

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, August 28, 2007, 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
- Anthony S. Rector

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

1. Call to Order

The meeting was called to order by Mr. Jack McCrady, Vice Chairman of the Board, who welcomed everyone in attendance. Mr. McCrady noted that Chairman Kenneth Reynolds is out of town and will not be attending the meeting.

2. Invocation and Pledge of Allegiance

Vice Chairman Jack McCrady gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

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

Addition of Item 4.a.

Presentation by Larry Fleenor concerning issues along Sinking Creek Road

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

- Mr. McCall*** ***Aye***
- Mr. McCrady*** ***Aye***
- Mrs. Mumpower*** ***Aye***
- Mr. Owens*** ***Aye***

Mr. Price *Aye*
Mr. Rector *Aye*

4. Approval of Minutes

On motion of Mr. Rector, second by Mr. Owens, it was resolved to approve the minutes of the August 14, 2007, regular meeting as presented.

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

Mr. McCall *Aye*
Mr. McCrady *Aye*
Mrs. Mumpower *Aye*
Mr. Owens *Aye*
Mr. Price *Aye*
Mr. Rector *Aye*

4.a. Presentation by Larry Fleenor

Mr. Larry Fleenor addressed the Board concerning issues along Sinking Creek Road in the High Point area of Washington County. Mr. Fleenor explained that he owns a farm located on Sinking Creek Road, and that Sinking Spring has served his farm for many years. In the early 1990's, Sinking Spring was putting out about one million gallons of water per day. At this time, Mr. Fleenor distributed photographs of Sinking Spring to the Board which show that the spring is running dry. He explained that in the spring of this year, Sinking Spring was producing only about 300,000 gallons per day. Mr. Fleenor expressed concerns about the decrease in the output from Sinking Spring and stated that he realizes there have been severe drought conditions. However, he feels that the primary reason that Sinking Spring is running dry is due to the Old Farm and The Virginian pumping ground and surface water for their golf courses.

Mr. Fleenor asserted that The Virginian has been doing a great amount of grading work on an uphill surface without any sediment control protection. This has caused a tremendous amount of problems to the ground water supply. He further asserted that The Virginian had no sediment control protection in place at all until the Virginia Department of Conservation and Recreation (DCR) recently conducted an inspection of the site. Mr. Fleenor said the sediment from the work at The Virginian has spilled down to his farm, which is located a couple miles down the road from Sinking Spring. He explained that on August 8, 2007, DCR conducted an inspection at The Virginian site and passed only three of the 11 requirements for sediment and erosion control. On August 14, 2007, The Virginian and the Washington County Service Authority were notified about the erosion and sediment control issues. On August 20, 2007, the County Building Inspectors and The Virginian were notified with a stop work order request. He stated that he spoke with the County Administrator and Chief Building Official today about the issues and was told that they were unaware of the need for enforcement activity at The Virginian site. Mr. Fleenor further stated that both he and the DCR have asked that The Virginian should submit a new sediment and erosion control plan. Mr. Fleenor asked for Washington County to take action on the issues at The Virginian.

At this time, substantial discussion ensued among the Board. Mr. Price said that he believes The Virginian has purchased a meter from the Washington County Service Authority to try to replenish the

water to Sinking Spring. Mrs. Mumpower explained that she received a call from one of her constituents about the situation with Sinking Creek and inquired if there was anything legally the County could do. Mr. Fleenor explained to the Board that the issues Mrs. Mumpower are referring to involve the pipeline project, and that he realizes that they are not the County's problem. He further explained that the issues he has presented to the Board tonight are separate from the concerns related to the pipeline project. He stated however, that if the problems with Sinking Creek could get resolved then the pipeline project would get resolved. Mr. Reeter addressed the Board explaining that it is his understanding that this afternoon the County Building Inspector and a DCR representative went to the site at The Virginian to conduct a review. He explained that it was reported to him by the County Building Inspector that additional hydro-seeding and silt fencing had been installed. This will bring immediate sediment control measures up-to-date. The Virginian and their contractor must still submit an updated Erosion and Sediment Control Plan as soon as possible. Ms. Phillips addressed the Board explaining that the County does have jurisdictional authority regarding erosion and sediment control matters. She reiterated Mr. Reeter's remarks that the County Building Official was on-site at The Virginian this afternoon. Ms. Phillips stated that the County is not sure at this time what the next step will be. She further stated that regarding the issue of withdrawal of water from Sinking Creek, that the County does not have regulatory authority over extraction of water.

