

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, August 25, 2009, 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
Thomas G. Taylor

Mark K. Reeter, County Administrator
Lucy E. Phillips, County Attorney
Mark W. Seamon, Accounting Manager
Naoma A. Norris, Recording Clerk

1. Call to Order

The meeting was called to order by Mr. Kenneth O. Reynolds, Chairman of the Board, who welcomed everyone in attendance.

2. Invocation and Pledge of Allegiance

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

3. Public Comment

H. L. Puckett, 745 Old Saltworks Road, Abingdon, VA – request for vehicle speed study on Old Saltworks Road near his residence.

The following individuals spoke in reference to flooding on Wyndale and Astor Roads. Their comments are summarized in section 5. a. of these meeting minutes:

Kenneth Pope, 18393 Wyndale Road, Abingdon, VA
Terry Fleenor, 16104 Wyndale Road, Abingdon VA
Brad Ball, 19434 Astor Road, Abingdon, VA
Nelson Shortt, 19202 Cruise Drive, Abingdon, VA
Brenda Taylor, 16124 Wyndale Road, Abingdon, VA
Patricia Owens, 16194 Shannon Hill Drive, Abingdon, VA
Joe Martino, 16308 Shannon Hill Drive, Abingdon, VA
Jeff Cochrane, 18392 Fortunes Way, Abingdon, VA

4. Recognitions and Special Presentations:

a. Presentation by Virginia Department of Motor Vehicles to Washington County Sheriff's Office

Washington County Sheriff Fred Newman addressed the Board and introduced Mr. Don Allen and Mr. Monty Mills with the Virginia Department of Motor Vehicles who made presentations to the Sheriff's Department.

Mr. Allen addressed the Board and presented the Sheriff's Department with the Virginia Association of Chiefs of Police, Virginia Law Enforcement Challenge Award for receiving first place in the Sheriff Category 4 (51-100 officers). Mr. Allen noted that the Sheriff's Department placed second in the National Challenge, and Sheriff Newman and staff will travel to Denver, CO in the fall to receive the award. Mr. Allen next presented the Sheriff's Department with the Virginia Association of Chiefs of Police, Virginia Rookie of the Year Award for 2008. He explained that this award is given to the best first-time entry. Mr. Allen provided an overview of the Virginia Law Enforcement Challenge and explained the awards are given for the best traffic safety programs in the state. He thanked the Sheriff's Department for the work they are doing with highway safety and saving lives.

Sheriff Newman addressed the Board and explained that the awards were an honor to the Sheriff's Department.

Mr. Reynolds on behalf of the Board congratulated the Sheriff's Department and thanked them for their work on making the roads safer for all citizens

5. Approval of Agenda

Mrs. Mumpower asked that the agenda be amended to add a presentation concerning flooding in the Wyndale community and to discuss issues with the Oak Park site development.

On motion of Mr. McCrady, second by Mr. Price, it was resolved to approve the agenda with the following amendments:

Addition of Item 5.a.

Presentation Concerning Flooding in the Wyndale Community and Discussion of Issues Pertaining to the Oak Park Site Development Project

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. Reynolds* *Aye*
- Mr. Taylor* *Aye*

5.a. Presentation Concerning Flooding in the Wyndale Community/Oak Park Issues

During the Public Comment Period the following people addressed the Board concerning the flooding in the Wyndale/Astor Road community:

Mr. Kenneth Pope explained that he speaks to the Board on behalf of James and Winifred Fleenor, whose property was affected by the recent flooding and mud events in the Wyndale Community. Mr. & Mrs. Fleenor's sewer system has not functioned properly since the flood. There is an odor coming from the septic system. The Fleenor's now fear because of issues with the septic system that their living conditions are unsafe. They also live in fear every time it looks like rain. Mr. Pope asserted that the proper erosion and sedimentation control procedures were not in place on the site that is being developed at Oak Park, which he believes contributed to the flooding and mud. He asked that the County provide help with cleaning up the mud from the Fleenor's property and addressing the septic issues. Mr. Pope requested that the County make sure the drainage ponds are properly installed at Oak Park.

