V I R G I N I A:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, July 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 Tony Rector 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:

Remove Item 9:

Consideration of Resolution to Approve Washington County School Literary Loan Application and Resolution to Declare Intention to Reimburse Expenditures Related to School System Capital Improvements (Postponed to August 8 Regular Meeting)

Addition of Item 4.a.:

Presentation by Town of Damascus Mayor Creed Jones

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***

4. Approval of Minutes

On motion of Mr. Owens, second by Mr. McCall, it was resolved to approve the minutes of the June 27, 2006, regular meeting as presented.

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***

4.a. Presentation by Creed Jones, Mayor, Town of Damascus

Mr. Creed Jones addressed the Board to discuss a monument to be erected at Green Cove in honor of Winston Link.

5. Presentation of Employee Service Pins and Certificates

County Attorney Lucy Phillips presented the following service pin:

Vicky Henderson
5 Years of Service
Legal Services

Ms. Phillips stated that Vicky Henderson served as her Legal Assistant, and she was a tremendous asset to the Legal Services Department.

Chairman Kenneth Reynolds and County Administrator Mark K. Reeter presented the following service pins:

Edward Prater
25 Years of Service
Solid Waste Department

Mary Fraysier
25 Years of Service
Emergency Services Department

Mr. Reynolds and Mr. Reeter expressed their appreciation for the superior service received from these employees.

6. Presentation by Virginia Highlands Festival

Dr. and Mrs. Ernest Coeburn made a presentation to the Board concerning the Virginia Highlands Festival. They thanked the Board for their financial support of the festival, and encouraged them to be ambassadors. Virginia Highlands Festival tee shirts and posters containing the festival that was designed by Marilyn Peacock, the artist for the 2006 festival were presented to the Board.

7. Public Hearings:

a. Requests for Rezoning:

(1). George Barnette & James Kiser, Property Tax #143A3-3-2-1, 143A3-3-1-1 and 143A3-3-1-20, 23: Request to rezone approximately 5.5 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 with the Virginia-Tennessee Auto Auction addressed the Board explaining that he represents George Barnette and James Kiser who are requesting that the front portion of the property where the Virginia-Tennessee Auto Auction is located be rezoned to B-2 (Business, General). Mr. Duckett explained that the remaining portion of the property is already zoned B-2.

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

On motion of Mrs. Mumpower, second by Mr. Price, the Board acted to follow the recommendation of the Washington County Planning Commission and approve the request of George Barnette & James Kiser, to rezone approximately 5.5 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)

Mr. McCall Aye

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

(2). Henard Enterprises, Property Tax Map #180-A-1, 2, 3, 4 and 5: Request to rezone approximately 202.639 acres of property located on the west side of State Route 637 near the intersection of State Route 637/State Route 636 from R-2 (Residential, General), M-2 (Industrial, General) and B-2 (Business, General) to R-2 (Residential, General) and B-2 (Business, General), Tyler 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. Tony Holbrook addressed the Board explaining that he represents the Bristol West development and explained that a request is being made to rezone the center portion of the property in question from industrial to business. Mr. Holbrook explained that a church has purchased property behind the Tennessee Welcome Center and it would be best not to permit industrial uses on this property.

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

On motion of Mr. Owens, second by Mrs. Mumpower, the Board acted to follow the recommendation of the Washington County Planning Commission and approve the request of Henard Enterprises to rezone approximately 202.639 acres of property located on the west side of State Route 637 near the intersection of State Route 637/State Route 636 from R-2 (Residential, General), M-2 (Industrial, General) and B-2 (Business, General) to R-2 (Residential, General) and B-2 (Business, General), Tyler Magisterial District.

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***

b. <u>Requests for Special Exception Permit</u>:

(3). Emory & Henry College, Property Tax Map #068A4-A-5: Request for a Special Exception Permit to operate a Child Day Care Center on property located off Oxford Avenue near the intersection of State Route 651/State Route 609 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. Meighan Sharp, Assistant Dean of Academic Affairs for Emory & Henry College, addressed the Board explaining that earlier this year the College obtained a special exception permit to operate a daycare facility. Since that time, the College has moved the location of their day care center to assure the longevity of the center and therefore need to obtain a new special permit.

