

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, May 13, 2008, 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 Paul Price gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

On motion of Mr. Owens, second by Mrs. Mumpower, it was resolved to approve the agenda as presented.

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

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

4. Approval of Minutes

On motion of Mrs. Mumpower, second by Mr. Owens, it was resolved to approve the minutes of the following meetings as presented:

April 14, 2008, Joint Recessed meeting

April 22, 2008, Regular 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>

5. Public Hearings:

a. Request(s) for Rezoning:

(1). Mitchel A. Crabtree, Property Tax Map #124-A-9; Request to rezone approximately 8.2 acres of property located on the south side of State Route 11 near the intersection of State Route 11/State Route 895 from B-2 (Business, General) to A-2 (Agricultural, General), Madison Magisterial District, A-01 Election District

(2). Shane Crabtree, Property Tax Map #124-A-12: Request to rezone approximately 5.08 acres of property located on the south side of State Route 11 near the intersection of State Route 11/State Route 895 from B-2 (Business, General) to A-2 (Agricultural, General), Madison Magisterial District, A-01 Election District

Mr. McCall requested that the public hearings on the applications of Mitchel A. Crabtree and Shane Crabtree be combined. The Board agreed to combine the two public hearings.

County Zoning and Subdivision Official Cathie Freeman provided introductory remarks to the Board. Ms. Freeman explained that Mitchel Crabtree uses his property for agricultural purposes. The property owned by Mr. Shane Crabtree is used as residential (home and garage). She further explained that Mr. Crabtree is requesting the property in question be rezoned to allow him to enlarge the sunroom on his home and to enlarge his garage. Mrs. Freeman stated that to prevent spot zoning, applications were made by both Mitchel Crabtree and Shane Crabtree to rezone property.

Mrs. Freeman reviewed the content of the County’s Comprehensive Plan concerning development of the Interstate 81; Exit 7, west of I-81 near U. S. Route 11 area, which is the area the property in question is located.

Mrs. Freeman explained that Shane Crabtree told the Planning Commission his reasons for the proposed expansions to the sunroom and garage were because the foundations are coming apart and need to be repaired. She further explained that the Planning Commission recommends approval of both applications.

Mr. Reynolds opened the public hearing and invited comments in regards to the requests of Mitchel Crabtree and Shane Crabtree to rezone property.

Mr. Shane Crabtree addressed the Board explaining that the property in question has been in his family for 50 years. The property was originally purchased by his grandparents. Mr. Crabtree explained that he would like to do renovations to his residence, and the property needs to be rezoned as requested in order for him to do so.

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

Discussions ensued among the Board. Mr. McCall explained that this property was included in the Airport Overlay Protection area, and he has spoken with the Virginia Highlands Airport Manager about the rezoning request. The Airport Manager indicated they did not have a problem with the rezoning.

On motion of Mr. McCall, second by Mrs. Mumpower, the Board acted to follow the recommendation of the Washington County Planning Commission and approve the applications of Mitchel A. Crabtree to rezone approximately 8.2 acres of property located on the south side of State Route 11 near the intersection of State Route 11/State Route 895 from B-2 (Business, General) to A-2 (Agricultural, General), Madison Magisterial District, A-01 Election District; and Shane Crabtree to rezone approximately 5.08 acres of property located on the south side of State Route 11 near the intersection of State Route 11/State Route 895 from B-2 (Business, General) to A-2 (Agricultural, General), Madison Magisterial District, A-01 Election District.

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

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

(3). Jeff Casey on behalf of Greenway Creek Golf Course, Inc., Property Tax Map #071-A-5: Request to rezone approximately 105.79 acres of property located on the south side of State Route 11 near the intersection of State Route 11/State Route 751 from A-2 (Agricultural, General) and A-1 (Agricultural, Limited) to R-2 (Residential, General), Monroe Magisterial District

Mrs. Freeman provided the Board with introductory remarks. She explained that Mr. Casey is requesting to rezone the property in question in order to develop a residential development to include single family, two family and townhouse development.

Mrs. Freeman explained that in the presentation to the Planning Commission on this application, the applicant told the Planning Commission that the current recreational vehicle park on the property would

not remain. She further explained that no one spoke at the Planning Commission meeting in opposition to the request. However, a Planning Commission member expressed concerns about an adjoining landowner that has a dairy operation because this landowner did not attend the Planning Commission meeting. The Planning Commission asked that it be noted in the records that a farming operation existed in the area, which can cause problems with residential development. Mrs. Freeman advised the Board that the Planning Commission recommended approval of the application.

Mr. Reynolds opened the public hearing and invited comments in regards to the request of Jeff Casey on behalf of Greenway Creek Golf Course to rezone property.

The following individuals representing the application for rezoning appeared before the Board:

Mr. Bill Rush
 Mr. Jeff Casey
 Mr. Jeff Spickard, Lane Group
 Mr. Matthew Lane, Lane Group

Mr. Rush addressed the Board explaining they are asking the Board to affirm the recommendation of the Planning Commission to rezone the Greenway Creek Golf Course property to allow for residential development. He explained that the development would occur in two phases. The first phase will be the town house development, which will replace the existing RV Park. The RV Park will close as soon as the plans for the town house development are reviewed by the Technical Review Committee. Mr. Rush further explained there are issues with the town house development pertaining to water and sewer. He stated that his group has been working on these issues with the Washington County Service Authority. Mr. Rush further stated that they are prepared to install the appropriate water/sewer main required for density.

