V I R G I N I A:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, April 9, 2013, at 6:30 p.m., at the County Government Center in Abingdon, Virginia the following were present:

PRESENT:

Dulcie M. Mumpower, Chairman
Phillip B. McCall, Vice Chairman
William B. Gibson
Odell Owens (arrived at 6:39 p.m.)
Randy L. Pennington
C. Wayne Stevens, Jr.
Joseph C. Straten

Nadine S. Culberson, County Administrator
Lucy E. Phillips, County Attorney
Mark W. Seamon, Director of Budget & Finance
Naoma A. Norris, CAP, Executive Assistant/Recording Clerk

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1. Call to Order

The meeting was called to order by Ms. Dulcie Mumpower, Chair of the Board, who welcomed everyone in attendance.

2. Invocation and Pledge of Allegiance

Supervisor Wayne Stevens gave the Invocation and led the Pledge of Allegiance.

3. Public Comment

The following individuals addressed the Board during public comment:

- James Deboard

4. Approval of Agenda

On motion of Mr. McCall, second by Mr. Straten, it was resolved to approve the agenda as presented.

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

Mr. Gibson Aye
Mr. McCall Aye

Ms. Mumpower	***Aye***
Mr. Pennington	***Aye***
Mr. Stevens	***Aye***
Mr. Straten	***Aye***

5. Consent Agenda:

On motion of Mr. Straten, second by Mr. Stevens, the Board acted to approve items a and c of the Consent Agenda as set forth below.

a. Approval of Minutes:

1. March 7, 2013 Recessed Meeting

2. March 12, 2013 Regular Meeting

3. March 14, 2013 Recessed Meeting

4. March 19, 2013 Recessed Meeting

b. Approval of Routine Financial Matters:

No financial matters presented.

c. Award of Bids and Approval of Contracts:

1. Consideration of Contract between Washington County and Mark III Brokerage, Inc. for Section 125

d. Authorization of Routine Business Matters:

No routine business matters presented.

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

Mr. Gibson	***Aye***
Mr. McCall	***Aye***
Ms. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Pennington	***Aye***
Mr. Stevens	***Aye***
Mr. Straten	***Aye***

6. Public Hearings:

a. <u>Request(s) for Rezoning</u>:

1. <u>Intent to Rezoning: Mitchell A. Crabtree, Property Tax Map # 124-A-9</u>:
Request to rezone approximately 2 acres of property located on the south side of State Route 11 (Lee Highway) near the intersection of State Route 11/State Route 895 (Self Hill Drive) from A-2 (Agricultural, General) to B-2 (Business, General), Madison Magisterial District, A-11 Election District

Ms. Cathie Freeman, County Zoning and Subdivision Official, addressed the Board and provided an overview of the public hearing held before the Planning Commission regarding this request. Ms. Freeman explained that Mr. Crabtree requests two acres of property adjacent to Meade Tractor Company be rezoned to B-2 (Business, General). The rezoning would allow Meade Tractor Company to expand their business. Ms. Freeman further explained that no one spoke at the Planning Commission's public hearing in opposition to this request and the Planning Commission recommends approval of the application.

Ms. Mumpower opened the public hearing and invited comments in support of and in opposition to the request of Mitchell A. Crabtree to rezone property.

Mr. Mitchell Crabtree addressed the Board and explained he would like the property in question rezoned for the benefit of Meade Tractor Company. Mr. Crabtree commented that Meade Tractor adjoins the north side of his property. He stated that the company is growing and needs room for parking for both customers and employees.

There being no further comments, Ms. Mumpower declared the public hearing closed.

On motion of Mr. McCall, second by Mr. Owens, the Board acted to follow the recommendation of the Washington County Planning Commission and approve the application of Mitchell A. Crabtree to rezone approximately 2 acres of property located on the south side of State Route 11(Lee Highway) near the intersection of State Route 11/State Route 895 (Self Hill Drive) from A-2 (Agricultural, General) to B-2 (Business, General), Madison Magisterial District, A-11 Election District.

