

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, January 23, 2007, 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

Christianne E. Parker, Assistant County Administrator
Lucy E. Phillips, County Attorney
Mark W. Seamon, Accounting Manager
Naoma A. Mullins, Recording Clerk

ABSENT:

Mark K. Reeter, County Administrator

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 Kenneth Reynolds 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 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. Approval of Minutes

On motion of Mr. Rector, second by Mr. Price, it was resolved to approve the minutes of the January 9, 2007, annual 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

5. Presentation of County Service Pins and Certificates

Chairman Kenneth Reynolds and Assistant County Administrator Christy Parker presented the following service pins:

Five Years Service:

Roger Hall
General Services Department

Naoma Mullins
County Administration

Fifteen Years Services:

Nadine Culberson
Information Systems

Keith Owens
Recreation

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

6. Public Hearings:

a. Public Hearing and Consideration of Adoption of an Ordinance to Vacate Lot 6 from the Fairway Oaks Subdivision (Plat Book 31, Page 22), Madison Magisterial District

County Attorney Lucy Phillips addressed the Board providing introductory remarks. Ms. Phillips explained that the Board was presented with two plats. One plat shows Lot 6 as it currently exists on the subdivision plat of Fairway Oaks. The second plat shows the divisions that are proposed to Lot 6. Since Lot 6 is a part of the Fairway Oaks Subdivision plat a public hearing is required for the proposed ordinance to vacate the Lot.

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

Ms. Nina Jessee addressed the Board explaining that she owns Lot 6 and is a financial planner and stockbroker. Ms. Jessee explained that she would like to subdivide Lot 6 into smaller tracts and build five to six upscale homes that would compliment the existing homes in Meade Meadows.

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

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

***AN ORDINANCE TO VACATE LOT 6 FROM THE FAIRWAY OAKS SUBDIVISION
(PLAT BOOK 31, PAGE 22) IN THE MADISON MAGISTERIAL DISTRICT
OF THE COUNTY OF WASHINGTON, VIRGINIA***

WHEREAS, a subdivision of land in the Madison Magisterial District of the County of Washington, Virginia, was made by recordation of a plat titled, "Fairway Oaks, East of the Town of Abingdon Overlooking Glenrochie Country Club; Washington County, Virginia" dated October 5, 1995, in the land records of the Clerk of Court of Washington County, Virginia (Land Records), in Plat Book 31, Page 22 (Fairway Oaks Plat); and

WHEREAS, by deed recorded as Instrument Number 06-3753 in the Land Records, Nina S. Jessee acquired Lot 6 as more specifically described by the Fairway Oaks Plat; and

WHEREAS, Ms. Jessee wishes to divide Lot 6, which contains 6.502 acres, more or less, into parcels of smaller acreage; and

WHEREAS, the Board of Supervisors of Washington County, Virginia, after public notice and public hearing, pursuant to Virginia Code § 15.2-2272(2) (1950, as amended), does hereby find that vacation of Lot 6 from the Fairway Oaks Plat for purpose of further division would not harm the public interest or public safety.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of Washington County, Virginia, that the Board does hereby adopt the following ordinance pursuant to Virginia Code § 15.2-2272(2):

- 1. Lot 6 of the Fairway Oaks Plat (Plat Book 31, Page 22) is hereby vacated pursuant to Virginia Code § 15.2-2272(2) from being part of the recorded subdivision plat; and***

- 2. Pursuant to Virginia Code § 15.2-2276, after the effective date of this ordinance, the Clerk of Circuit Court of Washington County, Virginia is directed to mark Lot 6 as “Vacated” on the Fairway Oaks Plat recorded at Plat Book 31, Page 22 and record a certified copy of this ordinance in the Office of the Clerk of Circuit of Washington County, Virginia indexed to Plat Book 31, Page 22 pursuant to Virginia Code § 15.2-2272(2); and
- 3. That 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
- 4. That this ordinance shall become effective thirty (30) days after its adoption unless an appeal pursuant to Virginia Code § 15.2-2272(2) 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: (7-0)