Discussions ensued among the Board. Mr. McCall inquired if Mr. Johnson, the adjoining property owner (owner of dairy farm operation), had been notified about the proposed development. Mr. Rush explained that he has not spoken with Mr. Johnson, but does not think he has a problem with the development. Mr. McCall further inquired if any of the proposed residential development would be visible from Mr. Johnson's dairy operation. Mr. Rush replied that it would not be. Mr. McCall provided an explanation for his inquiries. He explained that he would like the County to be protective of the A-1 (Agricultural, Limited) designated areas, and to note that Mr. Johnson and his dairy operation were in existence first. Mr. Rush explained that the proposed development would be target for sale to retirees. Mr. Casey commented that he and Mr. Johnson had been good neighbors.

Further discussions ensued.

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

On motion of Mr. Taylor, second by Mr. McCrady, it was resolved to follow the recommendation of the Washington County Planning Commission and approve the request of Jeff Casey on behalf of Greenway Creek Golf Course, Inc., to rezone approximately 105.79 acres of property located on the south side of State Route 11 near the intersection of State Route 11/State Route 751 from A-2 (Agricultural, General) and A-1 (Agricultural, Limited) to R-2 (Residential, General), Monroe Magisterial District.

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

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

b. Request(s) for Special Exception Permit:

(4). The C. T. Wilkinson, Jr. Heirs on behalf of Ramirez Contracting, LLC, Property Tax Map #086-5-1: Request for a Special Exception Permit to construct and operate a light industrial use, more specifically an asphalt plant on property located on the south side of State Route 879 at the intersection of State Route 879/State Route F-274 in an A-2 (Agricultural, General) zone, Harrison Magisterial District)

Mrs. Freeman provided introductory remarks to the Board and background information concerning the application of Ramirez Contracting. She explained that the Planning Commission considered this application at their April 28, 2008, meeting. There were several individuals that spoke in opposition to the application. The Planning Commission recommended denial of the application (4-3 vote) because of traffic and environmental issues.

Mr. Reynolds opened the public hearing and invited comments in regards to the request of C. T. Wilkinson, Jr., Heirs on behalf of Ramirez Contracting for a special exception permit.

Mr. Eddie Ramirez, representing Ramirez Contracting, LLC, provided a lengthy PowerPoint presentation to the Board.

Mr. Ramirez explained there is a need for another asphalt plant in Washington County in order to provide competition and local representation. The current provider of asphalt products in Southwest Virginia is Old Castle Materials headquartered in Dublin Ireland. Mr. Ramirez provided a list of companies in this region owned by Old Castle Materials. He further explained that because this large out of Country Company has the monopoly in this market place and there is no competition, the consumer has to pay what this company wants for their product and has to plan their jobs based on this company's schedule.

Mr. Ramirez explained that he wants to place the asphalt plant on property located on Old Trail Drive off of Hillman Highway. According to the County's 2002 Comprehensive Plan, this area is earmarked for manufacturing. The neighboring businesses to the site of the proposed asphalt plant include MXI Transport (capable of handling, storing and transporting hazardous waste), HAPCO (engineering and manufacturing of high quality aluminum and steel light poles and brackets), American Commercial (the leading designers and manufacturers of underground steel supports in North America).

Mr. Ramirez reviewed how the proposed asphalt plant would be operated. He explained that the asphalt plant would be a plant operation only and will not include a quarry as compared to the Abingdon Plant at Exit 17. He explained that a preliminary site plan has been submitted for review and approval. If the site plan is approved, an engineered site plan will be prepared by a professional engineer to insure property set back and storm water impact. The plant construction and operation will be regulated by the Virginia Department of Environmental Quality. He explained that the operation would be seasonal

operating about nine months out of the year. It is anticipated that there would be 25 to 30 truck loads of asphalt per day transported from the plant. Mr. Ramirez stated that approximately 15 jobs would be created.

Mr. Ramirez reviewed the traffic impact study he had completed and the basis for the study. He explained that the conclusion of the traffic study shows the level of service to traffic at the intersections included in the study will function well and with good levels of service and low approach delays. The overall impact is minimal with the highest increase being 2.4 seconds for Enterprise Drive by the year 2014. No new turn lanes are required for any of the intersections studied.

Mr. Ramirez explained that it cannot be assumed that all truck traffic will travel Hillman Highway because all of their business will not be centered in east Abingdon. It does not make financial sense to take Hillman Highway into Abingdon. He further explained that tractor and trailer combinations would not be utilized to haul their product. Also, GPS units and good pay are part of the business plan.

Mr. Ramirez reviewed the accident data and accident history comparison from 2004 to 2007 explaining that during this period of time there have been 13 accidents. He reviewed the causes of each of the accidents.

Mr. Ramirez addressed the water line issues explaining that all the water lines follow the VDOT right of way. If properly installed 8" to 12" water lines can hold up to 16,000 pound wheel load pressure with minimal cover and bedding.

Mr. Ramirez reviewed Virginia Code Section 46.2-809 that regulates truck traffic on primary and secondary highways.