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

Mr. Gibson	***Aye***
Mr. McCall	***Aye***
Ms. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Pennington	***Aye***
Mr. Stevens	***Aye***
Mr. Straten	***Aye***

b. <u>Request(s) for Special Exception Permit</u>

1. <u>Request for Special Exception Permit: Linda Austin, Property Tax Map #166A-1-22</u>: Request for a Special Exception Permit to operate a convenience store and bait shop in an existing building on property located on the north side of State Route 664 (Lake Road) near the intersection of State Route 664/State Route 670 (Green Spring Church Road) in an SR (Shoreland Recreation) and A-2 (Agricultural, General) zone, Madison Magisterial District

Ms. Freeman, County Zoning and Subdivision Official, provided an overview of the public hearing held before the Planning Commission regarding this request. Ms. Freeman explained an existing building formerly used as a winery sits on the property in question and that grapes were grown at the rear of the property. In 1999, a Special Exception Permit was granted to Mr. Richard Wolfe to operate a winery in the building. She further explained that prior to this; the building was used as a convenience market. Ms. Freeman further explained that no one spoke at the Planning Commission's public hearing in opposition to this request, and the Planning Commission recommends approval of the application pending the improvements being adhered to and completed in compliance with the Virginia Department of Transportation (comply with entrance permit) and recommend removal of the Special Exception Permit for the winery.

Mr. Gibson asked for clarification that the building has once been used as a convenience store. Ms. Freeman commented yes. Mr. Gibson asked if a Special Exception Permit was issued for the convenience store. Ms. Freeman commented no and that her records show a Special Exception Permit being issued only for the winery.

Ms. Mumpower opened the public hearing and invited comments in support of and in opposition to the request of Linda Austin for a Special Exception Permit.

Ms. Linda Austin addressed the Board and explained she and her siblings own the property in question that belonged to her late parents. Ms. Austin stated that there is a residence on the property that is used for rental property, and the building where she proposes to operate a convenience store sets along side of the road. Ms. Austin explained she has obtained specifications from the Virginia Department of Transportation and intends to comply with their regulations.

Mr. Gibson asked if the building was used for any other purpose. Ms. Austin commented the building had not been used since Mr. Wolfe operated the winery.

There being no further comments, Ms. Mumpower declared the public hearing closed.

On motion of Mr. Gibson, second by Mr. Owens, the Board acted to follow the recommendation of the Washington County Planning Commission an approve the application Linda Austin for a Special Exception Permit to operate a convenience store and bait shop in an existing building on property located on the north side of State Route 664 (Lake Road) near the intersection of State Route 664/State Route 670 (Green Spring Church Road) in an SR (Shoreland Recreation) and A-2 (Agricultural, General) zone, Madison Magisterial District pending the improvements being adhered to and completed in compliance with the Virginia Department of Transportation and to remove the existing Special Exception Permit for the winery.

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

Mr. Gibson	***Aye***
Mr. McCall	***Aye***
Ms. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Pennington	***Aye***
Mr. Stevens	***Aye***
Mr. Straten	***Aye***

c. Public Hearing and Consideration of Adoption of an Ordinance to Vacate Tract No. Ten-C (10C) in Block "C" From the Tract Known as the Plat of a Part of the "Kirby Smith Land" (Plat Book 17, Page 17) on Horseshoe Trail in the Wilson Magisterial District of Washington County, Virginia

Ms. Phillips, County Attorney, explained the request is to vacate a lot from a recorded subdivision plat. At the time the plat was recorded there were no notations to allow additional subdivision of property. Ms. Phillips further explained that now the owners, Mr. and Mrs. Joseph Widener, would like to divide the property to allow for two homes to be built on separate lots. She commented that the property has public water. Ms. Phillips explained that County ordinance and state law require that a lot shown in a recorded subdivision plat must be vacated from the plat before it may be divided, and one method to vacate the lots from the plat is for the Board of Supervisors to adopt an ordinance to that effect.

Ms. Mumpower opened the public hearing and invited comments both in support of and in opposition to the request of Mr. and Mrs. Joseph Widener to vacate a tract from the "Kirby Smith Land".

Mr. Joseph Widener addressed the Board to answer any questions the Board may have concerning his request.

