

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, May 9, 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 Phillip McCall 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 amendments:

Addition of New Item 4.a.

Presentation by Frank Goodpasture, Bristol City Council Elect

Deletion of Item 5.a.

Public Hearing and Consideration of Adoption of an Ordinance to Vacate "PLAT PREPARED FOR: WORTHINGTON PARTNERS," Dated March 6, 2006 (Plat Book 48, Page 66) Affecting Property in the Harrison Magisterial District of the County of Washington, Virginia.

Deletion of Item 5.b.

Public Hearing and Consideration of Adoption of an Ordinance Vacating Public Right of Way Labeled as "STREET R-O-W," "0.236 AC" Located between Lot 39 and Lot 1 from Plat Titled "WORTHINGTON PLACE SUBDIVISION" (Plat Book 31, Pages 49-53) of Property in the Harrison Magisterial District of the County of Washington, Virginia.

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. Owens, it was resolved to approve the minutes of the April 25, 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>

4.a. Presentation by Frank Goodpasture

Mr. Frank Goodpasture, Bristol City Council Member Elect, addressed the Board to share his vision on how he believes that the City of Bristol and Washington County should go forward as partners. Mr. Goodpasture discussed with the Board two initiatives that he would like the County and City to work on together. The first is a joint economic development partnership and second is for the County to become a full partner in the wastewater treatment plant.

Mr. Reynolds, on behalf of the Board, stated that Mr. Goodpasture's comments were welcomed, and that the Board is willing to listen to ideas and to be cooperative.

5. **Public Hearings:**

c. **Request for Rezoning of Property:**

(1). Tri-Cities Investment Associates, Joe Watson, Property Tax Map # 143A3-4-2: Request to rezone approximately 3.12 acres of property located on the south side of State Route 11 near the intersection of State Route 11/State Route 1760 from B-2 (Business, General) and A-2 (Agricultural, General) to B-2 (Business, General), Wilson 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. Mike Duckett addressed the Board explaining that his company currently operates the VA-TN Auto Auction where auctions are held every Thursday evening. Mr. Duckett explained that his company has leased their current building to an industry and now need to relocate their business to the property in question. He stated that plans are to construct a nice building on the property in which to continue the auto auction.

Discussion ensued among the Board.

Responding to an inquiry, Mr. Duckett explained that land has been purchased to accommodate parking for the auto auction.

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

On motion of Mrs. Mumpower, second by Mr. McCall, the Board acted to follow the recommendation of the Washington County Planning Commission and approve the request of Tri-Cities Investment Associates, Joe Watson to rezone approximately 3.12 acres of property located on the south side of State Route 11 near the intersection of State Route 11/State Route 1760 from B-2 (Business, General) and A-2 (Agricultural, General) to B-2 (Business, General), Wilson 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>

(2). The Quest Group, LLC, Property Tax Map #104-2-18: Request to rezone approximately 33.71 acres of property located on the north side of State Route 19 near the Corporate Limits of the Town of Abingdon from R-1 (Residential, Limited) to R-2 (Residential, General), Harrison Magisterial District, B-01 Election District

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

Dr. Earnest Coeburn addressed the Board explaining that the property in question was purchased from the Crabtree Estate. Dr. Coeburn explained that a portion of this property is zoned R-1 and, his request is to have the entire tract zoned R-2.

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 follow the recommendation of the Washington County Planning Commission and approve the request of The Quest Group, LLC, to rezone approximately 33.71 acres of property located on the north side of State Route 19 near the Corporate Limits of the Town of Abingdon from R-1 (Residential, Limited) to R-2 (Residential, General), Harrison Magisterial District, B-01 Election 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>

d. Requests for Special Exception Permit:

(3). Emory and Henry College, Property Tax Map #068A4-A-20: Request for a Special Exception Permit to operate a day care center on property located at the Emory and Henry College Campus or more specifically, at 30450 Armbrister Drive, 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.

Ms. Rebecca Buchanan, Assistant Dean of Students at Emory & Henry College, addressed the Board concerning the proposed day care center. Ms. Buchanan explained that it is being proposed to operate the day care center in the Memorial Chapel on campus utilizing existing Sunday School classrooms. She stated that no renovations would be required.

