

**VIRGINIA:**

At a regular meeting of the Washington County Board of Supervisors held Tuesday, July 14, 2009, at 6:30 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 Paul Price gave the Invocation and led the Pledge of Allegiance.

**3. Recognitions and Special Presentations**

a. Presentation of Administrative Division Employee Service Pins and Certificates

Mr. Reynolds and Mr. Reeter made the following presentations of employee service pins and certificates:

Five Years Service:

Roger A. Blackwell  
Solid Waste Department

Mr. Reynolds and Mr. Reeter recognized the following employees who were unable to attend the meeting:

Five Years Service:

Donald L. Little  
General Services

William K. Hill  
Information Systems

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

b. Presentation of Southwest Virginia Technology Award to Washington County Treasurer's Office

The Board received a presentation from County Treasurer Fred Parker concerning an award the Treasurer's Office received from the Southwest Virginia Technology Council given to government agencies. Mr. Parker explained that the Treasurer's Office was nominated for this award by First Bank and Trust for its scanner and remittance system which was implemented this year. He further explained that the optical scanner allows his office to scan tax tickets and checks at the same time and with the press of a button the checks are remitted to the banks and the tax tickets are paid simultaneously.

Mr. Parker explained that this project could not have been completed without the support of the Board of Supervisors and he thanked them for their support. He recognized members of his staff that were present. Mr. Parker also recognized County Information Systems Manager Nadine Culberson and her staff and Mr. Dan Smith and Mr. Leton Harding with First Bank and Trust.

Mrs. Culberson provided comments concerning the award and stated that it was a privilege to be part of the project.

Mr. Harding addressed the Board explaining that it was a privilege for First Bank and Trust to work with Washington County on this project. He stated that because of the success of this technology in the Washington County Treasurer's Office and Mr. Parker, a lot of counties and towns throughout Virginia are looking at implementing the same system. Mr. Harding further stated that this technology is a benefit to the taxpayers, and First Bank and Trust wants to see the County grow and be efficient. The Bank is excited about the success of this technology in the Treasurer's Office.

At this time, Mr. Parker presented the award that the Treasurer's Office received to the Board of Supervisors explaining that the award belongs to the Board as much as it does to the Treasurer's Office. He asked that the award be displayed in the County Administration Building.

Mr. Reynolds commented that he attended the Southwest Virginia Technology Council's award banquet and it is an honor for Washington County to receive this recognition. On behalf of the Board, he extended congratulations to Mr. Parker and his staff; to Mrs. Culberson and her staff; and to First Bank and Trust.

**4. Approval of Agenda**

Mr. Reeter reviewed additional materials placed at Board stations regarding the Love's Travel Center issue and correspondence from the United Way pertaining to a request the Board will receive later in the meeting.

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

**5. Consent Agenda:**

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

**a. Approval of Minutes:**

- 1. May 27, 2009 Joint Recessed Meeting**
- 2. June 9, 2009 Regular Meeting**
- 3. June 23, 2009 Regular Meeting**
- 4. June 29, 2009 Joint Recessed Meeting**

**b. Approval of Routine Financial Matters:**

- 1. Payment of Bills – Month of June 2009**
- 2. Request for Revenue Refunds – Washington County Sheriff’s Office – Animal Sterilization Fees**
- 3. Request for Supplemental Appropriation – Washington County Circuit Court Clerk Office for Library of Virginia Records Preservation Grant**

**c. Award of Bids and Approval of Contracts:**

No items presented to the Board for approval.

**d. Authorization of Routine Business Matters:**

- 1. Declaration of County Surplus Vehicle and Authorization for Public Auction**

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

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

**6. Public Hearings:**

**a. Request(s) for Special Exception Permit:**

- 1. Southwestern Virginia Second Harvest Food Bank, Inc., Property Tax Map #105-8-2A: Request for Special Exception Permit to operate a small business in general, more specifically a food distribution center for the purpose of a non-profit organization to collect and distribute donated food and other grocery related items as well as purchasing food to supply partner agencies in an existing building with the addition of a 34' X 46' freezer and a 17' X 60' cooler on property located at 21452 Gravel Lake Road near the intersection of Cummings Street and State Route 670 (Vances Mill Road) in an A-2 (Agricultural, General) zone, Madison Magisterial District**

County Zoning and Subdivision Official Cathie Freeman provided the Board with an overview of the proceedings before the Planning Commission on this request. Mrs. Freeman explained that the Southwestern Virginia Second Harvest Food Bank is a non profit organization that currently provides food to ten counties in this region. Southwestern Virginia Second Harvest Food Bank is requesting a Special Exception Permit to operate a distribution center on property they purchased in Abingdon, Virginia. The previous owner of this property was issued a Special Exception Permit in 1999 to operate a taxidermy business. The Special Exception Permit is non-transferrable; therefore, Second Harvest Food Bank is required to apply for a Special Exception Permit. Mrs. Freeman further explained that there was no opposition to the request present at the Planning Commission hearing. The Planning Commission, on a 7-0 vote, recommended approval of the Special Exception Permit application because of the building previously being occupied as a business and the proposal serves a good cause for the public.

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

Ms. Pamela Irvin representing Southwestern Virginia Second Harvest Food Bank addressed the Board explained that Second Harvest did not realize that the Special Exception Permit was non transferable when they purchased the property. She explained that they are ready to begin the installation of the freezers and cookers in the building once a decision is made on their request for a Special Exception Permit.

