Board Information:

- Correspondence from Robert A. Vinyard regarding resignation from County Board of Zoning Appeals effective June 30, 2006
- Correspondence from Virginia Department of Emergency Management concerning award of additional 2005 State Homeland Security Grant Program funds
- Correspondence from the Washington County Service Authority to the Town of Abingdon.
- Correspondence from Washington County Firefighters Association
- Invitation to groundbreaking ceremony for the Johnston Memorial Hospital Cancer Center.

- Proposed new rates for employee health insurance

Accounting Manager Mark Seamon addressed the Board explaining that Highlands Community Services withdrawal from the group caused the insurance rate to decrease instead of increasing as was first thought. Mr. Seamon stated that the School Board is scheduled to approve the final insurances plans for renewal. This issue will be brought to the Board of Supervisors for their consideration at the April 25 meeting.

**13. Consent Agenda**

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

- a. Payment of Bills – March 2006*
- b. Revenue Refunds – Animal Sterilization Fee*
- c. Revenue Refunds – 2005 Local Utility Tax Refund to Qualified Taxpayers*
- d. Revenue Refunds – 2005 Personal Property Taxes*
- e. Budget Status Reports for March 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 explained that he would like the Board to discuss at the April 25 meeting whether or not they are interested in pursuing a County Administration complex. Mr. Owens further explained that public access to the current Administration Building concerns him. He would like to discuss issues that are in the best interest of the citizens of Washington County.

Supervisor Jack McCrady reported that the Veterans Memorial Committee would be holding a service to honor Veterans on Memorial Day at the Veterans Memorial Park in Abingdon, VA. Mr. McCrady asked the County Attorney to prepare a resolution for Board adoption.

**15. Closed Meeting**

*On motion of Mr. Owens, second by Mr. McCall, the Board acted to convene in Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(5) for discussion concerning prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the*

*community; specifically prospective businesses proposed for location in The Highlands commercial development at Exit 7. It was further resolve to be finished with the closed meeting no later than 10:30 PM, and to include County Administrator Mark Reeter, County Attorney Lucy Phillips, Assistant County Administrator Christy Parker and the following representatives from Newton Oldacre MacDonald: Mike MacDonald and Mark McGuffin.*

*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 Mrs. Mumpower, 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>

**16. Adjourn**

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

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

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**Prepared by:**

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Naoma A. Mullins, Recording Clerk

**Approved by the Washington County Board of Supervisors:**

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Kenneth O. Reynolds, Chairman