Mr. Terry Fleenor explained he has lived in the Wyndale community his entire life and has seen flooding before, but never to the extent and with the amount of mud as the event that happened on August 19. Mr. Fleenor explained that the red clay is impossible to clean. He asserted that he believes the situation was caused by the lack of proper sediment catch ponds at the site development occurring at Oak Park. He further explained that the last major flood in the Wyndale community occurred 30+ years ago during the Westinghouse development (now Oak Park), and stated that a similar situation occurred. Mr. Fleenor asserted that the issues that caused the flooding 30+ years ago were never addressed and now residents are looking at the same problems. He stated that he supports economic development, but not at the cost of families and their property. Mr. Fleenor said that a neighbor has lost their home because of the August 19 flooding and mud event. He implored the Board to take immediate and strict action on the responsible party and to offer assistance to those affected by the flood. Mr. Fleenor explained that on Friday, August 21, Washington County deputies watched the stream in the Wyndale community to monitor possible flooding from a storm that was forecasted. He asserted that no flooding happened at that time because the construction company doing the work at Oak Park did work after the fact of the August 19 flood event to prevent additional flooding issues.

Mr. Brad Ball explained that he rented an airplane and took aerial photographs of the property damage and of the site development at Oak Park. Mr. Ball explained that his aunt, Brenda Taylor, completely lost her home because of the August 19 flooding and mud event. He hopes the Board of Supervisors will solve the problems, determine who is responsible for the damage and compensate the people who have lost so much. Mr. Ball further explained that he and his wife have lived on Astor Road for over a year and do not want to relocate. It is difficult to keep a nice place because of the flooding and mud they are receiving from the Oak Park site. The flood on August 19 completely washed out their driveway. Mr. Ball encouraged the Board to identify the responsible party. Mr. Ball agreed to show his aerial photographs to the Board after Mrs. Mumpower's comments on the situation.

Mr. Nelson Short stated that he owns property near Cruise Drive, and, based on what he has seen and heard regarding the flooding on Wyndale and Astor Roads, he is concerned about the risks to his property when construction begins on the next phase of development of the Oak Park Industrial Park that is located near Cruise Drive. He asked that grading and development plans be done more carefully to prevent problems when the next phase of development begins.

Ms. Brenda Taylor explained that her home was destroyed by the flood and mud event on August 19. Ms. Taylor explained that she lived in the home for sixteen years and has seen flooding before (major

flooding in 1994) that required water to be pumped from her crawl space, but has never seen anything like what happened on August 19. She talked about the extensive damage to her home explaining that about six inches of water and mud got inside her home causing the floors to float about four to five feet above the ground. All of the flooring had to be torn out of the house. Ms. Taylor stated that she salvaged what furniture that she could. She explained that she is now living with family, and told the Board if she does not receive help she does not know what she will do.

Ms. Patricia Owens explained that she is a past resident of Oak Hill Estates and has dealt with the Washington County Industrial Development Authority (IDA) about flooding issues for over eight years. Ms. Owens asserted that Oak Hill Estates resident Stacy Bright hired an attorney and engineer that specialized in watershed issues and threatened suit against the IDA before anything was done to assist her with flooding issues. Ms. Owens said the IDA should hire a firm that understands watershed and flooding issues, and encouraged the Board to hire such a firm to take care of the flooding problems.

Mr. Joe Martino explained that his property borders Oak Park. The bottom field of his property where he keeps horses was wiped out by the flood and mud. He inquired if the Board intended to do anything about the flooding problems.

Mr. Jeff Cochrane explained that he has lived in Abingdon Heights Subdivision (Wyndale community) for two years. Mr. Cochrane explained that the flooding events first began on July 31. There is a water basin behind his home that borders the railroad. During the rain event of July 31 there was about a foot of water in the basin area. He further explained that he watched the muddy water flow down the drainage canal. This was terrifying to his family. Mr. Cochrane explained that on August 19 his wife came home to find the first third of their subdivision under water. He asked what happens if there is more rain. Mr. Cochrane asked if there is a guarantee that the drainage basins are engineered properly. He stated that the Wyndale community is not confident in the IDA's engineering at Oak Park.