Further discussions ensued among the Board. Mr. Fleenor explained to the Board that he is requesting the County issue a stop work order until an updated Erosion and Sediment Control Plan is submitted. He stated that the current plan is 20 years old. Mr. Fleenor said that he appreciates the Board's assistance in anyway possible to help get a handle on the situation. Mr. Owens commented to the County Attorney that the County should contact DCR and ask for answers as to what has happened to the water in Sinking Springs. He stated that it appears something has happened to dry the stream. He also expressed concerns about the animal life along Sinking Creek. Mrs. Mumpower commented that the problems with Sinking Creek were a serious issue for the farmers. The Board asked the County Administrator to contact the Army Corp of Engineers to see if they have inspected Sinking Creek.

5. Presentation Concerning Proposed Continuing Care Retirement Community for Abingdon Area

Mr. Steve Weston made a presentation to the Board concerning a Continuing Care Retirement Community (CCRC) for the Abingdon area. Mr. Weston explained that this is a request asking the Board of Supervisors to show support for a concept for a CCRC to be added into the Abingdon area. This is not a proposal to bring outsiders into Washington County, but to improve the quality of life to seniors in the Washington County area and other contiguous areas. A CCRC in the Abingdon area would bring about an improvement in quality of life as the senior citizen population ages and as housing requirements change for the elderly. Mr. Weston stated that basically the CCRC concept includes independent living, assisted living and a skill nursing facility. Having a facility like the CCRC in this area would enable folks wanting to enter this type of facility the opportunity to do so close to home, close to neighbors and family. He further stated that he believes we all know someone in our families that could take advantage of one of the sections of the CCRC. Mr. Weston said the CCRC concept is taking hold throughout the country. He explained that the Board is being asked to consider that the concept of a CCRC for the Abingdon area would be beneficial to the citizens of Washington County.

At this time, Mr. Weston distributed a packet of materials to the Board that included pictures of an existing CCRC facility (Pheasant Ridge) located in Roanoke, VA, which is owned and operated by Smith/Packet. He explained to the Board that he has been working with Mr. Scott Miller of

Smith/Packett concerning the possibility of integrating a CCRC within the Century Village. There have been discussions about a joint venture between Earth Treasures (Mr. Weston's company) and Smith/Packett which would offer the CCRC to be built by Smith/Packett on 40 acres of the Century Village property (former Denton farm). Mr. Weston stated that the former Denton property is not the only property in the Abingdon area that Smith/Packett is considering for a CCRC facility. In closing, Mr. Weston discussed that currently there is no property within Washington County that is zoned for a CCRC facility.

Mr. Scott Miller representing Smith/Packett addressed the Board. Mr. Miller explained that CCRC facilities have traditionally been faith based developments requiring a significant investment by an individual prior to entering the facility. Smith/Packett looks at CCRC facilities in a different way, therefore, packaging their developments differently. A senior citizen can enter a Smith/Packett facility at any level of care. He reviewed their flagship project, Pheasant Ridge Retirement Campus, located in Roanoke, VA. Mr. Miller told the Board that Smith/Packett is developing CCRC facilities throughout Virginia. He addressed with the Board the zoning issues relating to developing a CCRC in the Abingdon area and stated that it is not an uncommon problem for there not to be a zoning designation for a CCRC facility. Smith/Packett has worked through these types of zoning issues with many municipalities and assisted them with adding a zoning designation. Mr. Miller reviewed a site plan for the proposed CCRC in the Abingdon area. He further reviewed the history of Smith/Packett and his affiliation with the company. Mr. Miller advised the Board that Smith/Packett conducted an in-house feasibility study for a CCRC facility in the Abingdon area and the study definitely shows the need for a CCRC facility. Smith/Packett is currently working on obtaining the communities ideas and thoughts about the need for a CCRC.