This concluded Mr. Ramirez's presentation.

Substantial discussions ensued among the Board. Mr. McCrady inquired why there was an outpouring of resistance from the residents concerning the proposed asphalt plant. Mr. Ramirez explained that Winterham Subdivision is in the vicinity of the asphalt plant and quarry located at Exit 17. There are no complaints from the residents in Winterham. Further the existing asphalt plant and quarry at Exit 17 has not had a negative affect on the sale of property in Winterham Subdivision. Mr. Ramirez further explained that the information included in his presentation was based on facts. He stated that he understands the concerns of the residents. Mr. McCrady further inquired why Mr. Ramirez had not considered property in an industrial park. Mr. Ramirez explained that he looked any area where property was available at a reasonable price and earmarked for such development.

Mr. Price commented that he has not seen the issue of smell in any of the materials. Mr. McCall commented that this issue was discussed at the Planning Commission meeting. Mr. Ramirez explained that the asphalt production at the plant level does not have a smell. The asphalt is produced at the plant and then transported to the job site.

Mr. Taylor explained that the proposed asphalt plant is not like most asphalt plants where the aggregate is on site. In this case, the aggregate would need to be transported to the asphalt plant. Mr. Taylor asked for an explanation as the process of making asphalt and what type of heat is used. Mr. Ramirez explained that asphalt is made with aggregate and hot oil. He further explained that the heating conduit is gas and petroleum. At the proposed plant, petroleum (diesel) would be used. The petroleum will be transported into the plant from Bristol. Mr. Ramirez stated that all asphalt plants in the area have their fuel

transported in from Bristol. He further stated that the Virginia Development of Environmental Quality (VDEQ) will regulate the asphalt plant and monitor the heating process and how the aggregate is stored. Mr. Taylor further inquired if there is a history of fires or explosions at asphalt plants. Mr. Ramirez replied that he is not aware of any. Mr. Ramirez explained that the VDEQ requires that dust be controlled and also the plant would be tested by VDEQ on a regular basis. Mr. Taylor commented that most of the effort on the traffic impact study was concentrated on traffic generation and not on safety issues. Mr. Ramirez commented that the traffic study looked at traffic patterns and what impact the expected traffic creation would have, and the initial traffic study was centered on traffic coming from Old Trail Road and turning right onto Enterprise Road.

Mr. Owens inquired if the asphalt was mixed based on orders or if there was a batch in storage. Mr. Ramirez explained that the asphalt was mixed based on orders. There are no plans to store asphalt in silos.

Mr. Reynolds inquired where the raw aggregate would be transported to the proposed asphalt plant from. Mr. Ramirez explained it would be transported from Abingdon or from Mountain City, TN. Mr. Reynolds further inquired about the type of trucks that would be used in conjunction with the proposed plant. Mr. Ramirez explained the trucks would be tri-axle tandems and one truck he has looked at can haul 3,600 pounds. Mr. Reynolds inquired if two trucks met on Old Trail Road would there be enough room to pass. Mr. Ramirez explained that Old Trail Road is 20' wide and the trucks are about 8' wide, so there would be enough room to pass.

Mrs. Mumpower inquired if other tractor and trailers use Old Trail Road. Mr. Ramirez explained that the business located behind where the proposed asphalt plant would be located uses tractor and trailers, Highlands Log Structures uses tractor and trailers and MXI uses tractor and trailers. Also, Food City located just down the road uses a significant amount of tractor and trailers.

Mr. Price inquired if Mr. Ramirez had other asphalt plants. Mr. Ramirez replied that he did not.

Mr. Owens inquired if Mr. Ramirez felt his asphalt operation could be competitive with Old Castle Materials. Mr. Ramirez replied that he believed the business would be very competitive. His business would generate competition and the product would be available at a better price.

Mrs. Mumpower inquired if Mr. Ramirez planned to do small jobs such as driveways. Mr. Ramirez explained his goal was to cater to the smaller jobs in the area.

Mr. Ramirez thanked the Board for their time and stated that he realized they had a tough decision to make.

The following people addressed the Board in regards to the application of C. T. Wilkinson, Jr. Heirs on behalf of Ramirez Contracting, LLC, for a Special Exception Permit:

Mr. David Scyphers spoke in opposition due to traffic and safety issues and real estate property depreciation. Mr. Scyphers explained that he is developing 40 home sites in Old Trail Village, which is located at the corner of Old Trail Road near the site of the proposed asphalt plant. He stated that though the proposed asphalt plant would generate jobs that his residential development would generate real estate tax dollars for the County. He further explained that several years ago he appeared before the Board to request a special exception permit to develop an upscale mobile home park on the site of Old Trail Village, but was denied because of safety and traffic issues. He asked the Board to be consistent in their

decision making. Mr. Scyphers asserted that the location of the proposed asphalt plant was not suitable for this type of business and encouraged the County to assist Mr. Ramirez in identifying a more suitable location for his business.

Ms. Kelly Phillips spoke in opposition because of safety concerns of the residents of Hillman Highway.

Ms. Loretta Sexton read a letter composed on behalf of her neighbors on Hillman Highway speaking in opposition to the Special Exception Permit application due to safety issues and property depreciation.

