V I R G I N I A:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, September 9, 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

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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 Tom Taylor gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

On motion of Mr. McCall, second by Mrs. Mumpower, it was resolved to approve the agenda with the following amendments:

Addition of New Item 6.a.5
Discussion Pertaining to Correspondence from Town of Abingdon

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*

4. Consent Agenda:

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

a. <u>Approval of Minutes</u>:

1. August 20, 2008 Joint Recessed Meeting

Correction to Page 15623 to show that Mr. McCall abstained from the vote and that Mr. McCrady voted in the affirmative.

2. August 26, 2008 Joint Recessed Meeting

3. August 26, 2008 Regular Meeting

b. <u>Approval of Routine Financial Matters</u>:

1. Payment of Bills, August 2008

2. Request for Revenue Refunds – Washington County Sheriff's Office – Animal Sterilization Fees

3. Request for Supplemental Appropriation – CDBG Old Mill Road Water and Housing Project

4. Budget Status Reports – August 2008

c. <u>Award of Bids and Approval of Contracts</u>:

1. Approval of Change Orders for Hayters Gap Branch Library Project

d. <u>Authorization of Routine Business Matters</u>:

1. Publication of CY2007 Delinquent Real Estate and Personal Property Tax Lists

2. Proposed Resolution Regarding Addition of White Pine Circle to State System of Secondary Highways and Initiation of Special Assessments – Approved as follows:

RESOLUTION 2008-35
ADDITION OF WHITE PINE CIRCLE IN THE TYLER MAGISTERIAL DISTRICT
TO THE STATE SYSTEM OF SECONDARY HIGHWAYS
AND INITIATION OF LANDOWNER ASSESSMENTS

WHEREAS, by Resolution 2006-21 adopted by the Board of Supervisors of Washington County, Virginia (Board) on November 14, 2006, the Board found that a portion of White Pine Circle as described below, (Project Street) met the eligibility requirements stated in Section 33.1-72.1(C) of the 1950 Code of Virginia, as amended, to participate in the process described in that section for the taking of streets into secondary system; and

WHEREAS, by Resolution 2006-22 adopted on November 14, 2006, the Board resolved to request the Virginia Department of Transportation (Department) to improve Project Street to the prescribed minimum standards, funding said improvements according to special assessment and advance pro rata payment by holders of speculative interests as allowed by Section 33.1-72.1(C) of the 1950 Code of Virginia, as amended; and

WHEREAS, the Department honored the Board's request and accepted Project Street as eligible for the procedures prescribed by section 33.1-72.1(C) of the 1950 Code of Virginia, as amended; and by written correspondence dated December 3, 2007 from the Resident Engineer of the Department, the Department reported to the Board, that such improvements have been completed and the Project Street meets the standards required for acceptance into the secondary system of state highways, pursuant to Section 33.1-72.1(C) of the 1950 Code of Virginia, as amended; and

WHEREAS, the Department reported that, as a result of its services in improving a portion of White Pine Circle it incurred expenses in the total amount of $24,482.00; and

WHEREAS, by Resolution 2006-22 adopted on November 14, 2006, the Board resolved that, upon completion of the Project Street construction and final determination of the actual expense for improvements to Project Portion, Washington County shall collect from owners of properties abutting Project Street (Landowners) a special assessment as described in detail in said Resolution and adjusted in accordance with the actual construction expense; and

WHEREAS, such special assessments were properly recorded in the Washington County Office of the Circuit Court Clerk as required by Section 33.1-72.1(C) of the 1950 Code of Virginia, as amended.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Washington County, Virginia that the Board requests the Department add the Project Street, as described by the following information, to the secondary system of state highways, pursuant to Section 33.1-72.1(C) of the 1950 Code of Virginia, as amended:

Name of Project Street:	***White Pine Circle***
From:	***Larwood Lane (S.R. 1106)***
To:	***Edgewood Lane (S.R. 1107)***
Guaranteed Right-of-Way Width:	***40 feet***
Plat Date:	***March 11, 1966 (Plat Book 11, Page 44)***

and

BE IT FURTHER RESOLVED, that the County Attorney shall direct the Treasurer of County of Washington, Virginia, to initiate special assessments as directed by a Resolution of the Board adopted on November 14, 2006, in accordance with Virginia Code § 15.2-2413: each owner listed below shall pay the amount designated herein in no more than ten (10) annual installments, bearing annual interest at the rate of one-year United States Treasury Bills on November 14, 2006, which was 5.15 percent, as follows:

Owner	***Parcel(s)***	***Amount***
Hye S. Thurston ***2692 Regency Drive*** ***Tucker, GA 30084***	***159C-2-17A***	***$972.00***
Ronald D. & Georgia A. Francis ***7293 White Pine Circle*** ***Bristol, Virginia 24202***	***159C-2-20***	***$990.00***
Keith N & Jacqueline R. Ford ***7319 White Pine Circle*** ***Bristol, Virginia 24202***	***159C-2-21*** ***159C-2-22*** ***159C-2-23***	***$1274.00***
Peggy C. Haire ***7323 White Pine Circle*** ***Bristol, Virginia 24202***	***159C-2-24***	***$929.00***
James G. Sr. & Christine Hall ***7327 White Pine Circle*** ***Bristol, Virginia 24202***	***159C-2-25*** ***159C-2-26***	***$874.00***
Chadwick A. & Donna J. Welch ***7343 White Pine Circle*** ***Bristol, Virginia 24202***	***159C-2-26A*** ***159C-2-27***	***$1132.00***
Wesley V. A. & Jane M. Waters ***16468 Greenway Road*** ***Meadowview, Virginia 24202***	***159C-2-28***	***$47.00***
Donnie & Karen Tuck ***7357 White Pine Circle*** ***Bristol, Virginia 24202***	***159C-2-29***	***$996.00***
Linda L. Gaylord ***33 Aberdeen Circle*** ***Ft. Smith, Arizona 72908***	***159C-2-30***	***$796.00***

Owner	***Parcel(s)***	***Amount***
Douglas & Rena Coldiron ***7263 Southern View Road*** ***Bristol, Virginia 24202***	***159C-2-31*** ***159C-2-32***	***$1039.00***
William F. & Joyce A. Geiger ***7262 White Pine Circle*** ***Bristol, Virginia 24202***	***159C-2-54*** ***159C-2-58***	***$1144.00***
James D. & Shirley H. Mort ***7272 White Pine Circle*** ***Bristol, Virginia 24202***	***159C-2-55***	***$1081.00***
Diane Lynn Bowman ***7324 White Pine Circle*** ***Bristol, Virginia***	***159C-2-56*** ***159C-2-57***	***$969.00***

BE IT FURTHER RESOLVED, that the County Attorney shall direct the Clerk of Court for the Circuit Court of the County of Washington County, Virginia, to amend the lien amounts posted for purposes of this special assessment in accordance with the actual lien amount to be collected from each landowner, as stated herein.

3. Proposed Resolution Authorizing Temporary Bridge Closings for Repairs – Approved as follows:

RESOLUTION 2008-36
AUTHORIZING TEMPORARY BRIDGE CLOSINGS FOR REPAIRS
BY VIRGINIA DEPARTMENT OF TRANSPORTATION

BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that the Board hereby authorizes the Virginia Department of Transportation to temporarily close the following structures for repairs:

Structure Number: 6410 (Bridge).
Location: State Route 684, approximately 1.2 miles north of the easternmost intersection of State Route 684 and State Route 700.
Duration: As necessary for repairs.

Structure Number: 6418 (Bridge).
Location: State Route 663, approximately 1.3 miles south of the intersection of State Route 663 and State Route 647.
Duration: As necessary for repairs.

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. Public Hearings:

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

1. Morgan McClure Motorsports, Inc., Property Tax Map #086-3-1: Request to rezone approximately 18 acres of property located on the south side of Newbanks Road in the Washington County Industrial Park beginning at the intersection of Newbanks Road and State Route 704 from M-1 (Industrial, Limited) to B-2 (Business, General), Monroe Magisterial District, A-01 Election District

This item was withdrawn by the applicant.

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

1. Joseph E. Neese on behalf of Kimberly S. McCowan, Property Tax Map #086A1-2-1: Request for a Special Exception Permit to construct a 40' X 50' building in order to operate a day care center with an outdoor playground and activity center on property located on the north side of State Route 11 near the intersection of State Route 11/State Route 704 in an R-2 (Residential, General) and A-2 (Agricultural, General) zone, Monroe Magisterial District, A-01 Election District

Mr. Reynolds opened the public hearing and invited comments concerning the request for Special Exception Permit.