There being no further comments, Ms. Mumpower declared the public hearing closed.

On motion of Mr. Owens, second by Mr. Pennington, the Board acted to adopt the following ordinance:

AN ORDINANCE TO VACATE TRACT NUMBER TEN-C (10C; TAX PARCEL NO. 122-2-C-10) IN BLOCK "C" FROM THE TRACT KNOWN AS THE "PLAT OF A PART OF THE KIRBY SMITH LAND" (PLAT BOOK 17, PAGE 17) ON HORSESHOE TRAIL IN THE WILSON MAGISTERIAL DISTRICT OF WASHINGTON COUNTY, VIRGINIA

WHEREAS, a subdivision of land in the Wilson Magisterial District (G-11 Election District) of the County of Washington, Virginia, was made by recordation of a plat titled, "Plat of a Part of the Kirby Smith Land" recorded September 14, 1976 in the land records of the Clerk of Court of Washington County, Virginia (Land Records), in Plat Book 17, Page 17 (the Plat);

WHEREAS, by deed recorded in the Land Records on March 20, 1989, and indexed as Deed Book 776, Page 556 (the Deed), Joseph and Tammy Widener acquired Lot 10C, as more specifically described in the Deed and on the Plat, and which is identified as Parcel No. 122-2-C-10 in the County tax records;

WHEREAS, Mr. and Ms. Widener have applied for approval to vacate the parcel to allow division to create two parcels sized as follows: (1) One and a half (1.50) acres with 91.77 feet of

road frontage, and (2) Four and fifty-eight hundredths (4.58) acres with 231.85 feet of road frontage;

WHEREAS, the zoning designation for Lot 10C is Residential, General, (R-2), which requires a minimum lot area of 30,000 square feet where public water is available and eighty (80) feet of road frontage;

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 10C from the Plat for purpose to allow division of Lot 10C, as described herein, 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 10C (TAX PARCEL NO. 122-2-C-10) of the "Plat of a Part of the Kirby Smith Land" Plat, which was recorded September 14, 1976 in the land records of the Clerk of the Circuit Court of Washington County, Virginia (Land Records), in Plat Book 17, Page 17 (the Plat) is hereby vacated from said subdivision plat pursuant to Virginia Code § 15.2-2272(2) for the purpose to allow division of Lot 10C; and***
2. ***Pursuant to Virginia Code § 15.2-2276, after the effective date of this ordinance, the Clerk of the Circuit Court of Washington County, Virginia is directed to mark Lot 10C as "Vacated" on the above-referenced Plat and to record a certified copy of this ordinance in the Land Records, indexed to Plat Book 17, Page 17, 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. Gibson	***Aye***
Mr. McCall	***Aye***
Ms. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Pennington	***Aye***
Mr. Stevens	***Aye***
Mr. Straten	***Aye***

7. General Business:

a. Action Items:

1. Consideration of Appointments to Boards, Authorities and Commissions that Expire June 30, 2013

The Board made the following appointments to Boards, Authorities and Commissions that Expire June 30, 2013:

Washington County Board of Social Services

On motion of Mr. McCall, second by Mr. Pennington, the Board acted to reappoint Rhonda Lusk to represent the Harrison Election District on the Washington County Board of Social Services for a four year term beginning July 1, 2013 through June 30, 2017.

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

Mr. Gibson	***Aye***
Mr. McCall	***Aye***
Ms. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Pennington	***Aye***
Mr. Stevens	***Aye***
Mr. Straten	***Aye***

Washington County Planning Commission

On motion of Mr. McCall, second by Mr. Pennington, the Board acted to reappoint Mr. Joe H. Hutton to represent the Harrison Election District on the Washington County Planning Commission for a four year term beginning July 1, 2013 through June 30, 2017.

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

Mr. Gibson	***Aye***
Mr. McCall	***Aye***
Ms. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Pennington	***Aye***
Mr. Stevens	***Aye***
Mr. Straten	***Aye***

On motion of Mr. Pennington, second by Mr. Owens, the Board acted to reappoint Mr. Paul Widener to represent the Jefferson Election District on the Washington County Planning Commission for a four year term beginning July 1, 2013 through June 30, 2017.