Mr. David Price spoke in opposition because of safety issues and property depreciation.

Mr. Brian Potter addressed the Board explaining that his father owns MXI, which near the site of the proposed asphalt plant. Mr. Potter explained he realizes it is a tough decision by the Board to promote economic development versus protecting the future residents of Old Trail Village. He provided the Board with a history MXI. Mr. Potter commented about the regulations for the A-2 (Agricultural, General) zoned district and stated things have changed since the A-2 regulations were written, and he encouraged the Board to strengthen the A-2 zoning regulations. He further commented that residential development should not be a permitted in an A-2 zoned area. Mr. Potter explained that there is a need for "dirty businesses" such as the asphalt plant in this County and across the country. He suggested that the County utilize its industrial parks for these types of businesses.

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

Mr. Taylor commented about the definitions for the M-1 (Limited Industrial) and M-2 (General, Industrial) zoning districts. He inquired to Mrs. Freeman what the zoning classification was for the property across the street from the proposed location of the asphalt plant. Mrs. Freeman replied that property was zoned M-1. Mr. Taylor explained that in reviewing the County's Zoning Ordinance the only place an asphalt plant is permitted would be in an M-2 zoning classification with a Special Exception Permit. He further explained that Mr. Ramirez's application for a Special Exception Permit has gone forward classified as a light industry, and he does think an asphalt plant meets the definition of light industry. Instead, Mr. Taylor stated he sees an asphalt plant as a heavy industry. He further stated that there are places in the County in which to locate asphalt plants, but not at the proposed location. Mr. Taylor explained that the purpose of zoning is to protect the health, safety and welfare of the citizens of Washington County. If the County is going to look out for these issues for the residents along Hillman Highway then the Board should support the recommendation of the Washington County Planning Commission and deny Mr. Ramirez's application for a Special Exception Permit.

Mr. Owens asked the County Attorney if Mr. Taylor is correct in his comments about the M-1 and M-2 zoning classifications. Mrs. Phillips explained that the County Zoning Ordinance does not have a definition for light industry.

Mr. Price explained there have been good comments from both sides of the issue, and that this is a tough request. He explained that sometime back an individual applied a Special Exception Permit to park asphalt equipment at a location off of Enterprise Road. The Board denied the application because of the smell the equipment would emit. He stated that smell from the proposed asphalt plant is a concern. Mr. Price further explained that he does not know where an asphalt plant could be located that would not have an adverse affect on someone. He inquired why Old Trail Road did not connect with Enterprise Road. Mr. Reeter explained that the roads connected prior to Exit 22 being constructed. When Exit 22 was constructed the Virginia Department of Transportation terminated the connection and did not see fit to

reconnect Old Trail Road with Enterprise Road. Mr. Price commented that Hillman Highway is in serious need for an upgrade. He further commented that it is a federal highway and would qualify for federal dollars through the Virginia Department of Transportation (VDOT) for an upgrade. He asserted that this project could possibly be used as leverage for obtaining the money from VDOT. Mr. Price stated he does not believe the traffic generated from the proposed asphalt plant will travel Hillman Highway, but believes the traffic will go to Exit 22.

Mr. Owens inquired if Mr. Ramirez has actually purchased the property or if it is contingent upon approval of the Special Exception Permit request. Mr. Ramirez explained his purchase of the property was contingent upon approval of the Special Exception Permit.

Mr. McCrady explained there are a lot of issues to be considered with this request and the decision will be tough. He further explained that there is a need for competition in the asphalt industry. However, there are serious concerns with the devaluation in property values that the asphalt plant could have, concerns about the additional traffic that would be generated on Hillman Highway, concerns about odors that may come from the asphalt plant and the emission of diesel fuel. Mr. McCrady stated that because of these concerns he is reluctant to support the request and proposed that the Board follow the recommendation of the Washington County Planning Commission.

Mrs. Mumpower commented that the decision on this request is one of the toughest the Board has faced in a long time. She explained that the safety issues have to be taken into consideration. Mrs. Mumpower further explained that she has faced the issue of asphalt plants seeking to locate in the Wilson District. One plant proposed locating in an industrial area and another in a residential area. Both plants met strong opposition and ultimately did not locate in either location. Because of her concern with Hillman Highway, Mrs. Mumpower explained that she drove this road and visited the site of the proposed plant. She stated that from her observation the asphalt plant would not have an affect on residential areas other than Mr. Scypher's new development, Old Trail Village. Mrs. Mumpower further stated that she understands the concerns expressed by he residents. Mrs. Mumpower stated that she has a problem with tractor and trailers traveling on Hillman Highway, but does not believe the trucks will want to travel this road. She asked the County Attorney if a restriction could be placed on the Special Exception Permit that no tractor and trailer traffic be permitted on Hillman Highway. Mrs. Phillips referenced the State Code section that was mentioned in the Mr. Ramirez's presentation that says a request could be made by a local governing body to the Commonwealth Transportation Board to prohibit or restrict through traffic of any part of a primary or secondary highway if a reasonable alternative route is provided. Mrs. Phillips explained that the Board could place a condition on the Special Exception Permit about a particular truck route from the proposed asphalt plant. Mrs. Mumpower added that truck traffic is generated on Old Trail Road from the industries located in the area of the proposed asphalt plant.