County Zoning and Subdivision Official Cathie Freeman provided the Board with a summary of the presentation made to the Planning Commission concerning the request of Joseph E. Neese on behalf of Kimberly S McCowan for a Special Exception Permit to operate a day care center on the above referenced property.

Mrs. Freeman explained that Kimberly McCowan is in the processing of purchasing the property in question from Joseph Neese and that her plans are to construct a day care facility on the property. In her summary of the presentation made to the Planning Commission, Mrs. Freeman explained that there were discussions concerning the location of day care facility and concerns about noise that might be created from the Old Exit Nine Auto Parts Store. She further explained that Ms. McCowan told the Planning Commission that the site was a good location because of the high visibility and there was a lot of traffic. Further, the noise from the Old Exit Nine Auto Parts Store would not be an issue. There was concern expressed about the high volume of traffic by Planning Commission Chairman Stephen Fisher. Ms. McCowan explained to the Planning Commission that the outdoor playground would be fenced and located on the back portion of the property. Mrs. Freeman advised the Board that the daycare facility and outdoor playground must meet requirements of the Virginia Department of Social Services. Mrs. Freeman stated that no one attended the Planning Commission's meeting to express opposition to the request, and the Planning Commission voted unanimously to recommend approval of the Special

Exception Permit Application because Ms. McCowan has done the necessary preliminary work to obtain the appropriate permits and because there is a need for day care facilities.

Mrs. Freeman explained that her office is working with Ms. McCowan on the preliminary drawings for the daycare facility. County Chief Building Official Bill Cole has reviewed the plans. She further explained that since the Planning Commission meeting, Ms. McCowan has received a commercial entrance permit from the Virginia Department of Transportation. Also, Ms. McCowan has received correspondence from the Virginia Department of Social Services advising that they will review her application to operate a daycare facility after she obtains certified drawings from an engineer. The Department of Social Services further stated that the licensure would be contingent upon a site evaluation. Mrs. Freeman provided the Board with copies of the correspondence referenced above.

Discussions ensued among the Board.

Ms. Kimberly McCowan presented the Board with her request for a Special Exception Permit to operate a day care facility on the property in question.

Mrs. Mumpower noted that if Ms. McCowan treats the children as well as she did patients coming through the Radiology Department at Johnston Memorial Hospital then they will be treated very well.

Mr. Reynolds asked Ms. McCowan why she wanted to go into the childcare business. Ms. McCowan explained because there is a need for childcare in the Meadowview/Emory area and discussed the trouble her family has experienced in finding care for their three children.

Mrs. Mumpower inquired about how many children the daycare facility would have. Ms. McCowan said the business plan is based on 20-25 children initially. However, the proposed building will accommodate 35-40 children. Mrs. Mumpower further inquired if there would be qualified teachers teaching the pre-school children. Ms. McCowan explained that there would be qualified staff because she wants to have the appropriate curriculum to prepare the children for kindergarten.

Mr. Taylor inquired if a permit for sewage disposal has been obtained from the Washington County Health Department. Ms. McCowan explained that she has not yet contacted the Health Department. Mr. Taylor further inquired about the timeline for the project. Ms. McCowan explained that if things go according to plan she anticipates being operational within six months.

Mr. Price noted that he has a lot of respect for childcare providers.

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

On motion of Mr. Taylor, second by Mrs. Mumpower, it was resolved to follow the recommendation of the Washington County Planning Commission and approve the application of Joseph E. Neese on behalf of Kimberly S. McCowan for a Special Exception Permit to construct a 40' X 50' building in order to operate a day care center with an outdoor playground and activity center on property located on the north side of State Route 11 near the intersection of State Route 11/State Route 704 in an R-2 (Residential, General) and A-2 (Agricultural, General) zone, Monroe Magisterial District, A-01 Election District.

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

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

2. Johnston Memorial Hospital, Steve Givens, on behalf of Brad Lipsey, Littlejohn Engineering Associates, Property Tax Map #'s 107-1-193, 107-1-193H: Request for a Special Exception Permit to replace and relocate a new 116 licensed bed hospital facility on property located on the north side of State Route 11 near the intersection of State Route 11/State Route 677 in a B-2 (Business, General) zone, Harrison Magisterial District

County Zoning and Subdivision Official Cathie Freeman provided the Board with a summary of the presentation made to the Planning Commission concerning the request of Johnston Memorial Hospital (JMH), Steven Givens on behalf of Brad Lipsey, Littlejohn Engineering Associates, for a Special Exception Permit.