Discussion ensued among the Board.

Responding to inquiries from the Board, Ms. Buchanan explained that the day care center would be open to the college staff, students, and the community. She further stated that the day care center would initially begin with 12 children.

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 Emory and Henry College for a Special Exception Permit to operate a day care on property located at the Emory and Henry

College Campus or more specifically, at 30450 Armbrister Drive, in a V (Village) zone, 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>

- (4). Peggy S. and Michael G. Younce, Property Tax Map #067A1-A-31: Request for a Special Exception Permit to place a double wide manufactured home on property located on the north side of Moreland Drive near the intersection of Moreland Drive and State Route 80 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. Michael Younce addressed the Board explaining that his family currently resides in Bristol, VA and wish to move closer to his work and his wife’s family. Mr. Younce explained that there is an old house on the property in question that must be torn down, and that they would like to place a doublewide manufactured home on the property.

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

On motion of Mr. Rector, second by Mr. Owens, the Board acted to follow the recommendation of the Washington County Planning Commission and approve the request of Peggy S. and Michael G. Younce for a Special Exception Permit to place a double wide manufactured home on property located on the north side of Moreland Drive near the intersection of Moreland Drive and State Route 80 in a V (Village) zone, 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>

6. **Consideration of Conveyance of Right-of-Way to Steve Weston from Regal Drive to Adjoining Property for Purpose of Access to Proposed Residential Subdivision (tabled from April 11, 2006 Meeting)**

Chairman Kenneth Reynolds addressed the Board explaining that Virginia Department of Transportation (VDOT) Resident Administrator Steve Buston was in attendance to answer any questions the Board may have concerning the request of Steve Weston.

A question and answer period with Mr. Buston ensued.

Supervisor Dulcie Mumpower inquired about VDOT's position concerning a gate at the end of the right-of-way on Regal Drive. Mr. Buston explained VDOT's position concerning the portion of Regal Drive that is in the State System of Secondary Highways, which is where the cul de sac ends. Mr. Buston explained this is where VDOT's interest ends. He further explained that if there will be a street constructed that would connect to the cul de sac then VDOT would be interested in how the street is constructed, that there would be sufficient right of way and that the County would guarantee the street like when Regal Drive was brought into the State System of Secondary Highways. Mr. Buston stated that if another connection was constructed that was not a public street or a street that VDOT was not requested to take into the State System then VDOT would have interest in issuing a commercial entrance permit to where the street would connect to the cul de sac.

Supervisor Paul Price addressed the Board explaining his opposition to requiring a gate at the end of the right of way. Mr. Price stated that this issue was discussed at the April 11 meeting and that he believed it was the opinion of both sides that a gate would not work. He further stated that he did not believe the County had a right to require that a gate be installed. Mr. Price explained that by requiring a gate to be installed would restrict people other than the residents of the proposed residential development from having access to the road. He stated that Mr. Denton still owns property in the area and has a right to use the right of way and further that Berry Creek Baptist Church is in the area and those attending the church have a right to use the road. Mr. Price further stated that what the Board needs to be considering is if the right of way exists or not. He explained that the Board has been provided with documents needed to prove that the right of way exists. Mr. Price quoted Code of Virginia 15.2-2265 stating "the recordation of an improved plat shall operate to transfer in fee simple to the respective localities in which the land lies the portion of the premises platted as is on the plat set apart for streets, alleys or other public use to transfer to the localities an easement indicated on the plat to create a public right of passage over the land." He explained that the plat clearly shows that the right of way goes to the Denton property.

Chairman Kenneth Reynolds inquired to Mr. Buston about the installation of a traffic light at the intersection of Regal Drive and US Route 58. Mr. Buston explained that if the road were going to continue on a public street that VDOT would take into the State System, if it were going to extend beyond the cul de sac that VDOT would ask the developer for a traffic impact analysis at the intersection of Regal Drive and US Route 58. He reviewed the components involved in a traffic study analysis. Mr. Buston explained that the analysis would be used to determine if a traffic signal were needed and whether additional turn lanes were needed at the intersection. He further explained if it were determined that a traffic signal or additional turn lanes were needed that VDOT would require the developer to undertake the projects.