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 & Henry College for a Special Exception Permit to operate a Child Day Care Center on property located off Oxford Avenue near the intersection of State Route 651/State Route 609 in a V (Village) zone, Monroe Magisterial District.

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***

(4). Howard W. Morris, Property Tax Map #146-A-32: Request for a Special Exception Permit to allow for a horse barn as an accessory use, non-commercial, to an on-site dwelling on property located on the east side of State Route 75 near the intersection of State Route 75/State Route 1500 in an R-2 (Residential, General) zone, Madison 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. Howard Morris addressed the Board explaining that he and his wife are selling the property in question. Mr. Morris explained they have a prospective buyer that would like to place four horses on the property. A special exception permit is required in order to allow the horses. He stated that the horses were pets and there would be no commercial activities taking place.

Discussion ensued among the Board.

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

On motion of Mr. McCall, second by Mr. Price, the Board acted to follow the recommendation of the Washington County Planning Commission and approve the request of Howard W. Morris for a Special Exception Permit to allow for a horse barn as an accessory use, non-commercial, to an on-site dwelling on property located on the east side of State Route 75 near the intersection of State Route 75/State Route 1500 in an R-2 (Residential, General) zone, Madison Magisterial District.

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***

c. ***Public Hearing and Consideration of Special Entertainment Permit for "Trailside Mountain Music" Festival Pursuant to County Code Chapter 6, Article II***

County Administrator Mark Reeter provided the Board with introductory remarks pertaining to the request for a Special Entertainment Permit. Mr. Reeter explained that the Special Entertainment Permit was not a zoning permit and if approved by the Board would be valid for a limited period.

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

Ms. Hernda Peacock addressed the Board explaining that she requests a Special Exception Permit to allow local musicians to perform their traditional mountain music on weekends and gospel sings on Sundays on property she owns adjacent to the Virginia Creeper Trail. Ms. Peacock stated that she hopes the concerts would bring more tourists to the Creeper Trail.

Discussion ensued among the Board.

Responding to inquiries from the Board, Ms. Peacock explained that a stage would be erected on her property for the musicians, but would be plenty distance away from the Creeper Trail. She further explained that her property is 17 acres, which is plenty enough space for parking. Ms. Peacock stated that she would charge a small admission fee to help recoup her investment in the project.

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

On motion of Mr. McCrady, second by Mrs. Mumpower, the Board acted to grant a Special Entertainment Permit for "Trailside Mountain Music" effective through October 31, 2006.

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***

d. ***Public Hearing and Consideration of Adoption of an Ordinance Vacating "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***

County Attorney Lucy Phillips addressed the Board explaining that the proposed ordinance to vacate the plat prepared for Worthington Partners was presented to the Board at an earlier meeting. However at the request of both Worthington Partners and The Quest Group the proposed ordinance was withdrawn from consideration to allow time for negotiations between Worthington Partners and The Quest Group to settle the matter. Ms. Phillips explained a letter dated June 6, 2006, was received by the County from Phillip Hearl, Attorney for The Quest Group stating that negotiations were not successful and there did not appear to be an immediate solution to the matter; therefore, they requested that the County consider the proposed ordinance. She stated that for these reasons the proposed ordinance is back before the Board for consideration.

Ms. Phillips explained that the proposed ordinance to vacate the plat prepared for Worthington Partners is a procedural matter to correct the land records of the Clerk of the Circuit Court as a result of mistaken certification of approval of the plat. Ms. Phillips explained that the County Administrator, acting in his capacity as County Subdivision Agent, mistakenly certified a plat that Worthington Partners, the developer of Worthington Place Subdivision, presented to him styled as an instrument to relocate a property boundary line. It was later determined that the plat once recorded served to abandon a County-owned public right-of-way adjoining Worthing Way within Worthington Place subdivision, an action which is beyond the authority of the County Subdivision Agent and requires action by the Board of Supervisors to accomplish.