At this time, discussion ensued among the Board. Discussions involved a prior CCRC concept proposed that was approved by the Board and the appropriation of \$50,000 to fund a feasibility study. The concept was later abandoned by the developer. Mr. Miller advised the Board that an in-house feasibility study has already been conducted and that Smith/Packett would not be asking for money to fund another feasibility study.

Mr. Jack White addressed the Board regarding questions raised about the former CCRC proposal by Sunnyside. Mr. White explained that he does not know what happened with Sunnyside. There was a feasibility study on-going and focus groups were formed. Then one day the Committee got a call from a representative of Sunnyside who asked to attend a Committee meeting at which he told the Committee the projects would not go forward.

Further discussions ensued among the Board with the Board giving their consensus approval to the concept for a CCRC to be developed in the Abingdon area.

6. Consideration of Publication for Real Estate and Personal Property Delinquent Tax Lists for Fiscal year Ending June 30, 2007

County Treasurer Fred Parker addressed the Board regarding the publication of the real estate and personal property delinquent tax lists. Mr. Parker explained that the lists are absent any bankruptcies which have an automatic stay of collection. He advised the Board that he has been bringing the delinquent real estate and personal property tax lists to the Board and recommending their publication since 1986. Mr. Parker stated that the publication of the delinquent tax lists is an effective collection tool. Just the notice of publication brings in delinquent taxes. He explained that the last two years the Board

has acted to place the delinquent tax lists on the County’s website and to place a notice of this in the paper. Mr. Parker stated that he recommends publishing the delinquent tax lists in the same manner. He mentioned to the Board that there is a small increase in the delinquent tax rate mainly due to the economy.

In another matter, Mr. Parker explained that he will bring to the Board at a future Board meeting a list of properties where an attorney will be hired to initiate court proceedings against parcels of property where there are three or more years of delinquent taxes owed. He explained that approximately notices were mailed to 500 landowners owing more than three years of delinquent taxes offering them a payment plan. He further explained that his office has met with about 200 landowners about setting up a payment plan. Some people receiving the notices have stated that the land was in an estate and for the County to proceed with selling the parcels.

Discussion ensued among the Board. Mr. Price inquired about how many notices were issued. Mr. Parker replied that three different notices were sent to the landowners.

On motion of Mr. Rector, second by Mr. McCall, the Board acted to authorize the publication of the Delinquent Tax Lists for Fiscal year ending June 30, 2007 on the County’s website and to publish a notice of this in a local newspaper..

The vote on this motion was as follows: (5-1)

<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>Nay</i>
<i>Mr. Rector</i>	<i>Aye</i>

7. Consideration of Approval of Appointments to Southwest Virginia Community Corrections’ Community Criminal Justice Board

On motion of Mr. McCall, second by Mr. Rector, the Board acted to appoint the following individuals to the Southwest Virginia Community Corrections’ Community Criminal Justice Board:

- Honorable Elizabeth S. Wills – Juvenile and Domestic Judge Representative*
- Honorable Henry Vanover-Circuit Court Judge Representative*
- Honorable Sage Johnson – District Court Judge Representative*
- Allison Steele – Education Representative*
- Chief William H. Price – Chief of Police Representative*
- Ruth Hale – Chief Magistrate Representative*
- Sheriff David Bradley – Sheriff’s Representative*
- Roy Evans – Commonwealth Attorney Representative*
- Lee Noble – Regional Jail Representative*
- Kevin tiller – Defense Attorney Representative*

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

<i>Mr. McCall</i>	<i>Aye</i>
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<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. Rector</i>	<i>Aye</i>

8. Consideration of Appointment to Virginia Highlands Small Business Incubator

On motion of Mr. Rector, second by Mrs. Mumpower, it was resolved to appoint Dr. Rusty Belcher to the Virginia Highlands Small Business Incubator Board of Directors for a one year term beginning September 1, 2007 and expiring on August 31, 2008.