Further discussions ensued among the Board.

Responding to an inquiry from the Board, Mr. Buston explained that a traffic study analysis takes into account projected traffic volumes at build out of a road.

Mr. Reynolds commented that the occupants in the William Cole Industrial Park are concerned with the proposal and the increase of traffic on Regal Drive.

Supervisor Odell Owens addressed the Board explaining that when Mr. Weston made his presentation to the Board he talked about plans for construction of a gated community with an entrance at Regal Drive for emergency access only. Mr. Owens explained that gated communities have a primary and secondary entrance, and that Mr. Weston is proposing that the entrance to his proposed development from Regal Drive would be a secondary entrance. He further explained there have been concerns raised that a gate would not work. Most gated communities have some type of means to control traffic. He recommended the Board consider requiring that a gate be installed to the entrance to Mr. Weston's property off of Regal Drive.

Further discussions ensued among the Board. Primary issues of concern discussed were the proposed gated entrance, issues concerning the right of way and issues relating to residential traffic going through the industrial park.

Mr. Price made a motion to grant the right of way to Earth Treasurers, LLC, but a second to the motion was not offered.

Continued discussions ensued among the Board concerning the issues.

Supervisor Tony Rector addressed the Board explaining that after reviewing all the documents provided pertaining to the right of way issue that it has not been proven that the right of way stops at the cul de sac 15'. He further explained that the plat shows the right of way extending to the property line. Mr. Rector questioned if the County needs to be involved in this issue.

In response to Mr. Rector's inquiry, County Attorney Lucy Phillips explained the rule of law is that the Board of Supervisors has discretionary authority as to whether a street should be improved and opened for access. In the case of Regal Drive it is the question of who owns the section between the end of the cul de sac and the boundary line of Earth Treasures property. She further explained that upon review of the records she believes the conveyance to the Board of Supervisors by the Industrial Development Authority (IDA) was intended to go all the way to the boundary line. An earlier plat provided by Addison Surveyors shows a 15' shortage; however, a plat distributed to the Board tonight by Addison Surveyors indicates there is not a 15' shortage. Ms. Phillips stated that whether or not there is a 15' shortage is a question.

Further discussions ensued among the Board.

Supervisor Jack McCrady addressed the Board explaining that the issue is if the Board will recognize the IDA's action to convey the right of way. Mr. McCrady mentioned a resolution recently received from the IDA where they opposed any action on this matter.

Supervisor Phillip McCall addressed the Board explaining that he believes there has been a right of way and that he also believes the IDA intended to convey the right of way. Mr. McCall stated his concerns about the increased traffic on Regal Drive because there are large curves and concerns with the heavy

industrial traffic. He further stated if there is a way that Mr. Weston could gate this entrance as a secondary entrance and not a main entrance he could support the request.

Mr. Reynolds commented that on more than one occasion Mr. Weston had asked for a gated community. He stated that the Board should also give consideration to the businesses located in the industrial park.

Mrs. Mumpower addressed the Board explaining that she believes the right of way was given to the Dentons. She explained her understanding of both sides of this issue. Mrs. Mumpower discussed the two industrial parks in her district that have problems with residential traffic. She stated that Mr. Weston first approached her with the concept of a constructing a gated community, and that she would like the issues to be worked out for a gate to be installed. Mrs. Mumpower explained there is an obligation to both the right of way issues and to the businesses located in the industrial park.

Further discussions ensued. Subsequently, the following substitute motion was made:

On motion of Mr. Owens, second by Mr. McCall, the Board acted to accept public dedication of the approximately 383 foot strip of land from termination of state maintenance on Regal Drive to the boundary of the adjoining property owned by Earth Treasures, LLC. The wording of Mr. Owens' motion as excerpted from the audiotape of the meeting is as follows: "I move that we accept this road, this piece of property for public dedication, and that the entrance to this property be gated, and that if Mr. Weston ever chooses to change the entrance to that property that he come back to the Board for approval of this."