Mr. Owens commended Mr. Ramirez for wanting to locate a business in Washington County and stated that the County does need another asphalt plant. He explained that in the past when the Board has been faced with a tough decision on a Special Exception Permit they have studied the issues carefully before making a decision to deny an application because the Board wants to encourage businesses to locate in the County. Mr. Owens further explained that this is a tough decision, and that Mr. Ramirez has made an honest effort to make the site palatable. He stated however that the Board has to consider the issues of odor and property values.

Mrs. Mumpower added that the Washington County Planning Commission is in place to make recommendations to the Board. She explained that she talked with members of the Planning Commission to get direction. Mrs. Mumpower further explained that it has been policy to follow the recommendation

of the Planning Commission in every case possible. The recommendations of the Planning Commission are important, and the Board places a lot of importance on their recommendations. She stated that the Board is obligated to help Mr. Ramirez find a suitable location for his asphalt plant.

Mr. Price commented that it would be hard to find a suitable location that would be located away from a residential area, and he does not know if a better site could be found that would adversely affect fewer people than the proposed site. He reiterated his earlier comments that he does not think trucks will use Hillman Highway. Mr. Price explained that he has a problem with things that adversely affect the people and that he understands the safety concerns. He added that the Planning Commission was divided on this issue as reflected with their 4-3 vote to recommend denial of the special exception permit.

Mr. McCall explained that the location of the proposed asphalt plant is in his district, and he is torn down the middle on this issue. He commented on the development that has occurred in this area and stated that Exit 22 was constructed for the industrial park. Mr. McCall further explained that if the County could successfully request the Virginia Department of Transportation to restrict the through truck traffic and to place a sign to this affect that Sheriff Fred Newman has indicated his Department would enforce the restrictions. Mr. McCall said it is reasonable for truck traffic to use Exit 22 and Highway 11 to transport the product from the plant.

Mr. McCall explained that most of the individuals that spoke during the public hearing live in the vicinity of the Southwest Virginia 4-H Center. He further explained the odor that might come from the asphalt plant would probably not affect anyone past the regional jail and most likely any odor would not go past the industrial park. The houses/property located across from the 4-H Center was originally zoned for industrial use. The zoning was changed to agricultural a few years ago because rock was found in the area that would prohibit industrial development.

Mr. McCall addressed the issue of the Old Trail Village residential development. He stated that he was opposed to the development of this subdivision because of the industrial traffic. Mr. McCall commented that if the property proposed for the asphalt plant is not allowed to be developed the property will be worthless because the land should not be used for residential development. The Comp Plan states this area should be for industrial development. Mr. McCall explained that the citizens have real concerns and the concerns are taken seriously. He further explained that if a sign could be installed restricting the through truck traffic that he would support the Special Exception Permit. Mr. McCall commented that the Board could place a condition on the Special Exception Permit that would require trucks from the asphalt plant to go to Exit 22. If the asphalt plant does not comply with this condition the County could pull their Special Exception Permit.

At this time, a motion was offered by Mr. Price to table action on this request to allow more time to gather information. No second was offered to his motion.

The following action was taken by the Board.

On motion of Mr. Taylor, second by Mr. McCrady, the Board acted to follow the recommendation of the Washington County Planning Commission and deny the application of The C. T. Wilkinson, Jr. Heirs on behalf of Ramirez Contracting, LLC, for a Special Exception Permit to construct and operate a light industrial use, more specifically an asphalt plant on property located on the south side of State Route 879 at the intersection of State Route 879/State Route F-274 in an A-2 (Agricultural, General) zone, Harrison Magisterial District).

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

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

The motion failed.

The County Administrator and County Attorney advised the Board that on zoning matters an affirmative vote must be taken by the Board. If no affirmative action is taken then the petition fails.

Further discussions ensued among the Board with the following action being proposed:

On motion of Mr. Price, second by Mr. Owens, the Board acted to approve the application of The C. T. Wilkinson, Jr. Heirs on behalf of Ramirez Contracting, LLC, for a Special Exception Permit to construct and operate a light industrial use, more specifically an asphalt plant on property located on the south side of State Route 879 at the intersection of State Route 879/State Route F-274 in an A-2 (Agricultural, General) zone, Harrison Magisterial District) and to further for the County to petition the Virginia Department of Transportation to restrict thru traffic for vehicles with three axils or more on Hillman Highway from Old Trail Road to the corporate limits of the Town of Abingdon, Virginia.

Before a vote was taken on the above referenced motion the following action was taken by the Board:

On motion of Mrs. Mumpower, second by Mr. Owens, the Board took a ten minute recess.

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>

After the Board reconvened further discussions ensued about the proposed motion of Mr. Price.

Mr. Taylor commented about the tractor and trailer accidents that have occurred on Hillman Highway and explained that he as spoken with an individual that worked on cleaning up the accidents. This person said Hillman Highway was the most dangerous place in Washington County.

Mr. McCrady stated that the residents on Hillman Highway have invested substantial monies to develop their property, and the concerns of the citizens need to take precedence over corporate America. The Board needs to stand up for the residents.

Mr. Reynolds commented that the Board needs to protect the citizens and listen to their concerns. He further commented that the County should help Mr. Ramirez find a suitable location for the asphalt plant.