At this time, Supervisor Dulcie Mumpower made a presentation to the Board.

Mrs. Mumpower explained that she requested this item be added to the agenda to allow the residents affected by the Wyndale/Astor Road flooding to have their case heard by the Board. The people affected by the flood of August 19 have lived in the community for decades. They work hard to have homes, to make a decent living and pay their taxes. Some residents have suffered major damage to their homes and property. Residents have commented that the area floods naturally, but have seen nothing like what happened on August 19. She further explained that she has lived in the Wyndale area for 30+ years and passes by the areas affected by the flood at least twice a day. The last major flood was in 1994 as reported by Brenda Taylor, but that flooding event did not have mud. Mrs. Mumpower explained that until the event of August 19, she never received a call from the Wyndale community residents about flooding damage to their property. The August 19 event was a different situation and circumstance. It was a significant flooding with mud that damaged homes, buildings and property.

Mrs. Mumpower discussed a weather event that occurred in the Wyndale community the week of June 13 that was classified as a tornado. She was at home when the weather event occurred. There were heavy sheets of rain that caused poor visibility and unsafe driving conditions. However, as severe as the storm was it did not cause flooding issues. Mrs. Mumpower explained the grading at Oak Park had not yet begun. The week after the tornado the site development began at Oak Park.

Mrs. Mumpower distributed a picture to the Board that shows the silt fence, installed at the Oak Park site to protect the neighborhood, is lying on the ground. She explained the Board will be presented with very

impressive aerial photographs of the flood area taken by Brad and Carolyn Ball, residents of the Wyndale community, who rented an airplane to take the pictures. The aerial pictures show what happened after the grading started at Oak Park. Mrs. Mumpower thanked Mr. Ball for feeling so strongly about his community that he took it upon himself to get the outstanding pictures of the site.

Mrs. Mumpower discussed Brenda Taylor's situation. She explained that Ms. Taylor is a widow and has lost two homes, one to the flood water/mud and one destroyed by fire. Ms. Taylor is displaced from her home now due to the flood damage and temporarily living with relatives. She needs answers and assistance.

Mrs. Mumpower explained the Board has issues that need to be taken into consideration. The state mandated the County have an Erosion and Sedimentation Control (ESC) Program. The County hired the firm A. Morton Thomas (AMT) to operate the County's ESC Program, which includes overseeing land disturbance projects like the Oak Park site development. The IDA has an engineering firm overseeing the site development at Oak Park. Also, the Department of Conservation and Recreation (DCR) was involved with the project. It appears that somewhere along the way experts should have know it would require more than three drain pipes and fencing to hold back the magnitude of rain the County received. For information purposes, Mrs. Mumpower explained that one inch of rain will produce 27,137 gallons of water over a one acre site. The Oak Park site is a 50-100 acre site that was graded. For illustrative purposes, one inch of rain on a 50 acre site would produce 1,356,850 gallons of water that had to go somewhere. The topsoil had been removed from the site, so the water would not be retained on site.

Mrs. Mumpower next explained that it is her hope, now that the residents have presented their case, that the Board will step up and do the right thing. She has not been able to provide a lot of answers to the people who have suffered and lost property, and she needs to give answers to the people. Mrs. Mumpower further explained that because she could not get answers, she contacted the State Director of the Soil and Water Conservation District. The report received back from the gentleman states that in the site plan basins should have been built before the project started. Further, when the first significant rain event happened; DCR suggested that a stop work order be issued until the basins were installed. To her knowledge the stop work order was never issued. There have been questions about whether the water and mud came from the Oak Park site. The aerial photographs clearly show that the water and mud came from the site. The DCR Director told her that there was one piece of equipment at the bottom of the hill at Oak Park installing basins and there were multiple pieces of equipment doing site development work. Mrs. Mumpower voiced her concern: if the area gets the three inch rain fall predicted for later in the week, will there be another flooding event in the Wyndale community? She stated that the Lord sends the rain, but did not send the mud that damaged the people's property. Mrs. Mumpower said she is very disturbed by what happened in the Wyndale and Astor Road community

Mrs. Mumpower stated she hopes a lesson has been learned that in the future projects will not begin without having the proper measures in place to protect people and their property. As a resident stated earlier in the meeting, there are still issues with drainage in Oak Hill Estates resulting from Oak Park that need corrected. A resident of Oak Hill Estates hired an attorney to get drainage issues with her property taken care of. She hopes this will not be the situation in this case.