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

***On motion of Mr. Price, second by Mr. McCrady, the Board acted to follow the recommendation of the Washington County Planning Commission and approve the request of Southwestern Virginia Second***

*Harvest Food Bank, Inc., for a Special Exception Permit to operate a small business in general, more specifically a food distribution center for the purpose of a non-profit organization to collect and distribute donated food and other grocery related items as well as purchasing food to supply partner agencies in an existing building with the addition of a 34' X 46' freezer and a 17' X 60' cooler on property located at 21452 Gravel Lake Road near the intersection of Cummings Street and State Route 670 (Vances Mill Road) in an A-2 (Agricultural, General) zone, Madison 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. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

Mr. Reynolds stated that the Second Harvest Food Bank does not have adequate facilities at their current location and that hopefully the new facility will meet their needs.

**7. Consideration of Board Action on Matter of:**

Patricia Williams Bradford, Property Tax Map #067A4-4-14: Request to rezone approximately 13.95 acres of property located on the east side of State Route 80 near the intersection of State Route 80/State Route 609 from A-2 (Agricultural, General) to B-2 (Business, General) Monroe Magisterial District

Patricia Williams Bradford on behalf of Love’s Travel Stops & Country Stores – Property Tax Map #067A-4-14: Request for a Special Exception Permit to construct and operate a truck stop known as “Love’s Travel Stop’s & Country Stores” consisting of restaurants, retail shopping, petroleum sales and associated parking on property located on the east side of State Route 80 near the intersection of State Route 80/Route 609 in a B-2 (Business, General) zone, Monroe Magisterial District

As Continued from June 9, 2009 Meeting

Mr. Reeter explained that a public hearing on both the rezoning and Special Exception Permit requests pertaining to the proposed Love’s Travel Center and Country Store was held at the regular meeting of the Board of Supervisors on June 9, 2009. At that meeting, the Board acted to continue action on the requests until July 14 to allow time for the Board to receive and review environmental review documentation that was generated by Love’s pertaining to the proposed Love’s Travel Center project at Exit 24. The Board members had been provided a copy of the environmental review report and a copy was included in the agenda materials. He further explained that members of the Board requested that representatives from the Virginia Department of Transportation (VDOT) attend this meeting to answer any questions the Board may have in relation to the environmental review documentation. Mr. Reeter proposed that the discussions begin with any questions that Board members may have for the VDOT representatives regarding the environmental review documentation.

At this time, Mr. Reynolds recognized VDOT Abingdon Resident Administrator Steve Buston and staff.

Mr. Buston addressed the Board and explained that VDOT District Environmental Manager Doris Bush was invited to attend tonight's meeting, but she had to be out of town and was, therefore, unable to attend. He explained that George Young from the VDOT Bristol District Environmental Section, who is familiar with the proposed project, is present to answer questions. Also, Rachel Brown from the Abingdon Residency Office is in attendance. Ms. Brown has worked with him on the road design.

At this time a question and answer period ensued among the Board and the VDOT representatives.

Mr. McCrady commented that the environmental review documentation submitted by Love's addressed the environmental issues relating to the widening of the road and the interchange and did not go into details regarding potential environmental impacts of actual operation of the proposed truck stop.

Mr. Young explained that he is not familiar with the specific environmental information that the Board was given in regards to the Love's Travel Center project. He explained that he would speak in general terms regarding VDOT's and the FHWA perspective on the environmental analysis. Mr. Young stated that Love's was required to prepare a categorical exclusion which is a National Environmental Protection Act (NEPA) document solely for the roadway improvements. This is all that VDOT and the FHWA has authority and control over. Roadway improvements were the focus of the study that VDOT requested to be completed. The report is basically completion of a seven page form referred to as an EQ104. This is the categorical exclusion that was the document prepared by Love's that was submitted to VDOT. VDOT forwarded the categorical exclusion to the FHWA for review and approval. That approval is just for the legal sufficiency of the environmental document relative to the roadway improvements.

Mr. McCrady asked if the categorical exclusion was a document normally required when a business locates in the County. Mr. Young explained that the categorical exclusion is required by VDOT and FHWA. Anytime that the FHWA takes an administrative action NEPA is implemented. This is what resulted in the categorical exclusion required of Love's. For example, if this project did not require the approval of the FHWA, VDOT may not have necessarily required an environmental study to the level of the categorical exclusion.

Mr. Taylor asked if any members of the VDOT staff assisted with completing the categorical exclusion. Mr. Young explained that the developer was responsible for preparing the environmental study in a form acceptable to VDOT. VDOT provided general oversight and guidance in the preparation of the categorical exclusion and concerning the appropriate documentation necessary for FHWA to review and approve. Mr. Young stated this was the extent of VDOT's involvement.

Mr. Taylor asked if this meant that Love's contracted with a company to prepare the categorical exclusion and submit the report to VDOT on Love's behalf. Mr. Young stated that based on previous experiences that VDOT staff may have reviewed and made comments about the categorical exclusion and then submitted it to the FHWA for their review and approval.

Mr. Taylor asked for clarification about the approval or disapproval of the categorical exclusion. Mr. Young explained that VDOT approved that the environmental report satisfied the NEPA requirement. He further explained that basically the categorical exclusion addressed the individual and cumulative impacts of the highway improvements and concluded the improvements would have only minimal potential of having a significant impact on the environment. Therefore it is categorically excluded by regulation. There are certain categories of exclusions spelled out in FHWA regulations. There is also an option based

on past events to conclude that a project could be categorically excluded even though the project category is not specifically mentioned in the FHWA regulations. The Love's Travel Center project is categorized as an interchange modification.