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

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

7. Consideration of Resolution Establishing Washington County Assign-a-Highway Program

Mr. Stephen Richardson, County Recycling and Special Projects Manager, addressed the Board providing a review of the Assign-a-Highway Program. Mr. Richardson explained that the program began in Southwest Virginia approximately two years ago originating in Buchanan County. He further explained that under the program the courts may sentence probationers to the Assign-a-Highway Program. Once the Court assigns a probationer, the probationer is assigned a section of the County road to pick up every two weeks. If the probationer does not satisfactorily comply then they may be sent to jail.

Discussion ensued among the Board.

Responding to an inquiry from the Board, Mr. Richardson explained that he would work in coordination with the Virginia Department of Transportation to oversee the probationers.

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

**RESOLUTION 2006-05
ESTABLISHING WASHINGTON COUNTY'S ASSIGN-A-HIGHWAY PROGRAM**

WHEREAS, the Washington County Board of Supervisor's have made it a priority to clean up Washington County's highway, streets and roads; and

WHEREAS, the Washington County Board of Supervisors believes that the Assign-A-Highway Program will improve tourism and the natural beauty of our region and that the proposed Assign-A-Highway Program will protect the health, safety and welfare of the citizens of Washington County; and

WHEREAS, the Washington County Circuit Court based upon its constitutional and statutory powers and authorities may assign criminal defendants and probationers to pick up litter along Washington County's highways, streets and roads as part of the court's probation powers; and

WHEREAS, the Washington County Board of Supervisors strongly believes that the Washington County Department of Recycling and Special Projects working in conjunction with the Circuit Court of Washington County can develop a program to abate litter on Washington County's highway, streets and roads.

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Supervisors hereby establishes the Washington County Assign-A-Highway Program for the health, safety, and welfare of its citizens as outlined in a court order to be entered by the Washington County Circuit Court; and

BE IT IS FUTHER RESOLVED, that the Assign-A-Highway Program shall be modeled and authorized pursuant to the prospective court order and that the prospective court order shall be incorporated into the resolution by reference.

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 Approval of Performance Agreement with Prisma Fibers, Inc. (a.k.a. Universal Fibers, LLC)

Assistant County Administrator Christy Parker addressed the Board providing a review of the Performance Agreement with Prisma Fibers, Inc. (a.k.a. Universal Fibers, LLC). Ms. Parker explained that Prisma Fibers announced an expansion of 82 jobs and \$8 million in private investment in December 2005 at their Bristol/Washington County Industrial Park facility. She further explained that private investment is in equipment and not expansion of their facility. Ms. Parker stated that the Performance Agreement formalizes the incentives made by the Virginia Economic Development Partnership

Governor’s Opportunity Fund (\$200,000) and the Virginia Tobacco Commission (\$200,000) and, upon approval of the proposed Performance Agreement, the Washington County Board of Supervisors would commit \$200,000 as a local match. She further stated that following approval by the Board of Supervisors, the Performance Agreement would be placed on the Industrial Development Authority agenda for their May 10, 2006, meeting for approval.

Discussion ensued among the Board.

Responding to inquiries from the Board, Ms. Parker explained that the County requires reports from companies receiving incentives that document the company’s job creation and private investment. She further explained that in the last several years only one company has not been able to meet their requirement employment level within the 30 month period and that the State granted the company a six month extension. Ms. Parker stated the Company was able to meet the job creation requirement.

On motion of Mr. Rector, second by Mr. McCall, the Board acted to approve the Performance Agreement 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>

Scrivener’s Note: The Performance Agreement referenced above is included as Minutes Exhibits Item 2006-05-9-A.

9. Consideration of Appointments to Various Boards, Authorities and Commissions Expiring June 30, 2006

Washington County Service Authority:

On motion of Mr. Owens, second by Mr. McCrady, it was resolved to appoint Sam Blaylock to represent the F-01 “Tyler” Election District on the Washington County Service Authority Board of Commissioners for a four year term beginning July 1, 2006, expiring June 30, 2010.

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

<i>Mr. McCall</i>	<i>Abstained</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 Phillip McCall abstained from voting on this appointment for the reason that he is a member of the Washington County Service Authority Board of Commissioners.

Washington County Board of Social Services:

On motion of Mr. McCrady, second by Mr. McCall, it was resolved to appoint John B. Roberts, Sr., to represent the E-01 "Taylor" Election District on the Washington County Board of Social Services for a four year term beginning July 1, 2006 and expiring June 30, 2010.

