

VIRGINIA:

At a special called meeting of the Washington County Board of Supervisors held Tuesday, December 29, 2003, at 5:30 p.m., at the County Administration Building in Abingdon, Virginia the following were present:

PRESENT:

Joe W. Derting, Chairman
Phillip B. McCall, Vice Chairman
Jack H. Barker (arrived at 6:40 PM)
Bobby D. Ingle
Dulcie M. Mumpower
Anthony S. Rector
John B. Roberts, Sr.

Mark K. Reeter, County Administrator
Lucy E. Phillips, County Attorney
Naoma A. Mullins, Recording Clerk

ABSENT:

Mark W. Seamon, Accounting Manager

1. Call to Order

The special meeting was called to order by Mr. Joe Derting, Chairman of the Board, who welcomed everyone in attendance. Mr. Derting reviewed for the audience the purpose of the special called meeting.

2. Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(7) for consultation with retained counsel, Richard Cranwell, and with the County Attorney regarding pending litigation related to the property owner initiated annexation petition filed against Washington County and City of Bristol, where such consultation and briefing in open meeting would adversely affect the negotiating or litigating posture of the Board of Supervisors

On motion of Mr. Roberts, second by Mr. Ingle, it was resolved to convene in Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(7) for consultation with retained Counsel, Richard Cranwell, and with the County Attorney regarding pending litigation related to the property owner initiated annexation petition filed against Washington County and City of Bristol, where such consultation and briefing in open meeting would adversely affect the negotiating or litigating posture of the Board of Supervisors. It was further resolved to include County Administrator Mark Reeter and Supervisors Elect Odell Owens and Kenneth Reynolds.

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

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

On motion of Mr. Ingle second by Mr. Rector, it was resolved to reconvene in open meeting.

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

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

At this time, any participant in the closed meetings who believes that there as a departure from the requirements of the Virginia Freedom of Information Act during the closed meetings, please state the substance of the departure that you believe has taken place.

Hearing no such comments, on motion of Mr. McCall, second by Mr. Rector, it was resolved to certify the closed meeting in accordance with the requirements of the Virginia Freedom of Information Act. By vote in favor of this motion, each member certifies that the closed meeting were conducted in conformity with Virginia law, and that only public business matters lawfully exempted from open meeting requirements and identified in the motion by which the closed meeting were convened were heard, discussed, or considered in the closed meeting.

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

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

3. Recess until 7:00 PM

On motion of Mr. Roberts, second by Mr. Ingle it was resolved to recess until 7:00 PM.

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

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>

Mr. Rector *Aye*
Mr. Roberts *Aye*

4. Consideration of Public Comments Regarding Proposed Substance Abuse Treatment Facility to be located at 21357 Old Dominion Road operated by Appalachian Treatment Services, LLC

Chairman Joe Derting called the recessed meeting of the Washington County Board of Supervisors to order.

For the benefit of the audience, Mr. Derting stated the purpose of the recessed meeting and invited comments from the public regarding the proposed substance abuse treatment facility to be located at 21357 Old Dominion Road.

The following people spoke in opposition to the proposed substance abuse treatment facility:

Mr. Wes Rosenbalm, President, Lowery Hills Subdivision Homeowners Association
 Mr. Mike Bragg - representing the Lowery Hills Subdivision Homeowners Association
 Mr. Patrick Mannix
 Ms. Susan Barry (daughter died from Methadone overdose)
 Mr. Lucas Hobbs
 Mr. William Westfall
 Mr. Fred Newman, Sheriff, Washington County
 Mrs. Angela Boyda
 Mr. Herb Clark
 Mrs. Mitzi Martin
 Mr. Keith Foster, President, Virginia/Tennessee Board of Realtors
 Ms. Kathryn Roark - representing the Wilson District on the Washington County School Board
 Ms. Donna Leonard
 Mr. Tony Frye
 Ms. Donna Bise
 Delegate Joe Johnson
 Mr. Jim Cooper
 Mr. Charles Cartwell
 Mr. Ray Massengill
 Ms. Becky Bratton
 Ms. Beverly Tester
 Dr. Ann Kegley
 Mr. Shawn Martin

The following person spoke in favor of a substance abuse treatment facility to be located in Washington County, but not in the proposed location on Old Dominion Road:

Teresa Sanders

Chairman Joe Derting thanked those in the audience for attending the meeting. Mr. Derting advised the residents that the decision on the proposed substance abuse treatment facility would be made

administratively and not by the Board of Supervisors or Planning Commission. He explained that an appeal of the Zoning Administrator's decision is permitted.