At this time, Carol and Brad Ball presented extensive aerial photographs of the Oak Park site, the Wyndale/Astor Road areas that were affected by the flood, and of properties damaged by the flooding and mud.

Lengthy discussions ensued among the Board.

Mr. McCrady explained that he visited the area the day after the flooding. From his observations, he stated that he concluded that the home of Brenda Taylor received the most damage and was the only home where water got inside. He further explained that there was a tremendous amount of debris in the drainage areas along Wyndale Road.

Mr. Price explained that he is familiar with the Wyndale Road area and the past storms that have affected the area. He further explained that Brenda Taylor is a close friend of his family, and a charter member of his church. Mr. Price discussed helping Ms. Taylor during a past flood event that destroyed her heat pump because of water getting into the crawl space of her home. He recommended to her at the time that she put the heat pump in her garage. Mr. Price stated that for the water from the flood on August 19 to get into Ms. Taylor's home means there was a lot of water. He hopes the County will not cause her to incur a lot of expense to recoup her loss. Mr. Price said he cannot understand how the amount of acreage at Oak Park could be disturbed without first installing basins, and he hopes the County will do something to fix the damage that has been caused.

Mr. Kenneth Pope addressed the Board at this time and explained that on Friday, August 21, he spoke with IDA Chairman Russell Owens and asked him why rip rap stone was not installed on the Oak Park development site to block the flow of mud off-site. Mr. Pope said that Chairman Owens replied to him that money was not allotted to install the rip rap. Chairman Owens further replied that money was just approved earlier the morning of August 21 for installation of rip rap. Mr. Pope asserted that silt fence and dirt ponds would not hold the amount of water the area received. He stated that the rip rap should have been installed before the grading work began.

Mr. McCrady stated according to his calculations based on the information provided by Mrs. Mumpower that approximately five million gallons of water came from the Oak Park site through the Wyndale community on August 19.

Mrs. Mumpower explained that the state mandated an ESC Program for the County. After the first major rain event, she understood that AMT recommended in correspondence to the County that a stop work order be issued until such a time that the County is satisfied with ESC measures. She read from parts of the letter from AMT. Mrs. Mumpower stated her opinion that if the County hires an engineering firm to make recommendations then the County needs to follow those recommendations. People have suffered because the County failed to do what was necessary to protect them and they deserve answers. The IDA met with the people affected, but did not provide answers. These people do not know where they need to go for help, or who will be taking care of the problems. There is now a lady without a home, sewer system issues causing an odor, and elderly people living in fear every time it rains. Mrs. Mumpower requested the Board undertake or commission the IDA to do a major drainage study of the entire Oak Park Development, and when this study is done it should be reviewed by the Board with steps taken to correct any problems. She explained a second request is for answers to be provided to the people in the Wyndale/Astor Road community affected by the flood and to let them know how their problems will be fixed.

Mr. McCrady proposed that the study include the entire Wyndale area.

Mr. Reeter addressed the Board and explained that when the County received AMT's recommendation to issue a stop work order after the first flood event, Thompson & Litton, the design/engineering firm for Oak Park and the IDA, was contacted. A meeting was organized to include all parties involved with the Oak Park site development project including a representative from DCR to discuss the flood event. At this meeting, Thompson & Litton said they would expedite the installation of ESC measures at the site.