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>

Washington County Park Authority:

On motion of Mr. McCrady, second by Mr. Rector, it was resolved to reappoint David Matlock to represent the E-01 "Taylor" Election District on the Washington County Park Authority for a four year term beginning July 1, 2006, and expiring June 30, 2010.

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. McCrady, it was resolved to reappoint Larry Compton to represent the G-01 "Wilson" Election District on the Washington County Park Authority for a four year term beginning July 1, 2006, and expiring on June 30, 2010.

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 Mr. McCall, second by Mr. Owens, it was resolved to reappoint Curtis Addison to represent the A-01 "Harrison" Election District on the Washington County Park Authority for a four year term beginning July 1, 2006 and expiring on June 30, 2010.

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. Recess

A ten-minute recess was taken.

11. County Administrator Reports:

County Administrator Mark Reeter advised the Board that at their stations was a copy of the Agenda for the May 11 Public Hearing on the proposed and recommended FY 2006-2007 County Operating Budget.

12. County Attorney Reports:

a. Preliminary Review of Requests Requiring Public Hearings

County Attorney Lucy Phillips addressed the Board explaining that in concurrence with the County Administrator they believe it would be a good practice to bring requests for public hearings before the Board prior to setting dates for public hearings. This would provide the Board with an opportunity to receive preliminary information on the matter prior to the public hearing.

- (1). Waterline Easement across former County Landfill Property by Jeff Sullins

Ms. Phillips explained that Mr. Jeff Sullins has requested that a waterline be installed in a path crossing alongside the former County Landfill property but not in any area that was actually used for waste disposal. She explained that County Solid Waste Manager Coy Martin has confirmed that installation of the waterline will not disturb the cap over the closed landfill. Ms. Phillips further explained that State Law requires that a public hearing be held before the Board prior to conveyance of any real property owned by the locality. She stated that with permission from the Board she would consult with the County Administrator as to what future Board meeting date to schedule the public hearing on this matter.

Discussion ensued among the Board.

Supervisor Phillip McCall (member of the Washington County Service Authority Board of Commissioners) addressed the Board explaining that Mr. Sullins has appeared before the Service

Authority on several occasions concerning his issues. Mr. McCall explained Mr. Sullins purchased property at an auction and was lead to believe the property was served with public water. After purchasing the property, Mr. Sullins was made aware that his property had no connection to a public water connection. He stated that this is the reason the matter is coming before the Board.

It was consensus of the Board to direct the County Attorney to schedule and advertise the public hearing.

(2). Request for Vacation of Right-of-Way by Stephanie ad Brian Riddell

Ms. Phillips explained that Stephanie and Brian Riddell are requesting the County vacate a section of public right of way in front of their property. She further explained that his section has never been developed for use as a roadway and the Riddell’s assert that vacation of the section identified would not interfere with anyone’s access to property.

It was consensus of the Board to authorize the County Attorney to schedule and advertise this public hearing.

13. Board Information

Mr. Reeter reviewed photographs of the former Clear Creek Mobile Home Property.

14. Consent Agenda

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

- a. Payment of Bills – April 2006*
- b. Revenue Refunds-Animal Sterilization Fee*
- c. Supplemental Appropriation-Treasurer’s Office*
- d. Budget Status Reports for April 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>

Accounting Manager Mark Seamon addressed the Board explaining that an advertisement for public hearing to amend the FY 2005-2006 budget would be placed in the newspaper. Mr. Seamon explained the proposed budget amendment is to cover supplemental appropriations.

15. Board Member Reports

Supervisor Paul Price addressed the Board concerning the use of radar by the Washington County Sheriff's Department and asserted that the Sheriff's Department has a quota for summons issued by a deputy during their respective shift. Mr. Price explained that a couple weeks ago he was listening to his scanner and the Virginia State Police issued a bulletin that a green car was spotted on Interstate 81 (I-81) driving recklessly. He stated that a deputy issuing a summons on I-81 contacted dispatch to report that he saw the vehicle pass by and that the car was weaving badly and further that he could not see a driver in the car. The deputy told dispatch he could not pursue the vehicle because he was in the process of writing a summons. When the deputy finished issuing the summons he proceeded down I-81 to Exit 17. The deputy reported to dispatch that he was not able to catch up with the vehicle. Mr. Price explained that a few minutes later a Town of Abingdon Police Officer called dispatch advising them that he just witnessed the car cross the yellow line and crash into a parked car on Court House Hill. The driver was taken to the hospital for blood tests. Mr. Price stated that the Board of Supervisors should request a copy of the telephone calls to dispatch concerning this matter and further to request that Sheriff Fred Newman appear before the Board to question him if it is his policy that it is more important to write a ticket than it is to take an impaired driver off the road.