Mr. Taylor asked whether a public hearing was required as part of the environmental review and categorical exclusion. Mr. Young explained there is not necessarily a requirement for public availability in regards to the categorical exclusion. However, there are other VDOT and FHWA requirements for the interchange modification that may require public participation.

Mr. Buston explained the status of VDOT consideration of modification of the interchange design. He explained that VDOT has to submit to the FHWA an interchange modification report. This report has been worked on by Love's consultant and was submitted to VDOT. However, before the interchange modification report gets reviewed by VDOT-Richmond and forwarded to the FHWA, VDOT must determine whether the local government supports the proposed project. Mr. Buston further explained that a public hearing would be part of an interchange modification process, and Mr. Young added that the interchange modification report would be available at the public hearing for citizen review and comment.

Mr. Taylor asked if there were inaccuracies in the interchange modification report would the public hearing be the first opportunity for citizens to challenge a statement in the document. Mr. Buston stated that was correct. Mr. Reynolds inquired about the public hearing and if VDOT would still just address highway improvement issues. Mr. Buston explained that issues pertaining to the interchange modification would be the only issues addressed at the public hearing.

Mr. McCrady asked for a point of clarification on VDOT's categorization of traffic at interchanges (a, b, c rating scale). He explained that it is his understanding that if the Love's development were permitted to locate at the Exit 24 interchange it would elevate the traffic to a category c. Mr. McCrady asked for an explanation. Mr. Buston explained that traffic is modeled at interchanges and intersections. There are levels of service, and they are assigned a letter grade. The FHWA requires that any modifications, improvements or new design that those improvements reach at least a level service c. He explained that the traffic is not measured by the newness of a development, but by the traffic flow and the delay in traffic at the turning movements. This is how the traffic is categorized. The improvements and modifications will need to achieve at least level service c.

Mr. McCrady asked if the Love's Travel Center request is approved and goes in at a service level c then how much more commercial development could go in at the Exit 24 interchange without additional modifications. Mr. Buston explained that he does not have a figure and that each commercial development near the Exit 24 interchange would have to stand alone. He further explained that VDOT asked the engineer for to give them an idea of how much traffic could increase and still remain at a level of service c if Love's is fully operational. The information provided by Love's engineer says that the traffic will double. This has not been confirmed or studied by VDOT.

Mr. McCrady noted that allowing the Travel Center could limit growth at the Exit 24 interchange. Mr. Buston reiterated that each new development would have to stand alone with its impact, types of traffic, numbers of vehicles and how it would influence the traffic flow.

Mr. Owens asked if the Love's Travel Center request is approved would Love's need to obtain additional permits from VDOT and FHWA before proceeding with the project. Mr. Buston noted that the only permit required by VDOT would be the commercial entrance permit.

Mr. Reynolds thanked the VDOT representatives for being present to answer questions from the Board.

Mr. Reynolds explained that he told representatives of Love's Travel Center that the Board may have questions for them. He asked Board members if there were any questions for the Love's representatives. There were no questions asked of Love's by Board members.

At this time, Mr. Reynolds asked for discussion from the Board on the requests and explained that the Board should consider the rezoning and special exception permit as one action unless Board members feel otherwise.

Mr. Taylor explained that the proposed project would be located in his election district. He made a motion that the rezoning and Special Exception Permit requests both be denied. Ms. Phillips explained that a motion had already been made at the June 9 meeting to follow the recommendation of the Planning Commission and deny both the application for rezoning and for the Special Exception Permit. The action was voted on and it failed. Therefore, the only way the same motion could be brought back before the Board for consideration would be for one of the Board members who voted on the prevailing side to bring the motion back before the Board for consideration. She further explained that the Board members voting on the prevailing side were Mr. Reynolds, Mr. McCall, Mr. Owens and Mr. Price.

Mr. Taylor said the motion at the previous meeting was to support the recommendation of the Planning Commission to deny the requests, and that his motion was for the Board of Supervisors to deny the requests. He asked whether this distinction was sufficient to allow him to make the motion that he previously stated. Ms. Phillips explained that the end result would be the same in that the applications would be denied. Mr. Taylor withdrew his motion.

At this time, Chairman Reynolds yielded the gavel to Vice Chairman McCrady.

Mr. McCrady said he would entertain a motion on the requests. The following motion was proposed:

***A motion was made by Mr. Reynolds, second by Mr. Taylor to deny the requests Patricia Williams Bradford, to rezone approximately 13.95 acres of property located on the east side of State Route 80 near the intersection of State Route 80/State Route 609 from A-2 (Agricultural, General to B-2 (Business, General) Monroe Magisterial District, and the request of Patricia Williams Bradford on behalf of Love's Travel Stops & Country Stores for a Special Exception Permit to construct and operate a truck stop known as "Love's Travel Stop's & Country Stores" consisting of restaurants, retail shopping, petroleum sales and associated parking on property located on the east side of State Route 80 near the intersection of State Route 80/Route 609 in a B-2 (Business, General) zone, Monroe Magisterial District.***

Substantial discussions ensued concerning the proposed action.