Mr. Price stated that most of the residential property is located away from the site of the proposed plant and the County by allowing the asphalt plant could be helping the residents along Hillman Highway get the road improved.

Mrs. Mumpower stated that she could only support the request if there was a way to restrict the tractor and trailer traffic from using Hillman Highway.

Mr. Owens asked if Mr. Price would consider amending his motion to place a stipulation the Special Exception Permit that owner of the asphalt plant place a sign on the property directing truck traffic to Enterprise Road instead of Hillman Highway and a sign be placed in a location for trucks to see as they exit the property telling them not to use Hillman Highway.

Discussions ensued regarding Mr. Owens proposal. Mrs. Phillips explained that the County does not have the manpower to enforce the proposed stipulation. After further discussions, the following action was taken by the Board:

On motion of Mr. Price, second by Mr. Owens, the Board acted to approve the application of The C. T. Wilkinson, Jr. Heirs on behalf of Ramirez Contracting, LLC, for a Special Exception Permit to construct and operate a light industrial use, more specifically an asphalt plant on property located on the south side of State Route 879 at the intersection of State Route 879/State Route F-274 in an A-2 (Agricultural, General) zone, Harrison Magisterial District, and further for the County to petition the Virginia Department of Transportation to restrict through traffic for vehicles with three axils ore more on Hillman Highway from Old Trail Road to the corporate limits of the Town of Abingdon, Virginia.

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

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

(5). Donna R. Leonard on behalf of Highlands Community Services, Property Tax Map #142-A-24B, 24B1: Request for a Special Exception Permit to operate in an existing facility and construct additional governmental offices and or facilities for the purpose of mental health services for children and adolescents on property located on the west side of Battle Hill Drive, more specifically 21308 Battle Hill Drive, near the intersection of Battle Hill Drive and Route 11 in an A-2 (Agricultural, General) zone, Wilson magisterial District

Mrs. Freeman provided introductory remarks. She explained that Highlands Community Services is proposing to purchase a dwelling on the property in question to use as a facility for mental health services for children and adolescents. Mrs. Freeman further explained that a request was made for a detailed clarification as to the intended use and services being provided by Highlands Community Services before

their application for a Special Exception Permit could be processed. Highlands Community Services provided a letter stating that they would not seek substance abuse licensing for any services for the property in question. She advised the Board that when this application was heard before the Planning Commission that there were no representatives in attendance from Highlands Community Services. Mrs. Freeman explained that when Highlands Community Services purchased the dwelling they planned to access the property through Sugar Hollow Park within the City of Bristol, VA. However, the City of Bristol denied them access through Sugar Hollow Park. This meant the only access to the property would be on Battle Hill Drive in close proximity to the playing fields for John Battle High School. She further explained that Washington County School Superintendent Dr. Alan Lee addressed the Planning Commission and explained that the School System has a good working relationship with Highlands Community Services, but that the School Board could not support the application because of the access to the property via Battle Hill Drive. Mrs. Freeman advised the Board that the Planning Commission recommended denial of the application.

Discussions ensued among the Board.

Mr. Reynolds opened the public hearing and invited comments in regards to the request Donna R. Leonard on behalf of Highlands Community Services for a special exception permit.

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

On motion of Mr. Owens, second by Mr. Owens, it was resolved to follow the recommendation of the Washington County Planning Commission and deny the application of Donna R. Leonard on behalf of Highlands Community Services for a Special Exception Permit to operate in an existing facility and construct additional governmental offices and or facilities for the purpose of mental health services for children and adolescents on property located on the west side of Battle Hill Drive, more specifically 21308 Battle Hill Drive, near the intersection of Battle Hill Drive and Route 11 in an A-2 (Agricultural, General) zone, Wilson magisterial District.

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

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

c. Public Hearing and Consideration of Adoption of an Ordinance to Vacate Lot 5 from the Hayter Crane Lands Subdivision (Plat Book 35, Page 36) in the Wilson Magisterial District of the County of Washington, Virginia

Ms. Phillips addressed the Board explaining that the proposed ordinance would vacate Lot 5 from the Hayter Crane Lands Subdivision plat so that Mr. Frank Leonard could subdivide the lot. Ms. Phillips reviewed materials provided to the Board in their Agenda materials.

Mr. Reynolds opened the public hearing and invited comments in regards to the proposed ordinance.

Ms. Mary Ann Flick representing Fred Leonard addressed the Board explaining that Mr. Leonard would like to subdivide the lot into two parcels. Ms. Flick explained that Mr. Steve McCann wishes to purchase one of the parcels from Mr. Leonard. She further explained that the size of the tract Mr. McCann would like to purchase is 2.93 acres leaving a tract of approximately 3.22 acres. Both parcels have road frontage.