Mrs. Freeman explained that Planning Commission Chairman Stephen Fisher noted that a presentation on JMH's plans to relocate the hospital was made to the Board of Supervisors and Planning Commission at a joint meeting held on June 30, 2008. She further explained that Mr. Steven Givens representing JMH was present at the Planning Commission meeting to answer questions. Also, Mr. Brad Lipsey representing Littlejohn Engineering Associates addressed the Planning Commission explaining that JMH conducted a public forum on August 21, 2008, regarding the hospital's plans. He advised the Planning Commission that the public forum was well attended and there was no opposition expressed. Mrs. Freeman explained to the Board that Planning Commission Member John Lentz expressed concerns about the proposed new location of JMH being located so close to Interstate 81. She stated that Mr. Givens explained to the Planning Commission that the current location of JMH is near a railroad and in direct path of the Virginia Highlands Airport approach zone. JMH will have a contingency plan in place at the new facility to handle emergency situations that may arise.

Mr. Reynolds opened the public hearing and invited comments concerning the request for Special Exception Permit.

Mr. Steve Givens, Chief Operating Officer for JMH, addressed the Board to answer questions. Mr. Givens explained to the Board that the project is still the same as described at the June 30, 2008, meeting of the Board of Supervisors and Planning Commission. He stated however, that he has updated renderings of the new hospital facility for the Board's review. Mr. Givens advised the Board that JMH conducted a public forum on August 21, 2008, with approximately 30-40 people attending. There were a lot of good discussions and interest in the project expressed. He stated there was no opposition expressed during the forum. Mr. Givens asked that the Board approve the application for the Special Exception Permit so that the project could move forward.

Discussions ensued among the Board.

Mrs. Mumpower explained that as she read the materials provided by JMH she noted that there is reference to intermediate newborn care and asked Mr. Givens to explain what this means. Mr. Givens explained that JMH currently has what was designated under old Virginia licensure regulations as a level II nursery, which is the hospital's neonatal intensive care nursery. In more recent history, the licensure regulations have been rewritten and the term is no longer neonatal intensive care, but now referred to as intermediate care. He explained that the same level of service will be provided and further that JMH can take care of babies up to the point where they are required to be on a ventilator or would require a surgical procedure. Further discussions ensued concerning the intermediate newborn care issue.

Mrs. Mumpower further explained that she is hearing concerns from people about the café at JMH operated by the "pink ladies," and that this café may not part of the plans for the new facility. Mr. Givens explained that the café will not be at the new hospital and that this was a decision made by the JMH auxiliary. He further explained that the café and cafeteria will be combined and located in the front part of the new hospital facility. A more upscale dining experience will be offered. He stated that the auxiliary has expressed interest in operating a coffee shop.

Mr. Taylor inquired about the question he raised at the June 30 joint meeting of the Board of Supervisors and Planning Commission regarding his concerns about a having a second entrance into the new JMH facility and that entrance being located so close to the entrance of an adjacent apartment complex. He explained that he requested that JMH consider if a limited access road was needed and also whether a traffic signal should be installed at the entrance to the hospital from US Highway 11 rather than the proposed access roads as currently planned. Mr. Givens explained that JMH's engineers took a look at the issue and discussed with County staff. It was decided that the Virginia Department of Transportation would not permit a limited access road. Further discussions ensued concerning entrance into the new JMH facility.

Mr. McCall stated that he was recently at the new JMH Cancer Center and that it is a state of the art facility. He further stated that he looks forward to the hospital relocating to the same location.

Mr. Shawn McMurray, Chief Executive Office for Johnston Memorial Hospital, addressed the Board. Mr. McMurray spoke of the excitement for this project. He explained that the new hospital facility will have private rooms for all patients, which will allow for more private care to the patients and create a better environment for the families. Mr. McMurray further explained that the emergency department in the new hospital will be double the size of the emergency department at the existing hospital. Further the new facility will make it easier for the patients and families to find their way around the campus. Overall, JMH believes the project is a good thing for the community.