Mr. Price inquired about what kind of message the Board would send to prospective businesses wanting to locate in the County. The County has a prospective business in Love's that has not asked the County for money to create jobs, but a company that is willing to spend their own money to create jobs for the County. Love's has not asked the County for incentives. He said that Board members have received lot of letters and calls about the proposed travel center and are under a lot of pressure. If the Board buckles to the pressure then the Board would probably buckle again. Mr. Price explained that it is obvious that the proposed travel center would be far enough away from school so there would be no threat to children. There are tractor and trailers that use Exit 24 everyday. He stated that for him this project is not about the

revenue that would be generated for the County. Mr. Price said that you are talking about jobs and fairness and talking about a company with a good record. He added that he has never received a call from Love's asking him to vote for the project. Mr. Price explained that the Board has the power to deny the request, but believes it would be an abuse of their power to do so because the Board does not have any information from the federal or state government that gives the Board any guideline to deny the requests for any reason he can think of. He said that Meadowview deserves to have something in their community. The children of Meadowview deserve to have a McDonald's the same as other places in the County. Mr. Price said that there are a lot of things that negatively impact people. One thing that causes a negative impact is alcohol. The petitions that are causing so much controversy were placed in establishments that sell alcohol. He explained that he has seen first hand what alcohol will do to children and to families, and Love's has agreed not to offer alcohol for sale at the proposed travel center. Mr. Price said he has seen no proof that there would be a negative impact on children or anyone else as far as their health and well being by allowing Love's to locate at Exit 24. He stated that the Board should not set the precedence. The state and federal agencies should be the ones to tell the Board of Supervisors if there are negative environmental impacts in regards to truck stops. Mr. Price said that he did not understand why Mr. Reynolds made the motion to deny the requests. If it's because of opposition there is opposition to everything. If the Board is going to deny the request they need to come up with a good reason to do so.

Mr. Reynolds explained that he made the motion because there are so many unknowns and concerns that are unable to be addressed.

Mr. Price commented that if there were issues that the doctors and professors would have provided that information to the Board. He explained that the professionals cannot prove there would be negative impacts to the safety and health of the children. There is no proof to be found anywhere. Love's is a good company that has followed all of the County's guidelines and provided all the information asked of them and invested a lot of money into the project. He pointed out that, in May, Smith-Packett came before the Board on behalf of the Town of Abingdon and asked for expedited review of its application to rezone property at Exit 22 that the County previously had been under contract to purchase together with the Town of Abingdon. Mr. Price explained that it was stated in the minutes of that meeting that Smith-Packett should be required to follow the same rules as other developers, and it was mentioned that other projects such as the new Johnston Memorial Hospital and Love's Travel Center has followed the County guidelines and provided all of the information that the County requested. He stated that the Board does not have a right to deny Love's request if they have done everything the County has asked them to do. The property in question is in the plan for commercial development. The County has a company willing to locate a business on the property and to provide jobs. Mr. Price reiterated that he does not see that the Board has a right to deny the request.

Mr. Taylor explained that members of the Board have the right to deny the request because the County's Zoning Ordinance has the proposed use with a Special Exception Permit, which provides the Board with the opportunity to ask questions and find out more information. The property in question presents a problem. There will be children affected by the proposed travel center if it were allowed to locate on the property. He further explained that the Board does not have the information to prove and are not sure how much the children will be impacted, and if the Board would like to spend money to have an environmental impact study completed to see how much impact there would be on the children that he would be in support. Mr. Taylor stated that he, however, has seen enough information. He stated that he does not disagree with the comment of Mr. Price that Love's is a good company and suggests that Love's look at another location in the County that is already designed for trucks and that does not have a school downstream. Mr. Taylor stated that the Board not only has the right to deny the request, but they have the responsibility to do so. The Washington County School Board sees what impact the proposed travel

center would have on the children and they have acted responsibly. It is not a hard decision to do the right thing. The decision becomes hard when you try to rationalize doing the wrong thing.

Mr. Owens stated that a lot of comments have been made about not approving the proposed travel center because of money. He explained that a point he would like to make is that the Board of Supervisors is the only Board responsible for providing funds to support the County operations. Mr. Owens further explained that last week the Board spent several hours meeting with the School Board and trying to decide whether or not to spend nine million dollars to build additions to schools in the County. Meadowview Elementary School would be the greatest benefactor of the construction project next to the Neff Center. Mr. Owens posed a question regarding where the money will be generated from to pay for the school construction project and explained that the Board of Supervisors is responsible for finding the money. If the money is borrowed, the County must pay it back. This Board, whether anyone likes it or not, is responsible to bring in revenue into the County. So, when a company like Love's comes along and offers to generate revenue for the County, the Board cannot overlook its request. Mr. Owens explained that when he initially heard that a travel center was proposing to locate in the County at the Exit 24 interchange, his first reaction was that it was a good idea, but at the wrong location. Then he visited the proposed site at Exit 24 and talked to numerous people. Among the people he spoke with was a truck driver who owns a trucking company who took a truck and drove the interchange and found no problems. Mr. Owens asked where you would build a truck stop if you do not build along the interstate.

Mr. Owens explained that he has looked at all the information presented in regards to the proposed travel center and has tried to find as much additional information as possible because it is a divisive issue. He further explained that the truck stop at Exit 29 was also a divisive issue maybe more so than the Love's proposal. Mr. Owens stated that when he made the motion for the Board to request that Love's provide an Environmental Impact Study that he knew the report would be attacked. Mr. Owens stated that when he received a copy of the study that he did not try to decide who the report favored. He explained that the report provided him with good information about the property and what would happen if the travel center were built.