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

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

AN ORDINANCE TO VACATE LOT 5 FROM THE HAYTER CRANE LANDS SUBDIVISION (PLAT BOOK 36, PAGE 35) IN THE WILSON MAGISTERIAL DISTRICT OF THE COUNTY OF WASHINGTON, VIRGINIA

WHEREAS, a subdivision of land in the Wilson Magisterial District of the County of Washington, Virginia, was made by recordation of a plat titled, Hayter Crane Lands Subdivision on July 23, 1999, in the land records of the Clerk of Court of Washington County, Virginia (Land Records), in Plat Book 36, Page 35 (Plat); and

WHEREAS, by deed recorded as Deed Book 1055, Page 614 in the Land Records, Fred M. Leonard (Owner) acquired Lot No. 5 (Lot) as more specifically described by the Plat and which is identified by County tax map number 163-2-5; and

WHEREAS, Owner wishes to divide Lot, which contains 6.15 acres, into parcels of smaller acreage; and

WHEREAS, the zoning designation for Lot is Residential-General (R-2) and has a minimum lot size of 30,000 square feet pursuant to Washington County Code § 66-424 because Lot is served by public water; 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 from the 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 No. 5 of the Hayter Crane Lands Subdivision (Plat Book 36, Page 35) (Plat) is hereby vacated pursuant to Virginia Code § 15.2-2272(2) from 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 5 as "Vacated" on the Plat and record a certified copy of this ordinance in the Office of the Clerk of Circuit of Washington County, Virginia indexed to Plat Book 36, Page 35 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)

<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>

6. Presentation Concerning Proposed CDBG Application for Energy Conservation Loan Fund

Mr. Rob Goldsmith, Executive Director of People, Inc. of Southwest Virginia, presented the Board with a proposal for a Community Development Block Grant application for funds to create an Energy Conservation Revolving Loan Fund to assist persons of low and moderate income with home energy conversation improvements. Mr. Goldsmith explained if the Board supports the proposal, he would like to schedule a public hearing on the CDBG application.

Mr. Goldsmith explained that the Energy Conservation Revolving Loan Fund would be an expansion of the Weatherization Program that was established over 30 years ago to help low-income households meet their basic energy needs (insulating homes, sealing windows, etc.). He further explained guidelines for the Energy Conservation Revolving Loan Fund have not yet been developed; however, the idea is to provide low interest loans over a three to five term to people 80% below the median income level to finance energy conservation measures to their homes. Mr. Goldsmith stated that the Weatherization Program would continue.

Discussions ensued among the Board.

On motion of Mr. Owens, second by Mr. Price, it was resolved to authorize People, Inc., to proceed in the development of a CDBG application for the creation of an Energy Conservation Revolving Loan Fund.

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. Reynolds *Aye*
Mr. Taylor *Aye*

7. Consideration of Application for Fireworks Display Permit, Glade Spring Volunteer Life Saving Crew

On motion of Mr. Owens, second by Mr. Price, the Board acted to grant a Fireworks Display Permit to Glade Spring Volunteer Life Saving Crew for the July 12, 2008, 20th Annual July celebration event at the Leo “Muscle” Shoes Park.

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*

8. Recess

Recess was taken earlier in the meeting.

9. County Administrator Reports:

a. May 20 Fifth Budget Adjustment Worksession Meeting

Mr. Reeter proposed May 20 for a recessed meeting of the Board to conduct the fifth budget adjustment worksession. He further proposed that this meeting begin at 6:00 PM.

b. May 22 Joint County/Town Sport Complex Project Worksession Meeting

Mr. Reeter proposed a recessed meeting of the Board be scheduled for May 22 to discuss issues pertaining to the Joint County/Abingdon Sports Complex Project. He suggested this meeting begin at 6:00 PM in Conference Room 1.

c. May 27 VDOT Worksession on Secondary Six-Year Plan

Mr. Reeter proposed a recessed meeting to begin at 6:00 PM on May 27 prior to the Board’s regular meeting. The purpose of the meeting will be for Mr. Steve Buston, Abingdon Residency Administrator of the Virginia Department of Transportation to conduct a worksession meeting to receive information and discuss the Secondary Roads Six-Year Plan and to present information concerning the status of the U. S. Highway 11Project. He explained that a formal presentation would be made to the Board during their regular meeting.

It was consensus among the Board for Mr. Reeter to schedule the three meetings referenced above.

10. County Attorney Reports:

Ms. Phillips explained that a ruling from Circuit Court Judge Randall Lowe has been received pertaining to a real estate assessment case involving Die Cast Holdings. Judge Lowe ruled in favor of the County. She further explained that the County Assessor ruled there should be some reduction in the real estate assessment for Die Cast. Die Cast maintained their facility should be assessed at \$700,000. The County Assessor recommended the assessment at \$1,800,000. Judge Lowe followed the recommendation of the County Assessor.

a. Joint Land-Use Ordinances Committee Recommendation Concerning Amendment of Residential, Limited R-1 Zoning District Regulations

Ms. Phillips explained that the County Joint Land-Use Ordinances Committee recommends amendment to the Residential, Limited (R-1) Zoning District regulations to reduce the minimum lot size in the R-1 Zoning District from its current 15,000 square feet minimum to 10,000 square feet where public water and sewer are available, and it also adjusts setback requirements for smaller lots between 10,000 and 14,999 square feet. The request before the Board is for authorization to proceed with scheduling and advertising for a public hearing.

Mr. McCall (member of the Joint Land Use Ordinances Steering Committee) explained that land with water and sewer available is being developed into residential developments. He stated that many buyers/developers are looking for smaller lot sizes. Mr. McCall commented that the Virginia Department of Transportation supports the concept.