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

Discussions ensued among the Board with the following action taken:

On motion of Mr. McCall, second by Mr. Price, it was resolved to follow the recommendation of the Washington County Planning Commission and approve the application of Johnston Memorial Hospital, Steve Givens, on behalf of Brad Lipsey, Littlejohn Engineering Associates for a Special Exception Permit to replace and relocate a new 116 licensed bed hospital facility on property located on the north side of State Route 11 near the intersection of State Route 11/State Route 677 in a B-2 (Business, General) zone, Harrison Magisterial District.

Mr. Taylor commented that he is disappointed that he did not receive more of a response from the hospital's engineers concerning the inquiries he made about a limited access road. He explained that at some point there will be a need for a limited access road. Mr. Taylor expressed his concerns regarding two streets handling a lot of traffic being located so close to one another. He stated that the new JMH facility is a positive thing for the community, and further that he is supportive of the new facility.

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

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

6. General Business:

a. <u>Actionable Items</u>:

1. Consideration of Procurement of Professional Services and Revised Administrative Services Agreement for the White's Mill Restoration and Trial Project

Ms. Phillips addressed the Board explaining that two actions are requested of the Board. The first action is to approve a revised Administrative Services Agreement with the Mount Rogers Planning District Commission (MRPDC) for the White's Mill Restoration and Trail Project. The second request is for authorization to procure professional services for the project. She explained that this project originated in 2006 when the Board of Supervisors authorized submission of a grant application to the Virginia Department of Transportation (VDOT) for SAFETEA-LU grant funding to assist the White's Mill Foundation in the restoration of White's Mill and construction of an associated walking trail. The County, on behalf of the Foundation, was awarded the SAFETEA-LU grant funding in the amount of $426,178.00. Since award of the grant funding in January of last year, the Foundation has been reorganized and is now in a position to proceed with the project. Ms. Phillips further explained that the County will act as the contracting party and fiscal agent for use of the SAFETEA-LU grant funds, and the Foundation will direct the restoration work as the Project's owner. The MRPDC will coordinate activities of the County, the Foundation and the professional services providers retained to complete the project.

Discussions ensued among the Board.

Responding to an inquiry from Mr. Price, Ms. Laura Grantham, member of the Whites Mill Foundation Board, explained that the original SAFETEA-LU grant application included language for a proposed trail. She said at this point the Foundation is not sure there will be sufficient funding to develop a trail.

Responding to an inquiry from Mr. Reynolds, Ms. Grantham explained the various problems encountered by the Foundation since being awarded the SAFETEA-LU grant funds.

After further discussion, the following action was taken:

On motion of Mr. Taylor, second by Mr. Price, the Board acted to authorize procurement of professional services for the White's Mill Renovation and Trail Project and to approve the Revised Agreement for Administrative Services with Mount Rogers Planning District Commission and the White's Mill Foundation.

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***

2. <u>Consideration of Approval of Real Estate Purchase and Sales Agreements</u>:

Ms. Phillips explained to the Board that they are asked to consider a Resolution that incorporates language authorizing the purchase of two different properties (Lincoln Property and McReynolds Property). However, the Board may revise the Resolution as they deem necessary.

a. Property of Ralph & Margaret Lincoln – Glade Spring Area Manned Convenience Station Site

Ms. Phillips explained that the Board is requested to purchase a tract of property located in Glade Spring from Ralph & Margaret Lincoln. This property is the approximately 3.799 acres and is the current location of a County Department of Solid Waste Manned Convenience Station. This property has been leased for this purpose by the County for the last 18 years. The lease is now expired and the current owners of the property, the Lincolns, would like to sell the property. An acquisition price of $60,000.00 has been negotiated with the Lincolns. Ms. Phillips further explained that the 3.799 acres is part of a 100 acre tract of land. The 3.799 acres will need to be subdivided from the 100 acres. Prior to this subdivision, the property will need to be surveyed. The County as part of the negotiations has agreed to have the survey completed.