They instructed W & L Construction Company, who is doing the site development work, to expedite the installation of ESC measures. Mr. Reeter explained when a stop work order is issued that it requires all work to be stopped on the job site with the exception of ESC work. It is important to continue with ESC work. He further explained the County was assured at the meeting that only ESC work was being done, and, therefore, effectively an oral stop work order had been issued. Now there is a question if the instructions were adhered to. A second meeting is scheduled later this week with all parties involved to determine what is going on with the Oak Park site. Mr. Reeter explained the ESC Plan for the site meets all regulatory requirements. However, he stated that the circumstances indicate that some form of implementation of the ESC Plan is not being done or constructed as quickly as it should have been. He stated that he does not have answers at this time. Mr. Reeter said another stop work order will be issued to stop all work with the exception of work to complete the ESC measures. All non-related ESC work will be stopped.

Mrs. Mumpower explained according to information she received from DCR that there must have been non-compliance with the ESC Plan because part of the Plan was that basins would be installed before site development began. If that is the case, then the County is not in compliance because basins were not installed. The only protection installed when the grading began was the installation of silt fences. The silt fences alone were expected to hold five million gallons of water and mud. In her opinion there was absolutely no compliance of the ESC Plan. Mrs. Mumpower said it does not take an expert to know that land disturbance on a 100 acre tract of land should not be started until the appropriate measures are in place to protect residents.

Mrs. Mumpower further explained that the watershed study that is proposed will take care of future issues, but does not do anything to take care of the current problems. Ms. Taylor does not have flood insurance to replace her home. No one involved with the Oak Park site development has come forward to take responsibility for what happened, or to offer help to take care of the situation. Ms. Taylor needs guidance. Mrs. Mumpower said if the County makes a mistake they should step up and take care of the problems they created. She stated that she will not turn her head and pretend this situation did not happen, and that she could not begin to imagine how she would feel if this situation had happened to her. Mrs. Mumpower explained that the people from the Wyndale community have never asked for assistance from the County when their property has been affected by past flooding events. However, what happened on August 19 was an entirely different situation with both flood water and mud. She said that the Lord sent the rain, but the County created the mud. Mrs. Mumpower stated she hopes the County will do the right thing to take care of the people affected.

Mr. Price stated he is in agreement with Mrs. Mumpower. The water totally ruined one home, and damaged other property. He explained that he drove through the Wyndale area between the two major rain events and witnessed trucks going in and out of the Oak park site. Mr. Price asked if the IDA would be required to pay for the watershed study.

Mr. Reeter explained that the IDA is the owner of the Oak Park project. The Board of Supervisors does not own Oak Park. The Board did not engage a contract with Thompson & Litton or W & L Construction. The IDA is the owner. He further explained that the County could engage the watershed study, select a firm to do the study and pay the costs directly, or the Board could request the IDA undertake the study.

The following action was taken on the watershed study:

On motion of Mrs. Mumpower, second by Mr. McCrady, the Board acted to commission a watershed study of Oak Park: Center for Business and Industry, Oak Hill Estates, Wyndale Road to Clear Creek and Astor Road.

Further discussions ensued among the Board.

Mr. McCrady explained the focus should not be about who pays for the watershed study, but to focus on a flood control study that would address and prevent future flooding situations. He asked what agencies were involved with the Oak Park site development. Ms. Phillips explained that W & L Construction is the contractor doing the site work; Thompson & Litton is the engineering firm; DCR reviewed the site development/ESC plans and the County, through its agent AMT, is responsible for the ESC inspections.

Mr. Owens explained when the IDA was authorized to do the Oak Park site development project and they engaged a contract with W & L Construction and part of that contract should require there be proper insurance in place to cover unexpected occurrences. The IDA owns the property; however, the Board of Supervisors should ask the IDA to come forth and provide assistance to the residents affected. He stated that it is obvious the mud is responsible for the damage and someone must accept the liability.

Mrs. Mumpower explained she attended the meeting Mr. Reeter referred to in his remarks. At this meeting, she asked who was responsible for what happened to the people during the first flood event. The answer she received was that it was an act of God. She stated that God did not send the mud. There was no indication at the meeting that any of the agencies were going to step forward to take responsibility and assist the people affected. A wrong has been done that needs to be made right. Mrs. Mumpower stated that the parties involved with the Oak Park site development project should have insurance to cover what happened.