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

7. **Presentation of Concerns with Current County Animal Control Ordinance regarding Dogs Running At-Large**

County Resident Delores Stein made a presentation to the Board concerning the County’s Ordinance pertaining to dogs running at-large. Ms. Stein explained that she lives on a farm on which she raises sheep and pygmy goats. She further explained that her animals are kept in a well fenced area. Ms. Stein asserted that a neighbor allows their pit bull to run at-large and that this dog has gotten to her animals and killed two sheep and two pygmy goats. The pit bull recently attacked and injured one of her pigmy goats and its kid.

Ms. Stein explained that Animal Control has investigated each of her claims, and they have been very cooperative. However, with each investigation the dog has been released back to its owner, and the owner is issued a citation. She asserted that the citations are not keeping the neighbor from allowing the dog from running at-large and coming onto her property.

Ms. Stein presented a proposal to the Board that she believes will improve the problems with dogs running at-large. She recommended in her proposal that dogs running at large would be picked up immediately and taken to the Animal Shelter. The dog owners would have a week to pick up their dog and also have to pay a \$50 fine. If the dog is not claimed the Animal Shelter would use their discretion whether to put the dog up for adoption or have the dog put down. For a second offense the owner would be assessed a \$100 fine with the same stipulations as referenced above. For a third offense the owner would not get a chance to get their dog back and the Animal Shelter would use their discretion as to what to do with the dog.

Ms. Stein stated that it seems that dogs have more rights than humans do. She further stated that she has spoken with Sheriff Fred Newman about this problem and presented her proposal to him. Ms. Stein asserted that Sheriff Newman supports her proposal. She asked that if the Board of Supervisors did not support her proposal that she would like them to come up with another proposal.

Substantial discussion ensued among the Board.

Supervisor Paul Price explained that he has talked to the Board about problems with dogs during the last year and hopes that the Board can find solutions to the problem.

Mrs. Mumpower explained this is an issue the Board is going to have to deal with. She further explained that Ms. Stein's proposal is good and the Board needs to consider an ordinance that would put some "teeth" into the laws the County Ordinance.

Further discussions ensued. The Board asked the County Attorney for guidance.

Ms. Phillips explained that the State law has some restrictions about keeping dogs that are impounded as stray dogs. If a dog is impounded and there is no proof of ownership then the Animal Shelter is required to keep the dog for no less than five days. If the owner comes to claim the dog then the law implies that the dog is to be given back to the owner. If the dog has evidence of ownership, such as a license, tattoo or a collar, then the Animal Shelter is required to keep the dog for ten days or to return the dog to the owner if the owner comes to claim the dog. She further explained that there is no provision in the State Law that would allow the dog to be destroyed on the third time that it is collected as a stray. State law would have to be changed. Ms. Phillips suggested that the Board consider expressing to the courts that dogs running at-large are a serious problem in the County and request that the fines be increased. Right now there is a standard \$50 fine for dogs running at-large.

The Board discussed approaching the legislators with a proposal.

Mr. McCrady proposed that the Board consider amending its current ordinance to increase the fines and then see what the Board could do legislatively.

Ms. Phillips explained that she would draft a memo to the Board that outlines what the State and local laws are on the particular provisions that Ms. Stein is complaining of and make some suggestions for change. There is nothing in the County ordinance that sets a fine it just follows the language in the State law that sets the maximum amount. The courts have chosen \$50 as the standard fine. There is nothing set as far as first, second or third offense. Ms. Phillips stated that might be something the Board would consider establishing in a County ordinance.

Responding to an inquiry from a Board member, Ms. Phillips stated that she would try to have the memo to the Board by the February 13 meeting, and if not then, the last February meeting.

Mr. Reynolds thanked Ms. Stein for bringing her proposal to the Board.