On motion of Mr. Taylor, second by Mr. McCrady, the Board acted to authorize staff to follow through on the sales purchase agreement, the survey and any other item deemed necessary to purchase the Lincoln Property, and further to adopt the following Resolution pertaining to the Lincoln Property only:

RESOLUTION 2008-37
AUTHORIZING ACQUISITION OF THE RALPH &
MARGARET LINCOLN PROPERTY

WHEREAS, Ralph L. Lincoln, Jr. and Margaret C. Lincoln (Lincoln) are the owners in fee simple absolute of a portion of certain real property located in the Monroe Magisterial District of the County of Washington, Virginia, generally identified as part of Washington County Tax Map No.051-A-23, containing approximately 3.799 acres (Lincoln Property), which real estate was conveyed to Lincoln by deed recorded in the land records of the Clerk of Circuit Court of Washington County as

Instrument No. 07-8784 dated November 7, 2007, and previously devised by will and codicil of W. Howard Wright, recorded as Instrument No. 06-293, and

WHEREAS, the Board of Supervisors of Washington County, Virginia (Board) desires to purchase the Lincoln Property for continued use as a "convenience station" for collection of residential solid waste or for such other purposes as may be deemed appropriate by the County from time to time, and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that the Board hereby approves the proposed Real Estate Purchase and Sales Agreement for the Lincoln Property and authorizes the Board Chairman to sign the Agreement on behalf of the County.

BE IT FURTHER RESOLVED that the Board authorizes disbursement of the Deposit amount of $5,000.00 for said Agreement, and further authorizes the County Administrator to obtain and enter into contracts for the following:

1. ***To have the Lincoln Property surveyed and platted for subdivision; and***
2. ***To obtain title insurance policy on the Property.***

BE IT FURTHER RESOLVED that the Board amends the County Operating Budget for Fiscal Year 2008-2009 as follows:

1. ***To establish new Line-Item 94911-5890-05, Earmark-Lincoln Property, in the amount of $55,000.00;***
2. ***To transfer $5,000.00 from Line-Item 94911-5890 to a new Line-Item 94161-8410, Land Purchase-Glade MCS Site;***

Discussions ensued among the Board concerning various improvements to the property, the property boundaries and the proposed Resolution.

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***

b. Property of James Darrin & James B. McReynolds – Future Benhams Area Branch County Library Site

Ms. Phillips explained that this property is located in the Benhams area and is proposed to be used for a future Benhams area branch County library site.

Mr. Owens addressed the Board explaining that the property is owned jointly by James Darrin McReynolds and James B. McReynolds. He explained that after some discussions with Darrin McReynolds, he decided that he would like to have the sales purchase agreement reviewed by his attorney. After review by his attorney, Mr. McReynolds requested amendments to the sales purchase agreement to state that the County can conduct site evaluations; however, the $5,000 binder payment will not be returned under any circumstance. Mr. Owens further explained that the original sales purchase agreement provided for a binding payment of $5,000, and the seller would allow the County to have the property evaluated. Further, if the site was not found suitable to be used as a branch library then the $5,000 would be refunded to the County. Mr. Owens said that Darrin McReynolds had the property perked for a two bedroom home, which passed. He further said that it needs to be determined if the property would perk for use as a branch library. Mr. Owens proposed that the Board approve a $2,500 binder payment with the contingency that if the property does not meet the County's need (i.e. perk test) the $2,500 will be refunded to the County. If this is not agreeable to the McReynolds then he proposes that the County not proceed with the purchase of the property.

Discussions ensued among the Board.

On motion of Mr. Owens, second by Mr. Price, the Board acted to authorize that a $2,500 binder payment be offered to James Darrin & James B. McReynolds with the contingency that the $2,500 shall be refunded to the County if the soils prove unsuitable. It was further resolved to add language to the Sales Purchase Agreement to say that the closing on the property shall occur before December 31, 2008. It was further resolved to adopt the following Resolution pertaining to the purchase of the McReynolds property:

RESOLUTION 2008-38
AUTHORIZING ACQUISITION OF THE JAMES DARRIN &
JAMES B. MCREYNOLDS PROPERTY

WHEREAS, James Darrin McReynolds and James B. McReynolds (McReynolds) are the owners in fee simple absolute of certain real property located in the Wilson Magisterial District of the County of Washington, Virginia, more specifically identified as Washington County Tax Map No.119D-4-51, containing approximately 1.56 acres (McReynolds Property), which real estate was conveyed to McReynolds by deed recorded in the land records of the Clerk of Circuit Court of Washington County as Instrument No. 0800049 dated May 20, 2008, and

WHEREAS, the Board desires to purchase the McReynolds Property for use as a new County branch library location to replace the facility currently located in the Mendota Community Center or for such other purposes as may be deemed appropriate by County from time to time.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that the Board hereby approves the proposed Real Estate Purchase and Sales Agreement for the McReynolds Property and authorizes the Board Chairman to sign the Agreement on behalf of the County.