She further explained that Mr. Reeter had stated that it was not his intent to abandon the right of way by approving the plat, only to approve what appeared to be a simple boundary line adjustment between Worthington Partners and lot owners Darrell and Judy Cole. Ms. Phillips stated that when the error was discovered that the County filed in the land records of the Clerk of Circuit Court a "Notice of Void Plat." She explained that the additional action of having the Board adopt the proposed ordinance to vacate the void plat would satisfy statutory requirements to legally vacate the voided plat. Once legally vacated, the Clerk of Circuit Court would officially mark the plat as "Vacated" in the County's land records. She further stated that adoption of the proposed ordinance would reinstate the original plat of Worthington Place Subdivision as it was before the County Subdivision Agent took the action.

Ms. Phillips stated that adoption of the proposed Ordinance would not result in a decision whether access to the adjoining property would be allowed through the right of way affected by the plat at issue. Instead, the decision whether that right of way could serve as access to adjoining property was a decision to be made in the course of review of a proposed subdivision plat for the adjoining property. She explained that the County Administrator, acting as Subdivision Agent, would make the decision, or the County Administrator could refer the plat to the Board of Supervisors for its review.

She also explained that at the time the proposed ordinance was originally brought to the Board a second ordinance was also presented. The second ordinance, which was not presented at tonight's meeting, would have resulted in vacation of the street right of way at issue. Worthington Partners and the Quest Group had requested that the Board withdraw this second ordinance to allow time for their negotiations. Ms. Phillips stated that it was not presented at tonight's meeting because no party requested that it be brought back to the Board's attention.

Ms. Phillips referred the Board to correspondence submitted by attorney Phillip Hearl on behalf of Quest Group and attorney Stephen Hodges on behalf of Worthington Partners regarding the proposed ordinance.

At this time, Mr. Reynolds opened the public hearing to receive comments both in support of and in opposition to the proposed ordinance.
Mr. Richard Motes addressed the Board explaining that he owns a home in which he resides in Worthington Place Subdivision. He stated that it was his understanding that The Quest Group's plans were to come within 300' feet of Worthing Way to develop a subdivision on property adjacent to Worthington Place that would possibly have about 300 new homes. Mr. Motes expressed his concerns about the additional traffic on Worthing Way and suggested that the entrance to the proposed subdivision be constructed off of Russell Road and not Worthing Way.

Mr. Patrick Mannix addressed the Board providing comments about the way the situation with the Worthington Place subdivision plat were handled.

Mr. Stephen Hodges with PennStuart Attorneys at Law addressed the Board explaining that his law firm represents Worthington Partners. Mr. Hodges explained that Worthington Partners opposes the proposed action to vacate the plat approved for Worthington Partners dated March 6, 2006 that was approved by the Board's authorized agent. He asserted that the proposed ordinance is not necessary and if adopted would be in violation of law. Mr. Hodges explained that the only justification for the proposed ordinance as stated in its preamble is that the Board's authorized agent was without authority to approve the plat because such action can be taken "only by the Board of Supervisors as authorized in Code of Virginia 15.2-2278." He further asserted that neither of these sections supports the stated justification for the proposed ordinance. Mr. Hodges stated that the only action needed is for the Board to declare that their authorized agent's action was correct.

Mr. Hodges stated that if the Board adopts the proposed ordinance the door would be opened for a small, irregular lot to be used by an adjoining developer to develop a major subdivision next to Worthington Place subdivision. If this development occurs there will be a tremendous increase in traffic through Worthington Place subdivision. He further stated that the Board does not need to adopt the proposed ordinance and is not legally required to do so.

Mr. Hodges asserted that if the Board should adopt the proposed ordinance it would be subject to court review and the court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged.