8. Consideration of Amendment of Board By-Laws for Calendar Year 2007

County Attorney Lucy Phillips addressed the Board explaining that at the January 9 annual meeting, the Board directed the County Administrator amend the By-laws for Calendar Year 2007 establishing a

definition for the term “consensus” as used in the By-laws to mean unanimous agreement of all Board members present at a meeting and, further, to require a vote of the Board in instances where the Board’s position on a matter is not unanimous.

Ms. Phillips explained that Mr. Reeter conducted a word search of the By-Laws to identify other Articles where the word “consensus” was used. Articles 7 and 8 contained the word “consensus.” These Articles basically speak to the way meetings of the Board are conducted and reference consensus agreement as a majority present. With the new definition for “consensus” the language in Articles 7 and 8 no longer made sense. Therefore, Mr. Reeter reworded the language in both Articles. She further explained that Mr. Reeter felt like items in Articles 7 and 8 could be done by consensus agreement or with a recorded vote if majority but not unanimous decision is reached.

Discussion ensued.

On motion of Mr. Price, second by Mr. Rector, the Board acted to amend the Board’s By-laws for Calendar Year 2007 to read as follows, effective January 23, 2007:

BY-LAWS DEFINITIONS

Consensus: *A unanimous agreement of all Board members present at a meeting without vote by the Board. In the absence of such unanimous agreement a vote shall be required to affect an Action of Record.*

ARTICLE 7. AGENDAS FOR BOARD OF SUPERVISORS MEETINGS

7.3. A request for modification of the Meeting Agenda shall be made from the Board Table and only by members of the Board, County Administrator, or County Attorney. Approval of modification requires majority vote of Board members present. A modification made at the time of Approval of the Agenda shall be reflected in the Minutes of the Meeting at which the modification was made. Items scheduled for action on the Meeting Agenda may be deferred to a later time in the meeting by consensus of the Board members or by recorded majority vote. Items previously acted upon during the course of the meeting may be revisited at a later time in the meeting by consensus of the Board members or by recorded majority vote.

ARTICLE 8. CONDUCT OF MEETINGS OF THE BOARD OF SUPERVISORS

8.4. The following rules and procedures shall prevail at meetings of the Board:

b. The Chairman shall Call to Order an official meeting at the designated time and determine a quorum. If a quorum is not present at the designated time, the Chairman may direct a delay of up to fifteen (15) minutes in the start of the meeting at his discretion. Any further delay in the start of the meeting may be made with the consensus of the Board members or by recorded majority vote.

o. A motion to Table an Item of Business for consideration at a future meeting, or to remain Tabled indefinitely may be made either as a primary or substitute motion but not by consensus agreement. An action to Table an Item of Business to a later time within the same meeting may be passed by consensus of the Board members or by recorded majority vote.

h. At the discretion of the Chairman, or with the consensus of the members or by recorded majority vote, those speaking during the open portion of a public hearing may be limited to a specified length of time for comments at the Podium. The Chairman at his discretion may provide a verbal advisory to a speaker at the Podium when thirty (30) seconds remain of the specified time to conclude comments. During public hearings, speakers may address the Board only on matters pertaining or germane to the issue for which the public hearing is being held. No speaker is to engage in political statements, personal attacks upon members of the Board of Supervisors, county employees or officials, or any other person, nor are speakers entitled to use abusive language or discuss matters outside the issue for which the public hearing is being held. Violation of this rule shall enable the Chairman by directive to take appropriate measures to rule the speaker out of order and to have the speaker removed from the meeting, if necessary, and take such other steps the Chairman deems appropriate, including bringing appropriate charges against the person and bringing the charges in the name of the Board of Supervisors.

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: All references to “or by recorded vote” were clarified by the following amendment: “or by recorded majority vote.”

9. Consideration of Appointment/Reappointment of Director to Washington County Industrial Development Authority, F-01 “Tyler” Election District

On motion of Mr. Owens, second by Mrs. Mumpower, it was resolved to appoint Eugene Baker to the Washington County Industrial Development representing the Tyler Election District for a four year term beginning February 1, 2007 and ending January 31, 2011.