He explained that the Board needs to demonstrate that Washington County is friendly to business if they want businesses to consider making an investment in the County. Mr. Owens stated that he would like to see this project approved. The travel center would benefit the people of Meadowview and the County. He commented about a letter from a resident of Meadowview that is retired who stated that they do not have enough income and have to supplement their income in order to pay for their health insurance. The individual went on to say that the travel center would benefit them. Mr. Owens commented that he heard many stories similar to this. He stated that most of the comments he has received since the June 9 public hearing have been in favor of the proposed travel center. Overall the comments he received has been 50/50.

Mr. McCall explained that he has received a lot of comments in favor of the proposed travel center at Exit 24 in Meadowview and that he supports the proposal. He commented about Mr. Taylor's proposal that Love's consider property the Exit 22 interchange. Mr. McCall explained that he has looked at the Exit 22 interchange. The Morgan McClure property was one option that had been identified; however, Mr. McCall stated that he did not think the Board would be willing to rezone the property from manufacturing to business to allow a travel center. If they did rezone the property for purpose of the travel center, the people with Morgan McClure would get upset because they wanted to locate a car dealership on this property. The Board had previously refused to rezone the property to allow the car dealership. The other property at Exit 22 is the Cozart property. Mr. McCall noted that the Cozart property is located away from the interstate, and most truck stops like to be visible from the interstate. He discussed the

topographic nature of the Cozart property and explained that you can see from Interstate 81 that the property is solid rock. Therefore, site development would be a major undertaking. Also, if the travel center is built on the Cozart property it would be directly upwind of the school, which would have more impact on school than the proposed location. Further, Mr. McCall stated that he could not see that the drift from the proposed travel center to Meadowview Elementary School would cause any more fumes than the children are getting from the cars and buses that are bringing kids to the school now. He stated that Dr. Lee could not tell the Board if the buses were being turned off when the children are loading and unloading. Mr. McCall stated that he knows the cars are not being turned off and that the parents and grandparents arrive at the school sometimes an hour in advance of the pickup time.

Mr. McCall addressed the discussion about other uses for the Exit 24 interchange. With the Love's proposal the County would be getting four uses in one. The County would be getting a gas station, a convenience store and two eating establishments with one entrance. He explained that a gas station is allowed outright, but that would be about the same as permitting a truck stop. Trucks could come into a gas station and get gas. This would be allowed outright on the property. He further stated that he believes there will not be another opportunity to get four uses unless someone is willing to sell more property. Then there will be the same problems with the interchange. The issues with the interchange will not be known until VDOT makes a final decision. Mr. McCall said that he does not want to tell Patricia Bradford that her land is useless, but his opinion is that is pretty much what the Board will be telling her if the proposal is denied.

Mrs. Mumpower addressed the Board explaining that some statements have been made that the Board is not friendly to industry, and she believes the facts prove differently. The Board has spent three million dollars over the past several years on industry incentives. With this three million dollars spent by the Board to be friendly toward industry, the County has drawn down three million additional dollars from the Commonwealth of Virginia. The Board has also tried to support local industry. The money put forth to draw jobs has created about 329 jobs in the County. So to say this Board is not friendly to industry is not a true statement because the Board has been very fair to industry and has tried to do everything humanly possible to draw industry into the County and to help the existing industries.

Mrs. Mumpower explained that there are several issues with the proposed travel center and that both sides have legitimate concerns. One of the major concerns is with the underpass and interchange at Exit 24. She commented about the problems with traffic the Exit 17 interchange in Abingdon and that the turn lane at this interchange is not sufficient. Mrs. Mumpower explained that Exit 17 is similar to the conditions at Exit 24. She stated that she respects each comment from her fellow Board members. It is unfortunate that this request is like a two edged sword. She reiterated her concerns with the Exit 24 interchange and commented about similar problems that have to be dealt with also at the Exit 14 interchange. The County has two interchanges with problems and to allow the proposed travel center at Exit 24 would create another problem. Mrs. Mumpower addressed the statement that no information has been received from doctors on this issue. She stated this is not so. The Board received information from pediatricians that are concerned about the health and safety of the children. These doctors do not have an axe to grind with this project. The Board has heard from the medical community. Mrs. Mumpower said there is no absolute proof that the diesel exhaust fumes will hurt the children. However, she asked if this Board could take the chance that the exhaust fumes may cause health and/or safety problems to the children. She stated that Love's is a good company and has been good to work with. Mrs. Mumpower explained that to say that a decision by the Board to approve or deny the request sends a message that Board is not friendly to industry is not a fair statement to make. She said it is unfortunate that this issue has divided the community and hopes the Board will make right decision, and that the community can mend back together.

Mr. Price responded to Mrs. Mumpower’s comments and explained that he did not say the Board was not friendly to business, but said that if the Board denies the request that it would send a signal to future businesses concerning locating in this County. He explained that the pediatricians did not give proof that the proposed travel center would cause harm to the children and said that concern is not proof. Mr. Price asked if the Board was concerned about the elderly and stated that the truck stop at Exit 19 is located near a nursing home.

Mr. Reynolds explained that all the participation in regards to this issue is appreciated. He stated that he has received calls from citizens throughout the County and that the proposed project has people concerned from a big portion of the County. Mr. Reynolds further explained that the decision on the proposed travel center is a judgment factor. Many of the issues brought up cannot be proven by either side. There are concerns and issues that this Board has to consider in order for the proposed travel center and the school to work together. He explained that after analysis of all the information, he believes there are so many unknowns that it is not a good mix to put these two places together at this point. He commented that Love’s is a very professional group and that he has not received any negative comments about this company. Mr. Reynolds spoke of frequently picking up his grandson at school and about the hustle and bustle at the school with the traffic. The Board has to be a concerned about the proposal because both sides have legitimate concerns.