Mr. Hodges advised the Board if the proposed ordinance is adopted, Worthington Partners hereby makes application for the Board to adopt the ordinance presented to them on May 9, 2006 described as "an ordinance vacating public right of way labeled as 'street r-o-w' 0.236 acres located between Lot 39 and Lot 1 from Plat Titled 'Worthington Place Subdivision (Plat book 31, pages 49.53) of Property in the Harrison District in the County of Washington, Virginia."

At this time discussion ensued among the Board regarding the various ramifications of the proposed ordinance.

Responding to an inquiry, Mr. Hodges stated it would be in the best interest of the residents of Worthington Place for the Board not to adopt the proposed ordinance.

Responding to an inquiry, Ms. Phillips explained that recordation of the Worthington Place subdivision plat operated to convey the right of way in fee simple to the County.

Mr. Phillip Hearl with Bolling, Hearl and Russell Attorneys at Law addressed the Board explaining that they represent The Quest Group II, LLC. Mr. Hearl explained that The Quest Group owns adjoining property to Worthington Place subdivision that is proposed for development. He further explained when it was discovered that the plat signed by the County Subdivision Agent on March 6, 2006 served to vacate a public right of way that the County took action to file a notice of void plat that declares the plat *void ab initio*. Adoption of the proposed ordinance by the Board would only serve to "clean up" the land records at the County Clerk's Office. Mr. Hearl briefly addressed other issues pertaining to the proposed development of The Quest Group.

Discussion ensued among the Board.

Responding to an inquiry from the Board, Ms. Phillips stated it was her recommendation that the proposed ordinance be adopted.

Mr. Jim Brown representing Worthington Partners addressed the Board. He identified himself as one partner and his business, Paramount, as the other partner that comprised Worthington Partners. Mr. Brown explained there have been substantial negotiations between Worthington Partners and The Quest Group in attempts to resolve the issues. He further explained that he received a proposed agreement from The Quest Group and has submitted to them a counter proposal. Mr. Brown stated that it is the position of Worthington Partners that the County Subdivision Agent had authority to take the action concerning the plat under Code Section 2265 for the reason that it differentiates between property the County bought or condemned. This property in question was neither bought nor condemned and was given to the County by Worthington Partners. He further stated that the strip of land in question was originally planned for a short cul de sac to place about 12 homes. However, at that time Ike Crabtree and he owned Worthington Partners. Mrs. Crabtree did not want homes built behind her house.

Mr. Brown explained that he conceded to The Quest Group if they wanted to put in a cul de sac with about 12 lots he would have no objection. He further explained his objection is to loading up the entranceway that Worthington Partners paid for including the turn lanes on Routes 58/19, which are not long enough to accommodate the magnitude of the development proposed by The Quest Group. Mr. Brown asserted that the proposed ordinance was drafted according to Code Section 2271, which applies to subdivisions where no lots have been sold. Worthington Place is a subdivision where virtually all the lots have been sold. He further asserted that the ordinance is not properly drafted.

Mr. Brown explained his concerns that if the plat is vacated and that since the zoning is already established as R-2 that if the developer's plans meet the County's subdivision requirements there are no public hearings or notices to adjoining property owners required according to the County Subdivision Ordinance. There will not be another opportunity to voice legitimate concerns or to offer alternative solutions to the problem. Mr. Brown asserted that if the Board takes action to adopt the proposed ordinance he has notified The Quest Group that the agreement offered by Worthington Partners is "off the table," and that he would immediately file a law suit. Mr. Brown requested that the Board table this action for 30 days to allow more time for negotiations between Worthington Partners and The Quest Group.

Substantial discussion ensued among the Board with Mr. Brown.

Mr. Brown suggested that if the Board chooses to adopt the proposed ordinance that they consider placing a stipulation on the use of the road. Mr. Brown also suggested that if the Board chooses to adopt the proposed ordinance, that it also require any proposed subdivision plat that used the right of way as access to adjoining property be reviewed by the Board to allow opportunity for notice and comments by interested parties.