BE IT FURTHER RESOLVED that the Board authorizes disbursement of the Deposit amount of $2,500.00 for said Agreement, and further authorizes the County Administrator to obtain and enter into contracts for the following:

3. ***To have the McReynolds Property evaluated to confirm suitability of soils for the appropriate septic system and assessed for environmental and archaeological concerns; and***
4. ***To obtain title insurance policies on both Properties.***

BE IT FURTHER RESOLVED that the Board amends the County Operating Budget for Fiscal Year 2008-2009 as follows:

3. ***To establish new Line-Item 94911-5890-06, Earmark-McReynolds Property, in the amount of $45,000.00;***
4. ***To transfer $2,500.00 from Line-Item 94911-5890 to a new Line-Item 94350-8410, Land Purchase-McReynolds Property, and***
5. ***To transfer $10,000.00 from Line-Item 94911-5890 to a new Line-Item 94350-8410, Purchased Services-Professional.***

Mr. Reeter reviewed with the Board costs estimates from Barge, Waggoner, Sumner and Cannon to have the various site evaluation tests conducted.

There were discussions among the Board concerning the septic system requirements for commercial development.

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 noted that he would like to see the County use more Virginia firms for architectural and engineering services.

3. Consideration of Resolution Authorizing Application for FY09 Revenue Sharing Program Funds

Assistant County Administrator Christy Parker and Mr. John Bolling, with the Virginia Department of Transportation (VDOT), presented a request to the Board to authorize an application to VDOT for FY09 Revenue Sharing Funds in the amount of $16,000 to help pay the deficit on the Highlands Business Park Drainage Project 9 (a joint project of the Smyth Washington Industrial Facilities Authority).

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

RESOLUTION 2008-39
AUTHORIZING APPLICATION FOR FY09 VDOT REVENUE SHARING PROGRAM FUNDS FOR HIGHLANDS BUSINESS PARK/U.S. HIGHWAY 11 DRAINAGE IMPROVEMENTS

WHEREAS, the Washington County Board of Supervisors desires to submit an application for an allocation of funds of up to $16,000.00 through the Virginia Department of Transportation Fiscal Year 2008-09, Revenue Sharing Program, and

WHEREAS, $16,000.00 of these funds are requested to finance a deficit on Project 0011-095-111, P101 (Highlands Business Park/U.S. Highway 11 Drainage Improvements), located on Route 11 from Route 877 to 0.40 mile west of Route 877;

NOW, THEREFORE, BE IT RESOLVED by Board of Supervisors of Washington County, Virginia that the Board hereby supports an application for an allocation of $16,000.00 through the Virginia Department of Transportation's Revenue Sharing Program for Fiscal Year 2008-2009.

BE IT FURTHER RESOLVED that 50% of the required matching funds not to exceed $8,694.00 shall be made available by Washington County conditioned upon approval of an equal amount from Smyth County.

Discussions ensued among the Board.

Responding to an inquiry from Mr. Taylor, Mr. Bolling explained the Revenue Sharing application will be for a total of $33,388.00. Of this amount $16,000 will be from VDOT and the remaining balance ($17,388) will be local dollars, which will be split equally between Washington and Smyth Counties ($8694 each).

Ms. Parker added that approval of Washington County's share of $8,694 is contingent upon the Smyth County approving a like amount.

Discussions ensued among the Board concerning the impact to the FY08 County Operating Budget. Mr. Reeter explained the majority of the $8,694 will be taken from funds carried over from FY07.

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***

4. Consideration of Authorization for Public Hearing on Proposed Truck Restrictions on State Route 609 (Hillman Highway)

Ms. Phillips explained at the May 13, 2008, meeting of the Board of Supervisors, the Board approved a Special Exception Permit for Ramirez Contracting, LLC, to construct and operate 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. At this time, the Board also acted to petition the Virginia Department of Transportation (VDOT) to restrict through truck traffic of three (3) axils or more along State Route 609 (Hillman Highway) from its intersection with Old Trail Road (State Route 879) east to the Abingdon Corporate limits, a distance of about 6,100 feet.