Mr. Price stated that it is his hope that after the vote neighbors can go back to being neighbors undivided by this issue.

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

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

A five minute recess was taken.

**8. General Business:**

**a. Actionable Items:**

1. Consideration of Supplemental Appropriation for Abingdon Senior Services Center, Inc.

The Board received a presentation from Abingdon Senior Services Center Executive Director Dexter Peltzer concerning a request for a supplemental appropriation. Mr. Peltzer explained that the Senior Center has dramatically changed over the last year and a half. The Center has grown from 7,000 square feet to 15,000 square feet, from three employees to ten employees and from ten seniors a day coming to the Senior Center to approximately 100 seniors a day attending. The Senior Center operates about 30 programs and activities. The Meals on Wheels Program has expanded to over 400 meals a week which is a direct cost of \$72,000 per year. The Senior Center has added an Alzheimer daycare and over 25 other programs and activities. Mr. Peltzer explained that the total funding for the Senior Center is less than

when he became Executive Director. The funding for the Senior Center is all local funding. No state or federal funds are received. He further explained that the Senior Center is in desperate need of additional funding and if additional funding is not received programs such as Meals on Wheels will have to be cut.

Mr. Peltzer explained that he realizes these are trying times for the County and appreciates the funding received from both the County and the Town of Abingdon. He stated that it is his understanding that the County will have some year end reserves and requests that the Board consider a supplemental appropriation for the Abingdon Senior Center. Mr. Peltzer further explained that a similar request was made to the Town of Abingdon and they will appropriate an additional \$30,000 to the Senior Center from their year end reserves.

Discussions ensued among the Board and Mr. Peltzer

Mr. McCall explained that he would like the Board to provide some additional funding to the Senior Center if funds are available. He inquired about how much revenue the Senior Center has generated since the opening of the ballroom. Mr. Peltzer explained that the revenue from the catering and café averages about \$11,000-\$12,000 a month.

Mr. McCall inquired about the grant funds awarded to the Senior Center. Mr. Peltzer explained that Congressman Boucher assisted the Senior Center in receiving matching grant funds in the amount of \$25,000 from the USDA for capital projects at the Senior Center. The grant is part of the stimulus package and it requires a match of \$20,545. None of the grant funds can be used to pay down bills. The funds are for capital expenditures only.

Mr. McCall stated that he would like for the County to help, but like the Town of Abingdon, the County needed to see what the year end uncommitted carryover will be.

Mr. Seamon stated that based upon current estimates the County will not meet the budgeted General fund carryover again this year. He stated that the School Operating Fund had a very large balance of unused General Fund monies; however, most all of those funds will be requested back by the School Board.

Mr. McCall asked about the \$200,000 projected increase in local sales tax revenue which was placed in the Rainy Day Account. Mr. Seamon explained that was too early to tell if the revised local sales tax projections will materialize at this time; and he actually anticipates a shortfall of revenue collections in the near term.

Mr. Owens said that hopefully the Board may have a better handle on how the local sales tax revenue will shake out by October or November.

Mr. Seamon explained that the County needed to watch very carefully the General Fund's cash flow this year during the months of July, August, September and October. He stated that the County is in a similar situation as last year when funds from the County's Utilities Fund were used to cover all the County's expenses for the month of October.

Discussions ensued among the Board concerning the end of year carryover and potential revenue shortfalls. Also, further discussions ensued concerning the request of the Abingdon Senior Center.

Mr. Taylor asked if the Center had six months to raise the matching funds. Mr. Peltzer explained that they do have six months. Mr. Taylor stated that would work with the County's timeline to consider the funding request.

Mr. Taylor expressed concern that by making this request to the Board that the Abingdon Senior Center may have issues with the United Way. Mr. Peltzer explained that the matters with the United Way have been cleared and the United Way has said the decision for a supplemental appropriation to the Senior Center would be up to the Board of Supervisors.

Mr. Reynolds explained that the Board understands the Senior Center's financial situation, and asked Mr. Seamon to keep their request in mind and to keep the Board updated on the County's financial situation. Mr. McCall asked that the request be placed on the Agenda for a future Board meeting, maybe the first meeting in September.

2. Consideration of Supplemental Appropriation for Washington County Little League Girls Softball League

Mrs. Mumpower addressed the Board requesting consideration for a supplemental appropriation to the Washington County Little League Girls Softball League to assist with travel expenses for the teams to compete in state tournaments. She explained that this will be the third straight year that this group of young ladies has competed in state tournaments. They have never come to the Board to ask for financial assistance because the tournaments have been held locally. Mrs. Mumpower stated that the group came in second place in last year's tournament. She hopes they will bring home the state championship this year.

Mrs. Mumpower explained that the team just recently qualified for the state tournament and had less than a week to raise funds for the trip. She further explained that the parents, grandparents and team members have worked very hard to raise funds during this last week. The total cost of the trip is \$7,800. A little over \$2,000 has been raised. Mrs. Mumpower asked the Board to consider contributing \$2,500 to the Washington County Little League Girls Softball League.

***On motion Mrs. Mumpower, second by Mr. McCrady, the Board acted to approve a supplemental appropriation in the amount of \$2,500 from Reserve for Contingencies to the Washington County Little League for its Girls Softball League.***

Discussions ensued among the Board concerning the County's financial situation and if the County could afford to grant the request.