Mr. Larry Ball a resident of Worthington Place subdivision expressed his confusion as to where the residents of Worthington Place stood on the matter. Mr. Ball further expressed concerns regarding the proposed development adjacent to Worthington Place and asked the Board to take into consideration the concerns voiced by the residents of Worthington Place.

Mr. Waylon Jessee resident of Worthington Place addressed the Board expressing concerns that the proposed ordinance would have a detrimental affect on the residents of Worthington Place. Mr. Jessee stated that it is his belief the proposed new development would devalue the property in Worthington Place.

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

At this time the Board discussed the issues at length. There was some discussion devoted to tabling the matter for 30 days and that stipulations be placed on the use of the right of way.

After lengthy discussions, Ms. Phillips recommended that the Board consider adding the following paragraph to the ordinance and stated that the proposed change is not substantive and only offers clarification:

"WHEREAS, the Administrator requested vacation of the Cole plat due to the fact that he did not intend to vacate a public right of way or to convey County property to a private property owner in the absence of review and approval by the Board; and"

After further discussions the Board took the following action:

On motion of Mr. Price, second by Mr. McCrady, the Board acted to adopt the following ordinance to vacate the "Plat prepared for: Worthington Partners," dated March 6, 2006, recorded in the land records of the Circuit Court Clerk at Plat Book 48, Page 66, affecting property in the Harrison Magisterial District of the County of Washington, Virginia, and that the additional paragraph as recommended by the County Attorney be included. It was further resolved that the Quest Group could not use the right of way between Worthing Way and the adjoining property as an entrance into the adjoining property without first coming to the Board for approval:

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

WHEREAS, on or about March 6, 2006, Darrell H. Cole and Worthington Partners presented to the Administrator of the County of Washington, Virginia for review a plat entitled in part, "PLAT PREPARED FOR: WORTHINGTON PARTNERS," dated March 6, 2006, which plat is of record in

the Office of the Clerk of the Circuit Court of Washington County, Virginia in Plat Book 48, Page 66, and which plat is hereinafter referred to as the "Cole Plat;" and,

WHEREAS, the purported effect of the Cole Plat was to adjust the boundaries of Lot No. 1 of the Worthington Place subdivision, a plat of which is dated August 19, 1995 and recorded in the aforesaid Clerk's Office in Plat Book 31, Pages 49-53, reference to which is hereby made and which plat is hereinafter referred to as the "Worthington Place Plat;" and,

WHEREAS, upon review it was determined that the legal effect of the Cole Plat, if it were a valid plat, would be not simply to adjust adjoining boundary lines but also to vacate a portion of the Worthington Place Plat that was publicly dedicated as a street right-of-way, which action may not be done administratively but only by action of the Washington County Board of Supervisors as authorized by Virginia Code § § 15.2-2006 and 15.2-2278; and,

WHEREAS, given the foregoing facts, the Administrator was wholly without authority to approve the Cole Plat such that the Cole Plat is void ab initio; and,

WHEREAS, Virginia Code § 15.2-2271 provides for vacation of a subdivision plat by ordinance of the governing body of the locality in which the property shown on the plat to be vacated lies; and

WHEREAS, the Board has determined that the Cole Plat is void ab initio but finds it in the public interest to take formal action to vacate the plat from the land records of the County; and

WHEREAS, the Administrator requested vacation of the Cole plat due to the fact that he did not intend to vacate a public right of way or to convey County property to a private property owner in the absence of review and approval by the Board; and

WHEREAS, the Board of Supervisors of the County of Washington, Virginia, after public notice and public hearing, as required by law, does hereby find that vacation of the Cole Plat would not harm the public interest or public safety.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of the County of Washington, Virginia, that the Board does hereby adopt the following ordinance pursuant to Virginia Code § 15.2-2271:

1. ***The "PLAT PREPARED FOR: WORTHINGTON PARTNERS," dated March 6, 2006, which plat is of record in the Office of the Clerk of the Circuit Court of Washington County, Virginia in Plat Book 48, Page 66 (Cole Plat) is hereby vacated in its entirety; and***
2. ***Pursuant to Virginia Code §§ 15.2-2271 and 15.2-2276, if thirty days after the adoption date of this ordinance, no appeal of the ordinance has been filed, the Clerk of the Circuit Court of Washington County, Virginia is directed to mark the Cole Plat as "Vacated" and to record a certified copy of this ordinance in the land records of the aforesaid Clerk's office indexed to Plat Book 48, Page 66; and***
3. ***Pursuant to Virginia Code §§ 15.2-2271 and 15.2-2276, if an appeal from the adoption of this ordinance is filed within the time provided by law and the ordinance is upheld on appeal, the Clerk is directed to mark the Cole Plat as "Vacated" and to record a certified copy of this ordinance in the land records of the aforesaid Clerk's office indexed to Plat Book 48, Page 66; and***

4. ***The effect of vacation of the Cole Plat shall be, as stated in Virginia Code § 15.2-2271, to destroy the force and effect of the recording of the plat and to reinstate for the properties intended to be affected by the Cole Plat the rights of public and private ownership as presented in the plat of Worthington Place subdivision, which is dated August 19, 1995 and recorded in the aforesaid Clerk's Office in Plat Book 31, Pages 49-53, which the Cole Plat was intended to modify; and***
5. ***Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or of the Washington County Code; and***
6. ***This ordinance shall become effective thirty (30) days after its adoption unless an appeal pursuant to Virginia Code § 15.2-2271 is filed within that time period, in which case, this ordinance shall become effective as directed by a court of competent jurisdiction.***

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

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

12. <u>Recess</u>

The Board took a ten-minute recess at this time.

8. <u>Consideration of Request for Amendment of Operating Budget for Office of Commonwealth Attorney</u>

County Manager Mark Reeter addressed the Board explaining that the Commonwealth Attorney has requested a budget amendment for the addition of a new State Compensation Board funded full-time Assistant Commonwealth's Attorney position and the elimination of the County funded part-time Assistant Commonwealth's Attorney position approved for FY 2006-2007. Also, it is being requested that a portion of the County funds budgeted for the part-time Assistant Commonwealth's Attorney position be reallocated to supplement the State Compensation Board provided salary for the full-time Assistant Commonwealth's Attorney position. Mr. Reeter explained that the net effect of the proposed changes would be to reduce the total amount of County funds budgeted for the Office of Commonwealth's Attorney by about $10,000.00.

Discussion ensued among the Board.

On motion of Mrs. Mumpower, second by Mr. McCrady, the Board acted to amend the FY 2006-07 operating budget of the Commonwealth's Attorney's Office as presented would be in order.

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***

9. Consideration of Resolution to Approve Washington County School Board Literary Loan Application and Resolution to Declare Intention to Reimburse Expenditures related to School System Capital Improvements (Postponed to August 8 Regular Meeting)

10. Report Concerning Site for New Damascus Public Library Branch

Supervisor Jack McCrady addressed the Board reporting that a possible site has been identified for a new branch library in Damascus. Mr. McCrady explained that Library Director Charlotte Parsons would provide more detail on the site.

Library Director Charlotte Parsons addressed the Board. Ms. Parsons expressed her appreciation to Mr. McCrady for his assistance with bringing the project to the point it is now. She explained that the Library Planning Committee has spent the last five years working on identifying a new site for the Damascus Library Branch. Ms. Parsons further explained that the site identified is located in a flood zone; however, an engineer has advised the Library that a building could be constructed on the property. She advised the Board that the Town of Damascus has approved $30,000 for the project and the community has been involved in fundraising. Further the Library has received shelving from the City of Bristol. Ms. Parsons stated that discussions have been held with the US Rural Development regarding the possibility of a loan for the project. The Library Foundation would be the loan applicant. Ms. Parsons explained that the request being made to the Board at this time is for their approval to purchase the identified property in Damascus and that a request would be made to the Board to fund the sum of costs in which the Library was not able to raise for the purchase of the property.