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. Consideration of Appointment of Trustee to Washington County Public Library Board of Trustees, F-01 "Tyler" Election District

On motion of Mr. Owens, second by Mrs. Mumpower, it was resolved to appoint Debra Osborne to the Washington County Public Library Board of Trustees representing the Tyler Election District for term to be effective immediately and ending June 30, 2009.

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>

11. Consideration of Appointment to Southwest Virginia Emergency Medical Services Council, Inc.

On motion of Mr. McCrady, second by Mrs. Mumpower, it was resolved to appoint Carol Barr to the Southwest Virginia Emergency Medical Services Council, Inc., Board of Directors for a one year term beginning January 1, 2007 and ending December 31, 2007.

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

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

Substitute Motion:

A motion was made by Mr. Price, second by Mr. Rector, to appoint Michael Wise to the Southwest Virginia Emergency Medical Services Council, Inc., Board of Directors for a one year term effective January 1, 2007 and ending December 31, 2007.

The vote on this motion, which was taken prior to the vote on the initial motion, was as follows: (2-5)

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

Mr. Reynolds Nay

The motion failed.

12. Consideration of Appointment of Board Representative to Mount Rogers Disability Services Board

On motion of Mr. Rector, second by Mr. McCrady, the Board acted to appoint Mr. Lewis B. Atkins as Washington County’s representative to the Mount Rogers Disabilities Services Board for a two-year term ending January 31, 2009.

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

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

13. Consideration of Approval of Non-Professional Services Agreement with People, Inc., of Southwest Virginia, CDBG Planning Grant Agreement #06-PG-26

Mr. Bryan Phipps with People, Inc., addressed Board explaining that in August of last year People, Inc. presented a proposal to the Board of Supervisors concerning identification of housing rehabilitation projects in Washington County. Since that time a preliminary assessment was done in the County and the communities of Hawke Road and Rush Creek Road were identified. A Community Development Block Grant (CDBG) application has been put together for a planning grant to conduct a comprehensive assessment of housing and infrastructure rehabilitation needs that will assist low-income persons in these communities. The assessment will include surveys of stakeholders, housing assessments, proposed improvement plans, and other activities in order to identify the specific community or neighborhood with the most urgent rehabilitation needs to recommend that area as the initial community to be addressed through the submission of a CDBG Community Improvement Grant (CIG) application. Mr. Phipps explained that the Board is being asked at this time to approve a Non-Professional Services Agreement for People, Inc. to undertake the assessment and to prepare the CIG application for submission to the Department of Housing and Community Development in March of this year. The fee for the assessment is \$15,000.00 and will be paid entirely from the Planning Grant.

Discussion ensued among the Board. Supervisor Jack McCrady stated that the two communities identified were located in the Taylor District. He further stated that People, Inc. does a good job and has done a lot for Damascus.

On motion of Mr. McCrady, second by Mr. Rector, the Board acted to approve the Non-Professional Services Agreement with People, Inc., of Southwest Virginia as presented and to authorize the County Administrator to execute same on behalf of the County.

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

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

14. Consideration of Approval of Professional Services Agreement with Barge Waggoner Sumner & Cannon, Inc., County Government Office Complex Project

Assistant County Administrator Christy Parker addressed the Board explaining that the Facilities Committee (Supervisors Dulcie Mumpower and Odell Owens with Committee participants Sheriff Fred Newman, County Treasurer Fred Parker and County Commissioner of Revenue Melvin Ritchie) has completed a professional services procurement process for architectural/engineering consulting and design services needed for the proposed County Government Office Complex Project. Ms. Parker explained that six firms responded to the County’s Request for Proposals (RFP). The Facilities Committee conducted negotiations with the firm of Barge Waggoner Sumner & Cannon, Inc., of Kingsport, TN. The firm has agreed to a fee not to exceed the \$65,000.00, which is the amount the Board of Supervisors set aside for this project. The Facilities Committee recommends to the Board the approval of a Professional Services Agreement with Barge, Waggoner, Sumner & Cannon, Inc. She further explained that the Professional Services Agreement has been reviewed by the County Administrator, County Attorney, and Barge Waggoner Sumner & Cannon, Inc.