Mrs. Mumpower asked the representatives from the Washington County Little League to address the Board.

Mrs. Judy Fuller addressed the Board explaining that she appreciates the opportunity to address the Board and hopes that the Board will be able to honor the financial request to assist the Washington County Little League Girls Softball Team (11-12 year old girls) with travel expenses for competing in the state tournament. Mrs. Fuller explained that this is the third consecutive year that this group of girls has won the district. She further explained that two years ago they competed in the state tournament held in Virginia Beach and did not request funds from the County because they had a successful fundraising campaign. Last year the state tournament was held in Bristol. The girls won district on July 5 and will be leaving in a few days to travel to Leesburg, VA to compete in the state tournament.

At this time discussions ensued among the Board and representatives from the Washington County Little League (Judy Fuller, Tracy Fuller and Mickey Arnold). The Board also discussed the County's financial situation.

The representatives from the Washington County Little League expressed the fact that they have not had to come before the Board to request funds in the past to help with expenses associated with the teams state tournament play.

Mrs. Mumpower asked if the travel expenses include rooms for parents or other individuals other than the children and if quotes have been received from the hotel they will be staying. Mrs. Judy Fuller explained that the request for financial assistance is only for rooms for the team members and not for parents. A copy of the quote received was provided to the Board.

*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>

Further discussions ensued among the Board and representatives from the Washington County Little League concerning County funding to the organization and regarding the expansion of the Washington County Little League fields.

Mr. Reynolds, on behalf of the Board of Supervisors, wished the Washington County Little League Girls Softball Team the best of luck in the state competition.

Mrs. Judy Fuller thanked the Board for their support.

Mrs. Mumpower wished the team the best of luck and thanked them for addressing the Board. She also thanked the Board for their support.

3. Consideration of Appointment to Highlands Community Policy and Management Team

*On motion of Mr. McCall, second by Mr. Owens, the Board acted to appoint Kathi Roark as Washington County's Private Provider Representative to Highlands Community Policy & Management Team for a term ending June 30, 2011.*

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

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

*Mr. Taylor*                      *Aye*

**b.      Informational Items:**

No informational items were presented.

**9.      Board Member Reports**

Mr. Price discussed the recent action of the Washington County Service Authority to adopt their consultant's recommendation for a new fee structure. Mr. Price explained that the action of the Service Authority will be cause great detriment to future development in the County. He stated that the Board needs to consider how this problem can be remedied.

Mr. Price discussed issues pertaining to a set of property owner's rights and responsibilities and if there would be Board support for such a document. He explained that the intent of his proposal is to keep property owners from infringing on other property owner's rights. Mr. Price further explained that there are issues with noise. A particular situation with noise involves property on Providence Road in Abingdon, VA with noise from motorcycles. In another part of the County there is a situation involving barking dogs. He stated that he would like to see the County Animal Control Department come up with a good set of regulations that would not affect hunters. Mr. Price said that he believes it would be good for the County to have property owner's rights and responsibilities. However, he does not want County staff to draft the document unless there is support from the Board.

Discussions ensued among the Board and Ms. Phillips concerning property owner's rights and responsibilities, the situation on Providence Road and issues with barking dogs.

Ms. Phillips explained that she is familiar with the situation on Providence Road and has received complaints about the tremendous amount of motorcycle activity on the property. She further explained that as far as the County knows it is a private, personal use of the property and not a business. As far as a noise ordinance, she explained the she has drafted an ordinance that addresses barking dogs. The draft ordinance was provided to Mr. Price. A copy of the draft ordinance will be provided to the Board for review and to decide if they would like the ordinance brought back for consideration. Ms. Phillips explained that the draft ordinance was reviewed by the Animal Control Department and that Animal Control has some reservations. She further explained that noise ordinances are in a state of flux right now. The courts have recently struck down several cases involving noise ordinances. Ms. Phillips explained that the Local Government Attorneys of Virginia (LGA) is working on a model noise ordinance and suggested that the Board wait to take action on a noise ordinance until a model is received from the LGA.

Further discussions ensued among the Board pertaining to these issues.

Mr. Taylor asked for a status report regarding his proposal for a recycling program and stated that the three individuals he asked be involved in planning for a recycling program have not been contacted by the County. Mr. Reeter explained that the individuals have not been contacted because there has not been a need for the County Solid Waste Committee to meet. Mr. Taylor explained that he encourages a meeting of the County Solid Waste Committee to discuss recycling issues. He would like to know of capital needs prior to the next fiscal year's budget process.

Mr. Owens discussed the letter from the United Way to the Abingdon Senior Center warning them about requesting a supplemental appropriation from the County. He stated that apparently the United Way does not encourage agencies to come to the Board directly with funding requests. Discussions ensued among the Board concerning this issue. Mr. Price stated that Mr. Peltzer mentioned in his presentation that he cleared the request with the United Way. Mr. Owens stated that this issued needs to be clarified before the Board considers providing a supplemental appropriation to the Abingdon Senior Center. Mr. Reeter stated that he would contact the United Way regarding this issue.