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

Mr. Gibson	***Aye***
Mr. McCall	***Aye***
Ms. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Pennington	***Aye***
Mr. Stevens	***Aye***
Mr. Straten	***Aye***

2. Consideration of Resolution Honoring Dr. Rosalind Reichard upon the Occasion of Her Retirement as President of Emory and Henry College

Ms. Culberson, County Administrator, explained the Board is asked to adopt a proposed resolution honoring Dr. Rosalind Reichard upon her retirement as the 20th President of Emory & Henry College and to proclaim April 19, 2013, as "Dr. Rosalind Reichard Day" in Washington County. Ms. Culberson commented that April 19 would be a college wide day of retirement celebration at Emory & Henry.

On motion of Mr. McCall, second by Mr. Pennington, the Board acted to adopt the following Resolution:

RESOLUTION 2013-14

WHEREAS, Dr. Rosalind Reichard became the 20th president of Emory & Henry College in August, 2006; and

WHEREAS, Dr. Reichard's natural leadership qualities and her passion for service have not only left her mark on Emory & Henry College, but on the County of Washington, Virginia, as well; and

WHEREAS, Dr. Reichard's service as a leader in national, state and local organizations has greatly enriched those who have learned from her experiences and expertise; and

WHEREAS, Washington County, Virginia will reap the benefits of her labors as Emory & Henry College continues to develop and grow; and

WHEREAS, Dr. Reichard has announced her plan to retire at the end of June 2013;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that it bestows its highest praise, respect and commendation for the life, career and accomplishments of Dr. Rosalind Reichard on the occasion of her Retirement as President of Emory & Henry College.

BE IT FURTHER RESOLVED that the Board of Supervisors declares April 19, 2013, to be "Dr. Rosalind Reichard Day" throughout Washington County.

BE IT FURTHER RESOLVED that this Resolution be spread across the Minutes of the Board of Supervisors and publicly presented to Dr. Rosalind Reichard at her Retirement Celebration at Emory & Henry College in Emory, Virginia on April 19, 2013.

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

Mr. Gibson	***Aye***
Mr. McCall	***Aye***
Ms. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Pennington	***Aye***
Mr. Stevens	***Aye***
Mr. Straten	***Aye***

3. Consideration of Scheduling Work Session with Virginia Department of Transportation

Ms. Culberson, County Administrator, explained she was contacted by the Bristol District Office of the Virginia Department of Transportation (VDOT) with a request for the Board of Supervisors to schedule a work session with VDOT to go over transportation projects in the County and for the Board to discuss their concerns and projects. This would be in preparation for the Six Year Plan. Ms. Culberson further explained that VDOT proposes the work session be scheduled on Monday, April 22, 2013 after 5:00 p.m.

It was consensus of the Board to schedule a work session with VDOT on Monday, April 22, 2013 beginning at 7:00 p.m.

4. Consideration of Virginia Department of Transportation Request for Board Authorization to Schedule Public Hearing for Consideration of State Secondary System of Highways Six Year Plan

Ms. Culberson, County Administrator, explained that VDOT requests authorization to schedule a public hearing at the May 14, 2013, regular Board meeting on the proposed Six Year Plan.

On motion of Mr. Stevens, second by Mr. Gibson, the Board acted to authorize VDOT to schedule the public hearing as requested.

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

Mr. Gibson	***Aye***
Mr. McCall	***Aye***
Ms. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Pennington	***Aye***
Mr. Stevens	***Aye***
Mr. Straten	***Aye***

b. Information Items:

No informational presentations were made.

8. Board Member Reports

Mr. Pennington reported on the Mount Rogers Planning District Commission Annual Dinner that he attended on April 4, 2013, held at the Bristol Train Station.

Mr. Gibson advised the Board that the Patrick County Board of Supervisors voted in non-support of The Crooked Road National Heritage Area Designation.

Mr. Owens noted that he was late arriving for the meeting because of an accident on Interstate 81 and congestion on Lee Highway.