Supervisor Odell Owens addressed the Board explaining that the Board established a committee (Supervisor Odell Owens, Assistant County Administrator Christy Parker and IS Manager Nadine Culberson) to review County facilities and study issues involved with centrally locating County agencies. The Committee completed their work and made a report to the Board in August of last year at which time the Board authorized the County Facilities Committee to proceed with professional services procurement. The Board further directed the Facilities Committee to invite the participation of the Sheriff, the County Treasurer and the County Commissioner of the Revenue in the procurement process. The Facilities Committee completed the professional services procurement process and interviewed three of the six firms submitting RFP’s. The Facilities Committee has toured government facilities in Montgomery County, Virginia, Ashe County, North Carolina and Covington, Kentucky that were designed by the top two firms interviewed. After much discussion, the Facilities Committee selected and negotiated with the firm of Barge Waggoner Sumner & Cannon, Inc.

Mr. Owens explained that basically Barge Waggoner Sumner & Cannon, Inc., will be asked to review the existing County facilities to identify what the County has, what is needed and to identify potential sites for a County Government Office Complex in the event that the Board decides to go further with the project. He further explained that the Board is not being asked at this time for additional funds and the Board is not being asked to commit the County to construct a new County Government Office Complex.

Once the study is completed, a report will be brought to the Board. At that time, the Board can decide what direction they wish to take.

Discussion ensued among the Board. Responding to an inquiry, Mr. Owens stated that Barge Waggoner Sumner & Cannon has indicated it would take approximately six months for them to complete their work.

Supervisor Paul Price inquired if Barge Waggoner Sumner & Cannon was the low bidder. Assistant County Administrator Christy Parker explained that the RFP was not based on price, but on qualifications and competitive negotiations.

Further discussions ensued.

County Attorney Lucy Phillips addressed the Board explaining the reasons why the competitive negotiations were completed as opposed to a Request for Bid.

Chairman Kenneth Reynolds thanked the Facilities Committee for their work on the County Government Office Complex project.

On motion of Mr. Owens, second by Mrs. Mumpower, the Board acted to approve the Professional Services Agreement with Barge Waggoner Sumner & Cannon and to authorize the Board Chairman to execute same on behalf of the County as of February 1, 2007; and further to obligate up to \$65,000.00 in County Capital Reserve Account funds for this purpose.

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

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

15. Consideration of Request for Surplusing of Motor Vehicles, Washington County Sheriff's Office

On motion of Mr. Owens, second by Mr. Rector, the Board acted to declare the listed motor vehicles of the Washington County Sheriff's Office and Department of General Services as surplus and authorized their sale at public auction.

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>

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

On motion of Mr. Rector, second by Mr. McCrady, it was resolved to donate the following surplus vehicles:

<i>Town of Glade Spring</i>	<i>1998 Chevrolet Pick-up Truck</i>
<i>Damascus Volunteer Fire Department</i>	<i>2001 Ford Crown Victoria</i>
<i>Damascus Police Department</i>	<i>1999 Jeep</i>

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*

16. Recess

No recess was taken.

17. County Administrator Reports:

a. Designation of Voting Alternate for Southwest Virginia Regional Jail Authority

Assistant County Administrator Christy Parker reported that the Southwest Virginia Regional Jail Authority is requesting the designation of a voting alternate for each member jurisdiction representatives appointed by the governing body. Ms. Parker explained that currently Supervisor Jack McCrady and County Administrator Mark Reeter represent Washington County. Mr. Reeter recommends that the Board designate County Treasurer Fred Parker since he is the Fiscal Agent for the Jail Authority and attends the Jail Authority Board meetings regularly. Mr. Parker could vote in the absence of Supervisor Jack McCrady or County Administrator Mark Reeter.