Mr. Taylor inquired if the Wyndale area was located in a floodplain. Mr. Reeter replied that it was not. Mr. Taylor discussed the history of high water in this area and talked about the culverts to the homes being inadequate to handle the water and also the culverts going under the road to the homes are inadequate. He explained that normally with flood events that a request is made to the Governor for disaster area designation. Mr. Reeter explained this option could be explored given the photographic evidence. However, in his experience a flood event has to be associated with a body of water such as a river. This was a storm water issue. Mr. Taylor recommended that a request be made to the Governor. This would trigger someone with authority to assess the damage. People are hurting and need relief. However, at this point the Board does not know what type of relief to provide them. The Board does not know the costs involved with correcting the problems. Making a formal request for a disaster declaration would begin the process of identifying what could be done to provide immediate relief to those in need and it would determine the costs to the County, IDA or the insurance companies to the three firms involved with the site development project. Mr. Taylor stated that AMT assured the County that the ESC plans would proper. However, the ESC measures installed were not adequate to hold the amount of water produced from the rain event. In addition, the mud complicated the situation. The County needs to do what it can legally.

Mr. Reynolds explained that the Board understands the pain that the people affected are going through. He explained that Mr. Taylor has merit to his remarks about getting to the bottom of the situation to find out who can help the people. Mr. Reynolds proposed that Congressman Boucher be contacted about federal assistance. He said that the IDA is the owner of the Oak Park property, and has never indicated they would not provide assistance. It is not simple to give answers as to what will be done. The costs of

the damage are not known at this point. This process will take time. The IDA is sympathetic with the people and wants to work through the issues. Mr. Reynolds asked the County Attorney for guidance.

Ms. Phillips explained the Board can go forward with the watershed study. Mr. Reynolds stated that the study does not put money in the pockets of those with damage. The people have come before the Board asking for help. The Board is also sympathetic and wants to help work through the issues.

Mr. Kevin Pope addressed the Board at this time and explained that he is the grandson of the Fleenor's that suffered damage from the flooding events. Mr. Pope further explained that he thinks the big picture is being missed and that there is health issues associated with the flooded septic systems. The people affected need something done. He asserted that the Board of Supervisors is responsible, and if they are not then work at the site needs to stop until it is determined who is responsible.

Mr. McCall explained that he works in construction and has no sympathy for those involved with the land disturbance on the large site at Oak Park. He further explained that in his construction job, he installs retention ponds and silt fences that are reinforced with wire and rift raft stone to slow water drainage. Basins should have been installed and the appropriate type of silt fence should have been put around the site. Mr. McCall stated this has not been a good year to move dirt and the amount of land disturbed at the Oak Park site should have never been moved at once. The silt fence installed at the site was not sufficient. Mr. McCall explained when the site development work is completed there will be construction of buildings which will cause more issues with water runoff. The watershed study needs to be completed and any work needs to be done in the right manner.

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. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

At this time the following action was taken:

On motion of Mr. Owens, second by Mrs. Mumpower, the Board acted to direct the Assistant County Administrator to work with the Washington County Industrial Development Authority to determine who is liable for the damage and to determine the resources available to assist the people. Once this information is obtained the Assistant County Administrator is directed to report back to the Board of Supervisors immediately. It was further resolved if the Industrial Development Authority is responsible that they be directed to notify the people affected with emphasis on correcting the septic system issues immediately.

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>

Mr. Price *Aye*
Mr. Reynolds *Aye*
Mr. Taylor *Aye*

On motion of Mr. McCrady, second by Mr. Owens, the Board acted to indicate its intention to fund the watershed study.

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. Reynolds *Aye*
Mr. Taylor *Aye*

Mr. Taylor requested that Dr. Craig Smith from the Mount Rogers Health District be contacted immediately and asked to send a health department official to the areas affected by the flood and mud to determine if there is a health hazard to the community.

Further discussions ensued among the Board.

Mr. McCrady asked if the Board needs to adopt a Resolution to request a disaster designation. Mr. Reeter explained that he would contact the Virginia Department of Emergency Services. Mr. McCrady stated that he understands there are emergency funds available to assist those in need.