Mr. Price reported on another issue concerning the Sheriff's Department. He explained that over the weekend a lady fell in her house and broke a hip. Mr. Price further explained that this lady did not show up for a hair appointment and that the beauty shop contacted him because this lady lives near his place of business. He stated that he went to the lady's house and had to break in where he found her in the bathroom floor. Mr. Price reported that he called dispatch from his cell phone to request medical assistance. He stated that he had to make several calls to dispatch concerning this situation and that it took a total of 31 minutes for emergency medical services personnel to arrive. Mr. Price further stated that the slow response time concerns him and it could have been disastrous if it had been a heart attack victim.

Mr. Price reported that he believed the issue concerning Regal Drive was handled incorrectly.

Mr. Price requested to reopen discussions concerning the due date for taxes. He explained that the reason he did not talk with other Board members to get support for a good due date was that he did not believe there was need to because at the April 11 meeting County Treasurer Fred Parker stated he did not have a problem with November 20 tax due date; however, Mr. Parker came back during the last meeting and recommended November 30. Mr. Price stated that there are inconsistencies in what has been discussed. He explained that a November 30 tax due date is worse than December 20 because the people that the Board is trying to help most are the poor and those on fixed incomes. To set a due date three days before the fixed income person gets their check is inconsiderate. Further to not allow for a 30 day grace period during the first year is unfair and will cause penalties and interest to be charged to the taxpayer that can least afford the charges and cause problems for the taxpayers that have escrows. Also, the fixed income individual in the town limits would have to pay County taxes on November 30 and town taxes on December 5.

Mr. Price explained that during the May 8 recessed meeting Commissioner of Revenue Melvin Ritchie discussed the timeline involved in getting tax related information prepared and submitted to the mortgage companies. Mr. Price further explained that Mr. Ritchie stated he submits the tax information to the County Treasurer by September 1 and that it takes three to four weeks for the Treasurer's Office to get tax tickets in the mail. Mr. Price asserted that the tickets could be ready by October 1, and that from October

1 to November 20 is seven weeks. The State Code only requires that tax tickets be mailed two weeks prior to the due date.

Mr. Price explained that this situation should be corrected. Therefore, the following motion was made:

On motion by Mr. Price, second by Mr. Rector, it was resolved to rescind the action taken by the Board on April 25 wherein November 30 was set as the tax due date and to set the tax due date for November 20. It was further resolved to grant a 30-day grace period during the first year.

Substantial discussion ensued among the Board regarding this issue. Most Board members felt that action on the motion should be tabled to allow time for the County Treasurer and Commissioner of Revenue to appear before the Board to address the issues that have been discussed.

County Attorney Lucy Phillips addressed the Board explaining that the public hearing has been scheduled on the proposed ordinance to change the tax due date. Therefore the only change in the due date that could be made at this time is to set a date past November 30.

Further discussions ensued.

The following substitute motion was offered:

On motion of Mr. McCall, second by Mrs. Mumpower it was resolved to request that County Treasurer Fred Parker and Commissioner of Revenue Melvin Ritchie attend the May 11, 2006, recessed meeting to answer questions concerning the change in the tax due date.

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

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

Supervisor Tony Rector requested that the used generator on Brumley Mountain be given to the Glade Community Center, and requested that County staff deliver the generator to the community center.

16. Recess to 7:00 PM May 11 for Public Hearing Concerning FY 2006-2007 County Operating Budget

On motion of Mr. Rector, second by Mr. Owens, it was resolved to recess to 7:00 PM May 11 for public hearing concerning the FY 2006-2007 County Operating Budget.

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>

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