Ms. Phillips explained for this type of request to be considered by VDOT, and in order to insure that all concerned parties have an opportunity to provide input concerning the proposed restriction and alternate truck routing, the Board must hold a public hearing and make a formal request to VDOT. She further explained that she seeks authorization to schedule and conduct the public hearing.

Discussions ensued among the Board.

On motion of Mr. McCall, second by Mr. Price, the Board acted to authorize a public hearing on truck restrictions along Hillman Highway consistent with the Board's action on May 13, 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***

5. Discussion Pertaining to Correspondence from Town of Abingdon

Lengthy discussions ensued among the Board concerning correspondence from the Town of Abingdon dated today regarding a request for the Board of Supervisors to take official action on their proposal of September 2, 2008. Subsequently, the following action was taken:

On motion of Mr. Taylor, second by Mr. Owens, the Board acted to deny the Town of Abingdon's proposal dated September 2, 2008, pertaining to the composition of the Joint County/Town Recreational Facilities Authority.

Discussions ensued among the Board, with the following substitute motion was made:

On motion of Mr. McCrady, second by Mrs. Mumpower, the Board acted that the a meeting be requested between the Board Chairman and Vice Chairman and the Town of Abingdon Mayor and Vice Mayor and further that the Town of Abingdon's proposal dated September 2, 2008, be included in the negotiations, as well as other propositions that may be brought forth.

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***

At this time, further discussions ensued among the Board. It was stated that no member of the Board of Supervisors wishes to see the Sports Complex Project be abandoned. There were also discussions concerning legal implications involving the sales purchase agreement on the sports complex property.

7. Board Member Reports

Mr. Taylor talked about the issue of citizens comments. He said that he appreciates the efforts of the Information System Department staff to do video recording of the Board meetings. Mr. Taylor said that the Board does not need the image that they are denying the public access to speak to the Board without requesting to be placed on a meeting agenda. He further said that if the Board does not wish to implement a citizen's comment period that he would be happy to come an half hour prior to Board meetings to hear from constituents in the Monroe District.

Substantial discussions ensued concerning a citizen comment period. It was discussed that it is not or has never been the intent of the Board of Supervisors to keep the citizens from speaking to the Board. Any citizen with a legitimate issue has the opportunity to come before the Board. It was proposed that the Board conduct a worksession to discuss this issue further.

Mr. McCrady discussed the following issues:

Mr. McCrady discussed the water levels at South Holston Lake, especially at the area of the Washington County Park. He explained that there is very little water to allow a boat to float after it is unloaded from a boat trailer into the lake. Mr. McCrady proposed that the Tennessee Valley Authority be contacted about this matter.

Mr. McCrady asked for authorization to meet with Washington County Park Authority Lee Garrett to discuss improvements to the Washington County Park boat dock area. The Board by consensus authorized Mr. McCrady to meet with Mr. Garrett.

Mr. McCrady requested that the outdoor lights at the Damascus Manned Convenience Station be upgraded due to safety concerns.

Mr. McCrady stated that he has spoken with Mark Seamon about insurance changes for employees. He explained that there would be some savings to the County if a County employee could be permitted to go with the health insurance program of the Washington County School System.

Mr. Seamon explained that the various sub-groups and the School Board allowed the practice of sending the employer contributions between agencies for employees who had spouses working for other agencies participating in the group. Effective October 1, 2008, however, the County sub-groups agencies and the School Board will no longer be associated with each other for group health insurance program. As a result, Mr. Seamon felt that it would not be appropriate for employer contributions to be sent between the County Insurance Group and the School Board since that practice could cause potential administrative issues with other County agencies.

Discussions ensued among the Board. It was consensus of the Board that the County Personnel Committee would review this matter.

8. Board Information and Reminders

Mr. Reeter reviewed the following Board Information:

- Correspondence from Jericho Circus Shrine – Request for Financial Contribution
- Reminder of the Fifth Annual Employee Picnic, Sunday, September 15 from 4:00 PM – 6:00 PM at the Washington County Park

9. Adjourn

On motion of Mr. McCrady, second by Mr. Owens, it was resolved to adjourn the meeting.

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

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Prepared by:

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Naoma A. Norris, Recording Clerk

Approved by the Washington County Board of Supervisors:

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Kenneth O. Reynolds, Chairman