Mr. Reeter explained that the R-1 Zoning District is limited to single-family and two-family dwelling units only. He further explained that the 10,000 minimum lot size is only applicable to single family residences.

Discussions ensued among the Board.

On motion of Mrs. Mumpower, second by Mr. Owens, the Board authorized the County Attorney to proceed with scheduling and the necessary public notices for consideration of adoption of the draft ordinance amendment.

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>

b. Request for Public Hearing and Consideration of Proposed Ordinance to Vacate Lot 6 from Farmlands of Yellow Springs Subdivision, Jefferson Magisterial District

Ms. Phillips explained that an application has been filed to vacate a lot from the plat of the Farmlands of Yellow Springs Subdivision. She asked for Board authorization to proceed with preparation of an ordinance to vacate the lot and scheduling of a public hearing for the proposed ordinance.

On motion of Mr. McCrady, second by Mr. Owens, the Board acted to authorize the County Attorney to process the requested ordinance and schedule a public hearing.

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>

c. Review of Draft Lease Agreement of Mendota Community Center to Mendota Community Association

Ms. Phillips explained that at a previous meeting of the Board she was authorized to prepare a lease agreement for the lease of the Mendota Community Center to the Mendota Community Association. A draft lease has been prepared and presented to the Mendota Community Association. She further explained that the Mendota Community Association is satisfied with the lease as written and did not propose any changes. The lease is now being presented to the Board for their review and consideration of scheduling a public hearing on the proposed lease of the Mendota Community Center to the Mendota Community Association.

Discussions ensued among the Board.

On motion of Mr. Owens, second by Mrs. Mumpower, the Board acted to authorize the County Attorney to schedule a public hearing on the proposed lease of the Mendota Community Center to the Mendota Community Association.

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>

d. Update of Various Legal Matters

Ms. Phillips provided updates on the following legal matters:

1. Smyth County Circuit Court held in its Order entered April 14, 2008, that there was no basis to bring criminal charges against the Saltville Rescue Squad or any of its members in reference to allegations of mishandling of Squad's finances. The Court recommended some guidelines for financial management and ordered that copies of the Court's order be distributed to entities, such as Washington County, that provided financial support to the Squad.
2. The County received correspondence from Mr. John Tate, Legal Counsel for the Smyth Washington Regional Industrial Facilities Authority and Mr. Ned Stephenson, Deputy Director of the Virginia Tobacco Commission regarding the Tobacco Commission's position on joint and several liability of a locality and a Tobacco Commission grant recipient for return to the Commission of grant funds if the grant recipient does not perform as stated in the Performance Agreement. The provision would require the locality to reimburse the Commission if the grant recipient fails to perform in accordance with the Performance Agreement and does not return the grant funds. Ms. Phillips explained this new language is for new agreements only and will not be retroactive to past agreements.

Discussions ensued among the Board. Mr. McCrady requested the County Attorney research methods of protection for the County when it is involved in a Virginia Tobacco Commission Performance Grant. Mr. Reynolds (member of the Virginia Tobacco Commission) stated that he would get clarification on the new language and report to the Board.

11. Board Information

Mr. Reeter reviewed the following Board Information:

- Draft Minutes of the Meeting of the Washington County Planning Commission, April 28, 2008
- Approved Minutes of the Meeting of the Washington County Service Authority, March 24, 2008

12. Consent Agenda

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

- a. Payment of Bills, April 2008*
- b. Request for Revenue Refunds-Washington County Sheriff's Office-Animal Sterilization Fees*
- c. Supplemental Appropriation – Washington County Sheriff's Office*
- d. Canceled Check-General Fund*
- e. Budget Status Reports-April 30, 2008*

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

Mr. McCall Aye
Mr. McCrady Aye

Mrs. Mumpower *Aye*
Mr. Owens *Aye*
Mr. Price *Aye*
Mr. Reynolds *Aye*
Mr. Taylor *Aye*

14. Board Member Reports

Mr. Reynolds commented that he has received calls from constituents about appraisers that have been appraising property. He inquired if the work the appraisers are doing now will affect property taxes for this year. Mr. Reeter stated that it would not.

Mr. McCrady proposed that the Board conduct a joint meeting with the Washington County Service Authority for the purpose of developing a training workshop/training materials for the benefit of new members appointed to the Service Authority.

Mr. McCrady commented that the County needs to take a serious look at a county-wide emergency alarm system.

Mr. Price inquired if the \$1,700,000 for the purchase of additional waste water capacity had been disbursed to the Service Authority. It was mentioned that the Service Authority voted not to include the \$1,700,000 with their refinancing package. Mr. Reeter explained that he is not sure the \$1,700,000 be will disbursed within the current fiscal year because the necessary agreements may not be in place.

15. Recess to 6:00 PM May 20, 2008, Fifth Budget Adjustment Worksession Meeting on FY 2008-09 County Operating Budget

On motion of Mr. Owens , second by Mr. Price, it was resolved to recess to 6:00 PM May 20, 2008, for a fifth budget adjustment worksession meeting on the FY 2008-09 County Operating Budget.

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*

5-13-08 15402

Prepared by:

Naoma A. Norris, Recording Clerk

Approved by the Washington County Board of Supervisors:

Kenneth O. Reynolds, Chairman