Mrs. Mumpower took moment to thank citizens of the Wyndale/Astor Road community for banding together during this difficult time. There has been an overwhelming support system from neighbors to assist the residents affected by the flood/mud event. She thanked Brad and Carolyn Ball for the aerial photographs.

Mr. Price explained that Brenda Taylor is still displaced and asked where she could go for help. Mr. Reeter explained that the Department of Social Services would be the next step.

On motion of Mrs. Mumpower, second by Mr. McCrady, the Board acted to take a five minute recess.

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. Reynolds *Aye*
Mr. Taylor *Aye*

6. Consent Agenda:

On motion of Mr. Owens, second by Mr. McCrady, the Board acted to approve items a, b, c and d of the Consent Agenda as set forth below.

a. Approval of Minutes:

1. August 11, 2009, Regular Meeting

b. Approval of Routine Financial Matters:

1. Request for Supplemental Appropriation – Excess General Fund Balance at June 30, 2009
2. Request for Supplemental Appropriation – Washington County Sheriff’s Office
3. Request for Supplemental Appropriation – Washington County Clerk of Circuit Court Office
4. Request for Supplemental Appropriation – Virginia Department of Emergency Management Grant Award

c. Award of Bids and Approval of Contracts:

1. Approval of Grant Agreement with Virginia Department of Housing and Community Development for Exit 13 Area Sewer Extension Project

d. Authorization of Routine Business Matters:

1. Approval of Parade and Fireworks Permits, Mendota Community Association
2. Consideration of Resolution Requesting Incorporation of Millbrooke Drive, Connie Sue Court and Imogene Court into State System of Secondary Highways, Millbrooke Estates Subdivision – Approved as follows:

RESOLUTION 2009-25
ADDITION OF 0.08 MILE OF MILLBROOKE DRIVE, 0.05 MILE OF CONNIE SUE COURT AND
0.02 MILE OF IMOGENE COURT TO SECONDARY SYSTEM OF STATE HIGHWAYS
MILLBROOKE ESTATES SUBDIVISION

WHEREAS, the street(s) described on the attached Additions Form SR-5A, fully incorporated herein by reference, are shown on the plats recorded in the Clerk’s Office of the Circuit Court of Washington County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation;

NOW, THEREFORE, be it RESOLVED this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form SR-5A to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easement for cuts, fills and drainage, and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

3. Declaration of County Surplus Vehicle and Authorization for 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>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

7. General Business:

a. Actionable Items:

1. Consideration of Additional Grant Matching Funding for County Emergency Community Center Upgrade

Washington County Sheriff Fred Newman and County Information Systems Manager Nadine Culberson addressed the Board and made a request for additional grant matching funds in the amount of \$150,000.00 to match an equal amount of grant funds awarded to the County to upgrade critical switching and other equipment associated with E-911 operations.

Sheriff Newman explained that he and Ms. Culberson have been working on the E-911 Switch project and are making this request on behalf of the Emergency Services Department in the absence of an Emergency Management Coordinator.

Ms. Culberson addressed the Board and explained the need for the switch. The last E-911 switch was installed in 2001 and is at the end of its life cycle. The E-911 Wireless Board and Grant Committee have designated this type of equipment for continuity as highest priority for funding. However, the grant amount awarded to a locality has been limited to \$150,000.00. The cost for the E-911 switch is about \$300,000.00. She explained Washington County is in a position for a regional E-911 solution; however, the County is the only locality in need of a new E-911 switch at this time. Ms. Culberson advised the Board that an appeal was made to the Wireless Board for an extension of the grant, but was denied. Therefore, matching funds of \$150,000.000 are needed to complete the project, or the grant of \$150,000.00 will need to be returned. She explained that the Board is requested to earmark \$150,000.00

for the project, and that the Sheriff’s Department and Information Systems Department will work to scale back the project.

Lengthy discussions ensued among the Board concerning the critical need for the new E-911 switch. Responding to an inquiry from the Board, Ms. Culberson explained that no more than \$150,000.00 would be requested from the Board.

On motion of Mrs. Mumpower, second by Mr. McCrady, the Board acted to earmark \$150,000.00 within the County’s Capital Improvement Fund – General Reserve for 911 Switch Upgrade pending final Board approval and appropriation of funds at a later date this fiscal year.