Discussion ensued among the Board.

On motion of Mr. McCrady, second by Mr. McCall the Board acted to direct the County Administrator to negotiate a purchase price on the property in Damascus that has been identified as a site for a new Library Branch and make a report back to the Board.

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***

11. <u>Consideration of Appointments to Various Boards, Authorities and Commissions Expired June 30, 2006</u>

Mount Rogers Transportation Advisory Board:

On motion of Mr. McCrady, second by Mr. Owens, it was resolved to appoint Tom Counts as Washington County's representative on the Mount Rogers Transportation Advisory Board and to appoint Joe Derting as the alternate representative.

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***

Highlands Community Services Board:

On motion of Mrs. Mumpower, second by Mr. Owens, it was resolved to appoint Kittye Owens as an at large appointment from Washington County to the Highlands Community Services Board. The term shall be for three years beginning July 1, 2006 and expiring June 30, 2009.

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***

Supervisor Paul Price addressed the Board explaining that due to time constraints that he wished to resign as a member of the Highlands Community Services Board and recommended the appointment of Odell Owens.

On motion of Mr. Price, second by Mrs. Mumpower, it was resolved to appoint Odell Owens to fill the unexpired term of Paul Price on the Highlands Community Services Board.

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

Mr. McCall	***Aye***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Abstained***
Mr. Price	***Aye***

Mr. Rector ***Aye***
Mr. Reynolds ***Aye***

Appalachian Juvenile Commission:

On motion of Mr. McCall, second by Mr. Rector it was resolved to appoint Doug Meade to the Appalachian Juvenile Commission to fill the unexpired term of Robert Vinyard. The term shall commence immediately and expire June 21, 2008.

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***

13. <u>County Administrator Reports</u>:

a. Proposed Agenda, July 12 Joint Meeting with Abingdon Town Council

County Administrator Mark Reeter addressed the Board explaining that provided in the Agenda materials was an Agenda for the July 12 joint meeting with the Town of Abingdon.

14. County Attorney Reports

No report.

15. <u>Board Information</u>

No Board Information was reviewed.

16. <u>Board Member Reports</u>

Supervisor Paul Price inquired about the possibilities of using farmland that is no longer growing tobacco or growing of other crops for ethanol production.

Mr. Price discussed the issue of designating term limits for appointments to Boards and Commissions.

Mr. Price reported to the Board that Martha Weisfield has retired from the Abingdon, Virginian and proposed that the Board recognize her.

Discussion ensued among the Board. It was consensus of the Board to direct the County Administrator to proceed with planning recognition for Martha Weisfield.

Chairman Kenneth Reynolds reported that the 2007 National Association of Counties Conference would be held in the Richmond area. The Virginia Association of Counties (VACo) is requesting a financial contribution in the amount of $5,000 from Washington County to assist with the expenses associated with hosting the conference.

Discussion ensued among the Board. County Administrator Mark Reeter addressed the Board explaining that the County pays an annual membership fee to VACo. Mr. Reeter explained that the costs for hosting the conference would be beyond the normal operation expenses for VACo. He recommended that the Board consider this matter after the annual membership fees have been paid by the County to VACo and it is determined how much money is left in the line item.

Supervisor Jack McCrady reported that the US Forestry Service is proposing to initiate a user fee on gross earnings of the bike shuttle service companies along the Virginia Creeper Trail. Mr. McCrady proposed that the County take a position on the proposal.

17. <u>Recess to 7:00 PM July 12, 2006 Joint Meeting with Abingdon Town Council, Conference Room 1, County Administration Building</u>

On motion of Mr. Rector, second by Mr. McCrady, it was resolved to recess to 7:00 PM, July 12 for a joint meeting with Abingdon Town Council.

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***

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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