Discussion ensued.

On motion of Mr. McCrady, second by Mrs. Mumpower, the Board acted to designate Fred Parker as voting alternate to the Southwest Virginia Regional Jail Authority Board for Calendar Year 2007.

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. Legislation of Interest, 2007 General Assembly Session

Ms. Parker explained that a number of bills have been introduced in the 2007 General Assembly Session of potential interest to the County:

House Bills (HBs) 1718 & 2814 – allows denial of rezoning requests on grounds of inadequate road infrastructure

HBs 1742 & 1846 – requires new secondary streets to be under control of homeowner’s associations

HB 1820 – requires use of condemnation (eminent domain) to be approved by governing bodies

HB 1979 - extends city annexation moratorium from 2010 to 2020

HB 2200 – ends “599” law enforcement funding to cities and thereby ends current city annexation moratorium

HB 2397 – makes use of condemnation more burdensome by localities

HB 2500 – allows use of conditional zoning by most Virginia localities (not just high-growth Northern Virginia)

HB 2795 – ends taking of most subdivision streets into state system of secondary highways

HB 2918 – increases court fees to fund additional courthouse security

Substantial discussion ensued among the Board. After their discussions, the Board took the following position:

- House Bills (HBs) 1718 & 2814 – allows denial of rezoning requests on grounds of inadequate road infrastructure – **The Board directed the County Attorney to research this legislation further and provide them with a recommendation prior to the Legislative Day trip**
- HBs 1742 & 1846 – requires new secondary streets to be under control of homeowner’s associations – **The Board opposes these bills**
- HB 1820 – requires use of condemnation (eminent domain) to be approved by governing bodies – **The Board opposes this bill**
- HB 1979 - extends city annexation moratorium from 2010 to 2020 – **The Board supports this bill**
- HB 2200 – ends “599” law enforcement funding to cities and thereby ends current city annexation moratorium – **The Board opposes this bill**
- HB 2397 – makes use of condemnation more burdensome by localities – **The Board supports this bill**
- HB 2500 – allows use of conditional zoning by most Virginia localities (not just high-growth Northern Virginia) – **The Board supports this bill**

- HB 2795 – ends taking of most subdivision streets into state system of secondary highways – **The Board is opposed to this bill**
- HB 2918 – increases court fees to fund additional courthouse security – **The Board supports this bill**

Supervisor Paul Price addressed the Board explaining that last year in January he asked the Board to study and consider implementing the Law Enforcement Officers Supplement (LEOS) Program. It was thought that during the 2006 General Assembly session that they would take action on legislation relating to the LEOS program, but the legislation was dropped in the end. Mr. Price stated that he would like the Board to look at the LEOS Program if the General Assembly is not going to approve related legislation during the 2007 session.

Sheriff Fred Newman was present and addressed the Board explaining that the LEOS legislation has been re-introduced in this legislation session, but there has been no action taken.

Mr. Price stated that if the legislation is not passed by the General Assembly that he would like the Board to consider implementing a LEOS program similar to Russell County’s.

c. Request for Board Affirmation of Resolution 2005-25, Purchase of The Nature Conservancy’s Brumley Mountain Property by the Commonwealth of Virginia

On motion of Mr. Price, second by Mr. McCall, the Board acted to reaffirm Board Resolution 2005-25.

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>

18. County Attorney Reports:

a. Request for Board Authorization to Schedule Public Hearings for Consideration of Proposed Ordinance

County Attorney Lucy Phillips addressed the Board requesting authorization from the Board to draft ordinances and schedule public hearings on the following proposed ordinances:

1. Amend the current County ordinance that provides tax relief for certain elderly and disabled residents of the County in accordance with the attached correspondence and recommendation of Commissioner of Revenue Melvin Ritchie.
2. Amend the current County ordinance that describes the powers and responsibilities of the Virginia Highlands Airport Commission to make the ordinance consistent with current state law provisions.