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. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

2. Consideration of Resolution Designating State Route 898 (Cabin Creek Road) as Rural Additions Project

Mr. Reeter explained that the Virginia Department of Transportation (VDOT) is recommending designation of State Route 898 (Cabin Creek Road) as a Rural Additions Project in order to provide \$6,000.00 in state funds matched by an equal amount of County funds to improve this road. VDOT has indicated that a resident along this road has agreed to pay some of the local (County) share of the cost; however, this has not been formalized with this resident. Mr. Reeter explained that there is \$36,000.00 in the current fiscal year available in the County’s Road Improvement Fund for road-related projects. He advised the Board that VDOT has made application for revenue sharing money for this project because of deadlines. However, the application is pending on Board action. If the Board does not approve the project the request can be withdrawn.

Discussions ensued among the Board concerning this request.

Mr. Price explained that Cabin Creek Road is in his district, and that he wants to be fair to all of his constituents that have contacted him about roads. However, a property owner on Cabin Creek Road has agreed to pay for half of the costs of this project and believes the County should allow the property owner to pay a portion of the costs.

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

RESOLUTION 2009-26

WHEREAS, the County of Washington, Virginia desires to submit an application for an allocation of funds of up to \$12,000.00 through the Virginia Department of Transportation Fiscal Year 2009-2010, Revenue Sharing Program; and,

WHEREAS, \$12,000.00 of these funds are requested to fund surface treatment and stabilization of State Route 898 (Cabin Creek Road);

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Washington County, Virginia hereby supports this application for an allocation of \$12,000.00 through the Virginia Department of Transportation Revenue Sharing Program.

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. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

8. Board Member Reports

Mrs. Mumpower thanked the Board members for their input and assistance with the Wyndale/Astor Road community tragedy.

Mr. Price apologized for missing the August 18 worksession of the Board. He had medical tests done that day.

Mr. Price advised the Board that Nicole Price has been asked to attend the School Tour on August 26. He discussed the conditions in which the cafeteria employees work without air condition. Mr. Price asked the Board to take a tour of the cafeterias.

Mr. Taylor reviewed literature on decentralized sewer systems. He explained that the information would be beneficial to the Board in negotiations for purchase of wastewater treatment capacity.

Mr. McCrady requested that the Board receive a copy of the literature Mr. Taylor was addressing concerning decentralized sewer systems.

Mr. Reynolds reported on the 40th anniversary and fall dinner meeting of the Mount Rogers Planning District Commission to be held on September 3, 2009. The Honorable Linwood Holt will be the guest speaker. Mr. Holt was Governor at the time when the planning district commissions were established. Mr. Reynolds encouraged Board members to attend.

Mr. McCrady reported on the Damascus Senior Girls Softball Team. The Team finished eighth in the world and are the Southwest champions. He requested that certificates be presented to the children to honor their accomplishments.

9. Board Information and Reminders

Mr. Reeter reviewed the following Board Information:

- Reminder of the County Employee Picnic – Sunday, September 13, 4:00-6:00 PM at the Washington County Park
- Invitation to the 40th Anniversary and Fall Dinner Meeting of the Mount Rogers Planning District Commission to be held on September 3, 2009
- Public notice announcement from the Virginia Department of Environmental Quality regarding a public notice for an air quality permit for MXI Environmental Services LLC of Abingdon, VA. The Public hearing will be held on September 21 beginning at 7:00 PM at the Abingdon High School auditorium

Ms. Phillips apologized for missing the August 14 regular Board meeting. She explained that her son was sick and, at the time, she thought he may have had the flu. She did not want to risk spreading the illness.

Mr. McCrady asked about the status of the hand sanitizers. Mr. Reeter explained that the General Services Manager has placed an order for a half dozen of the automatic sanitizers.

10. Adjourn or Recess

On motion of Mr. Price, second by Mr. McCall, 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. Taylor</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

Prepared by:

Naoma A. Norris, Recording Clerk

Approved by the Washington County Board of Supervisors:

Kenneth O. Reynolds, Chairman