Mr. McCrady followed up on Mr. Price's comments about the recent action of the Washington County Service Authority to adopt their consultant's recommendation for a new fee structure. He explained this action is counter productive to commercial and residential development. Mr. McCrady stated the he along with Supervisors Dulcie Mumpower and Paul Price attended the public hearing on this issue and further stated that consultants work within parameters provided to them. He explained that the Service Authority is creating a revenue stream from the tap fees. This will virtually stop condo and duplex development because of the prices. Mr. McCrady stated it was time for the Board to take a serious look at what they are going to do to correct the problem. Discussions ensued among the Board concerning issues pertaining to the new fee structure adopted by the Washington County Service Authority.

Mr. McCrady inquired if the service to remove the metal from the transfer stations in the County is put out to bid. Mr. Reeter explained that this service is handled by whatever company will take the material from the County at the least charge. Mr. Seamon explained that the County put this service out to bid at one time. The contract ended because of difficulties and controversy involving convenience station workers removing the valuable material.

Mr. McCrady provided a status report on the Beaverdam Park Project in Damascus. He explained that the Army Corp of Engineers has given authorization for the County to separate from the land issues involving the Damascus Fire Department. The County can now move ahead with drainage issues. Mr. McCrady explained that the Damascus Fire Department owns property next to the Beaverdam Park property and they illegally filled a US Wetland. The Fire Department is now required to complete an engineering study. They are requesting the County's help to pay for the study. The cost of the study will be about \$3,600. Mr. McCrady explained that the Fire Department will be responsible for fixing the problems.

A motion was made by Mr. McCrady and seconded by Mrs. Mumpower, to appropriate \$3,600 from reserve for contingencies to the Damascus Fire Department to pay for the engineering study.

Mr. Reeter explained that Mr. McCrady is asking for a supplemental appropriation to be made to the professional services line item in the County Operating Budget for the Beaverdam Park Project. He further explained that the County would commission Barge Waggoner Sumner and Cannon to complete a wetlands delineation study of the Damascus Fire Department property under the auspices of the County's contract with this firm. If the Board is amicable with this request, the matter could be placed on the next meeting agenda as a consent agenda item. Mr. Reeter explained that the County would not take responsibility to mitigate what the fire department has done. The Damascus Fire Department would be responsible for restoring the wetland.

Discussions ensued among the Board.

Mr. Price asked why the study was necessary. Mr. Reeter explained that the Army Corp of Engineers is requiring the wetlands delineation study be completed because wetlands have been disturbed. Mr. Price

asked if the County obligates itself financially to do the study is this obligating the County to the recourse. Mr. Reeter said that it would not.

Mr. McCrady explained that in March the County was ready to go to contract on the Beaverdam Park Project. Then the County received a call from Barge Waggoner Sumner and Cannon regarding a call they received from the Virginia Department of Environmental Quality informing them that no permits would be issued because there had been disturbance to wetlands. He further explained that since March the County has been working to remedy the situation.

Further discussions ensued concerning this issue.

At this time, Mr. McCrady withdrew his motion.

Mr. McCrady provided a status on the Damascus Branch Library Project. He explained that the project is in two stages because VDOT funding is involved. Due to the issues pertaining to VDOT funding, a decision has been made to delay some of the development. Mr. Owens asked when the groundbreaking for this project would be. Mr. McCrady explained it would be in late September or early October. Further discussions ensued concerning the VDOT funds involved in the Damascus Branch Library Project and the expected delays associated with using VDOT funds. Mr. McCrady stated that the VDOT funds are a large amount of money and is worth the wait.

Mr. Owens asked for a status report of the Robert E. Lee Hotel demolition. Ms. Phillips said that County Building Official Bill Cole met with a hazardous materials specialist in late May/early June. It was determined that there is a lot of hazardous waste issues that have to be dealt with. She explained that she asked a specialist to prepare a proposal for the review of the hazardous substance contained in the facility and to look at the most cost effective way for the County to remove the hazardous materials. A proposal was received by the County and is waiting for her review. Ms. Phillips further explained that the County may need to go through the procurement process for the disposal of the hazardous waste. She explained that another pending issue is in regards to the Robert E. Lee Hotel sign. Mr. Reeter has been looking into the possibility of somebody taking the sign and placing it somewhere in Virginia. So far no one has come forward with interest in taking the sign and placing it somewhere in Virginia. Ms. Phillips further explained that she made contact with the American Sign Museum in Cincinnati, Ohio that has shown interest in the sign. A company representative came to Abingdon to look at the sign and do not know if they would be able to take the entire sign. They did express interest in the art work and the neon sign. Ms. Phillips is awaiting the museum representatives response after his site visit.

Further discussions ensued concerning the Robert E. Lee Hotel demolition. Mr. Taylor proposed that the County look into the possibility of a controlled burn. Mr. Reeter explained that this cannot be done because the building contains so much asbestos.

## **10. Board Information and Reminders**

Mr. Reeter reviewed the following Board Information:

- Reminder of the County Employee Picnic to be held on September 13 from 4:00 PM – 6:00 PM at the Washington County Park.

- Correspondence from Allied Waste Services regarding a reduction in County Waste Hauling Rate for FY 2009-10
- Correspondence from County Building Official William E. Cole announcing his retirement effective May 28, 2010.

Mr. Reynolds explained that he received a call from a constituent regarding additional fees charged by their waste hauler company if they chose to pay their bill with check or money order instead of by automatic draft. He further explained that most utility bills now would like to have their customers make direct payments and they offer a cheaper rate to do so. Mr. Reynolds stated that this seems to be the trend. Ms. Phillips advised the Board that the renewal of solid waste hauler permits will be coming before the Board soon. This is an issue the Board could consider at that time.

**11. Adjourn or Recess**

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

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

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

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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