- 3. Amend the current County ordinance regarding prohibition of allowing dogs to run at large to clarify the intent of the law regarding specifications of a violation of the ordinance.

Discussion ensued.

On motion of Mr. Rector, second by Mr. Price, the Board acted to authorize the County Attorney to proceed in accordance with her request.

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>

In another matter, Ms. Phillips advised the Board that County Zoning and Subdivision Official Cathie Freeman extends an invitation to the Board of Supervisors to attend a presentation on Thursday, January 25 at 1:00 PM in the Board of Supervisors meeting room by the Federal Emergency Management Association concerning the National Flood Insurance Program. There will be free guidance manuals available. All members of the Board of Supervisors and Planning Commission have been invited. Ms. Phillips further advised the Board that there would be no need to recess this meeting because the Board will have no participation in the meeting on January 25 other than attending as a member of the audience.

19. Board Information

There was no Board Information reviewed

20. Board Member Reports

Supervisor Dulcie Mumpower reported that she has received complaints from neighboring residents of the Robert E. Lee Motel on Lee Highway. They complain about the infestation of rats and that the structure is an eyesore to the area. Mrs. Mumpower requested the County Attorney look into the matter.

Supervisor Paul Price asked that the issue of labeling dogs be looked into further to make sure that the Board cannot require certain types of dogs to be registered. Mr. Price reported that there are a lot of people not purchasing tags for their dogs primarily because it costs more in gas to come purchase the tag than what the tag costs and this becomes a nuisance to the dog owner. Dog owners can get a rabies vaccination for three years, but can only get a tag for one year. He explained that he would like to see the Board adopt something that would allow the veterinarians to sell dog tags when they do a rabies vaccination and to allow the veterinarians to keep a portion of the profit from the sale of the tags.

County Attorney Lucy Phillips responded to Mr. Price’s inquiry about registering certain types of dogs. Ms. Phillips quoted Virginia Code Section 3.1-796.93:1 Subsection C2. There is no authority to allow the County to require registration of dogs based solely on breed.

Discussion ensued.

Supervisor Tony Rector inquired about the \$20,000 reimbursement that the County received involving the Widener Property in Meadowview Square.

County Attorney Lucy Phillips explained that the County sought a lien on the Widener Property for expenses involved in the demolition of the structure on the property. The Meadowview First group wanted to use the property in association with the Meadowview Health Center Project; therefore, it purchased the property from the owner for \$25,000. The County received \$20,000 of this money as reimbursement of the \$20,000 demolition expense.

Mr. Rector asked that the Board give Meadowview First the \$20,000 because they had to use the \$25,000 appropriation that the Board gave them in FY 2006-2007 to purchase the property.

On motion of Mr. Rector, second by Mr. Price, the Board approved a supplemental appropriation in the amount of \$20,000 to Meadowview First to help offset costs for the purchase of the Widener Property in Meadowview Square.

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 Phillip McCall provided a status report on finding a General Manager for the Washington County Service Authority. Mr. McCall explained that a candidate from Pennsylvania was interviewed and offered the job. However, the applicant withdrew his application for personal reasons. The Service Authority will advertise again for the General Manager’s position.

Supervisor Jack McCrady requested that the County Administrator follow-up with the School Board on the status of the Old Cannery Building.

Mr. McCrady reported that he was approached by the Mount Rogers Lifesaving Crew with a request for a four wheel drive ambulance. He explained that he told them they had to become part of the Emergency Volunteers Association and be a Washington County Facility.

21. **Adjourn**

On motion of Mr. Rector, second by Mr. Price, 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>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

Prepared by:

Naoma A. Mullins, Recording Clerk

Approved by the Washington County Board of Supervisors:

Kenneth O. Reynolds, Chairman