Mr. McCall reported on a recent meeting of the Fire and EMS Oversight Committee. He commented that the Committee is moving forward and making good progress. He further commented there is a rotation of members and everyone is working well together. Mr. McCall thanked Mr. Straten for his vision to create the Committee.

Ms. Mumpower reported that she was contacted by a citizen that lives in the Wallace Pike area. The citizen brought to her attention that all roads in the area surrounding Wallace Middle School are posted 40 mph including the road from Wallace Middle School to Black Hollow Road; the only road not posted, which makes it a 55 mph speed zone, is from Wallace Middle School to the Bristol City limits. The citizen expressed concern to her about this and feels the road should be posted 40 mph. Ms. Mumpower asked that a speed study be conducted, and if VDOT requests a Resolution that this matter be placed on the next Board meeting agenda.

Mr. Pennington requested prayer for the Perrigan Family. He commented that John Battle High School and the community lost a great educator in Kevin Perrigan. Mr. Pennington further commented that Kevin was close to the students and his death will be tough on them.

Ms. Mumpower commented that Kevin Perrigan fought a hard battle and his family and community need to be lifted up in prayer.

9. Board Information

Ms. Culberson, County Administrator, reminded the Board of the Washington County Extension Office Dinner on April 23, 2013, at 5:00 p.m. at Abingdon Baptist Church.

10. Closed Meeting:

a. Request to Convene in Closed Meeting Pursuant to Virginia Code Section 2.2-3711(A)(7), for consultation or briefing with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, more specifically regarding legal implications of Virginia Code Section 58.1-608.3(B), related recent legislative developments, and options to protect the County's interest

On motion of Mr. Owens, second by Mr. Pennington, the Board acted to convene in Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(7), for consultation or briefing with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, more specifically regarding legal implications of Virginia Code Section 58.1-608.3(B), related recent legislative developments, and options to protect the County's interest and to include County Treasurer Fred Parker, County Administrator Nadine Culberson, County Attorney Lucy Phillips and Director of Economic Development and Community Relations Christy Parker in the Closed Meeting.

Mr. Gibson asked if the closed meeting related specifically to the City of Bristol. Ms. Phillips explained the code section for the closed meeting is for discussion on use of sales tax for developments of regional impact.

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

Mr. Gibson	***Aye***
Mr. McCall	***Aye***
Ms. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Pennington	***Aye***
Mr. Stevens	***Aye***
Mr. Straten	***Aye***

c. Reconvene in Open Meeting and Certification of Closed Meeting(s):

After returning to the meeting, the Chairperson noted that upon motion of Mr. Owens, second by Mr. Stevens, and favorable vote, the Board of Supervisors reconvened in open meeting. The Chairperson called for any participant in the closed meeting(s) who believed that there was a departure from the requirements of the Virginia Freedom of Information Act during the closed meeting(s), to state the substance of the departure that they believed took place. No members of the Board responded to the Chairperson's call for statements.

On motion of Mr. McCall, second by Mr. Pennington, the members of the Board certified the closed meeting(s) in accordance with the requirements of the Virginia Freedom of Information Act. By vote in favor of this motion, each member certified that the closed meeting was conducted in conformity with Virginia law, and that only public business matters lawfully exempted from open meeting requirements and identified in the motion by which the closed meeting was convened was heard, discussed, or considered in the closed meeting.

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

Mr. Gibson	***Aye***

Mr. McCall	***Aye***
Ms. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Pennington	***Aye***
Mr. Stevens	***Aye***
Mr. Straten	***Aye***

9. <u>Adjourn/Recess</u>

On motion of Mr. Owens, second by Pennington, the Board acted to recess the meeting to Monday, April 22, 2013, beginning at 7:00 p.m. for recessed Board of Supervisors meeting.

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

Mr. Gibson	***Aye***
Mr. McCall	***Aye***
Ms. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Pennington	***Aye***
Mr. Stevens	***Aye***
Mr. Straten	***Aye***

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Prepared by:

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Naoma A. Norris, Recording Clerk

Approved by the Washington County Board of Supervisors:

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Dulcie M. Mumpower, Chairman