Supervisor Dulcie Mumpower addressed the Board. Mrs. Mumpower thanked Wes Rosenbalm and Mike Bragg for their dedication to their community on this issue. Also, she thanked the residents of the community for attending the meeting and showing their concern. Mrs. Mumpower stated that Washington County is faced with a serious situation concerning the proposed substance abuse treatment facility. She expressed concern with the location of the proposed facility being in a residential area, in sight of a high school that the County has stressed should be drug free and in sight of a church. Mrs. Mumpower said that the Supervisors and administration recognize the public outcry and appeal to stop the proposed facility from locating in Washington County.

Mrs. Mumpower explained that most of the people in attendance have lived in Washington County their entire life and chose to reside in Lowery Hills because it was a safe and quiet neighborhood to raise their families and that she will work to keep it this way. In addition to her other concerns, Mrs. Mumpower explained that the proposed facility would be located on a street that is very busy from residential traffic, and traffic going to Bristol Virginia Utilities. Also, there are parents, children and senior citizens that would pass the proposed facility daily. The Board needs to devote serious consideration to these issues.

Mrs. Mumpower spoke of the overwhelming opposition to the proposed facility. She thanked the people that has called or written her with their concerns over this issue. Many residents expressed concern that Washington County was not notified earlier about the proposed facility. Because the law does not require the State to notify a locality, Washington County did not learn about the proposed facility until the operator notified the Planning and Zoning Department. Mrs. Mumpower requested that the Washington County representatives to the Virginia General Assembly work to change the law to require the State notify localities when these type facilities are applying for permits to locate in their jurisdiction.

Mrs. Mumpower reported that she has talked with many doctors on this subject who have said that Washington County does not need a Methadone Clinic. She expressed her empathy for people with drug problems and recognizes they need treatment. Highlands Community Services provides assistance to people with a drug problem and there are drug treatment facilities in the area.

In conclusion, Mrs. Mumpower addressed information she obtained regarding permits issued to Mr. Wells, the owner of the property where the proposed facility would be located. The contracts entered into with Mr. Wells by Zoning Administration are no longer in compliance. Therefore, the homes are no longer being used as models. Mrs. Mumpower requested the County immediately take all action necessary to have said homes removed. Further, she stated that it is her opinion that a substance abuse treatment facility or Methadone Clinic does not meet the definition of a medical clinic facility, hospital, etc. as described in the County's Zoning Ordinance. Mrs. Mumpower further stated that she received a call from the operator of the proposed facility and was informed that their plans are to open the facility immediately. After asking several questions, Mrs. Mumpower learned that a physician has not yet been hired to oversee the treatment program. Once a physician is hired, they will only be at the facility when their schedule permits. Therefore, this proves that the proposed facility is not a medical clinic because a physician is not on-site at all times to oversee the operation. Mrs. Mumpower asked the support of the Board and Mr. Reeter when he reviews the request to deny the use of the facility for a Methadone Clinic. The remaining members of the Board echoed Mrs. Mumpower's remarks and stated their opposition to the substance abuse treatment facility locating at the site in question. It was stated that a clinic of this nature should be located near a hospital and not in a residential area.

Again, Mr. Derting thanked citizens for attending the meeting and expressing their concerns and assured them that the Board of Supervisors share their concerns.

5. Adjourn

On motion of Mr. Rector, second by Mr. Barker, it was resolved to adjourn the meeting.

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

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

Prepared by:

Naoma A. Mullins, Recording Clerk

Approved by the Washington County Board of Supervisors:

John B. Roberts, Sr., Chairman