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

<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. Rector</i>	<i>Aye</i>

9. Recess

No recess was taken.

10. County Administrator Reports:

a. Venue for October 25 Planning Session (Retreat Follow-up)

Mr. Reeter reported that the Jubilee House Retreat Center in Abingdon and the Hemlock Haven Conference Center at Hungry Mother Park in Marion are proposed as venues for the October 25 one-day Planning Session. Both facilities are available on October 25 for rental fees of \$75.00 and \$150.00, respectively. Mr. Reeter asked the Board to choose one of the facilities.

Discussion ensued among the Board. Subsequently, the following action was taken:

On motion of Mr. Owens, second by Mr. McCall, it was resolved to hold the October 25 one-day Planning Session at the Jubilee House Retreat Center in Abingdon.

The vote on this motion was as follows: (5-0-1)

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

Mr. Rector **Abstained**

- b. 58th Annual Washington County Fair Parade, Saturday, September 15

Mr. Reeter asked Board members to let his office know if they want to participate in the 58th Annual Washington County Fair Parade to be held Saturday, September 15.

- c. Reminder: Virginia’s 2007 Rural Summit, September 9, 10 & 11, Charlottesville

Mr. Reeter reminded the Board of the upcoming Virginia’s 2007 Rural Summit to be held in Charlottesville on September 9, 10 & 11. He asked Board members interested in attending to let his office know.

- d. Reminder: County Employee Picnic, Sunday, September 16, 4:00 PM – 6:00 PM, Washington County Park

Mr. Reeter reminded the Board of the County Employee Picnic to be held Sunday, September 16 from 4:00 PM to 6:00 PM at the Washington County Park.

11. County Attorney Reports:

No report.

12. Board Information

Mr. Reeter reviewed the Progress Report on The Highlands Commercial Development.

13. Consent Agenda

Mr. Seamon mentioned that the supplemental appropriations of end of year carryovers are general, and that the General Fund reconciliation would be brought before the Board at their September 11 meeting.

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

- a. *Supplemental Appropriation – FY 2006-2007 End of Year Carryover of Funds*
- b. *Supplemental Appropriation – FY 2008 Four-for-Life Funds for Emergency Medical Services*
- c. *Supplemental Appropriation – Washington County sheriff’s Office*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>

Mr. Owens *Aye*
Mr. Price *Aye*
Mr. Rector *Aye*

14. Board Member Reports

Mrs. Mumpower reported that at a recent meeting of the Bristol Virginia Utilities Board there was discussion about submitting a request to the Virginia Tobacco Commission seeking assistance with funding water lines to the remainder of the BVU service area (Reedy Creek/Goose Creek Road).

Mrs. Mumpower discussed the need for an additional traffic light on US Highway 11 at the second entrance to the Wal-Mart and Sam's Club due to the extra traffic that will be generated by the opening of Sam's Club. She explained that she has spoken with officials from the City of Bristol about this proposal, and that they realize there is a need for an additional traffic light. Mrs. Mumpower stated that because it would accommodate the citizens of Washington County she believes it would be in order for the County to partner with the City of Bristol to pay for the costs of the light which is estimated to be \$160,000. This cost may come in more or less. It is proposed that the County pay one-half of the expense.

Discussion ensued among the Board. Mr. Reeter explained that a number of supplemental appropriation requests would be presented to the Board at their September 11 meeting, and with the Board consensus he would have Mark Seamon include the \$80,000 for the additional traffic signal in the supplemental appropriations. It was consensus of the Board to have Mr. Reeter include this figure with the supplemental appropriation requests for September 11, 2007.

Mr. McCrady reported that he received a request from the Damascus Police Department for a Crown Victoria surplused by the Sheriff's Department.

On motion of Mr. Rector, second by Mr. McCall, the Board acted to give the Crown Victoria surplused by the Sheriff's Department to the Damascus Police Department.

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

Mr. McCall *Aye*
Mr. McCrady *Aye*
Mrs. Mumpower *Aye*
Mr. Owens *Aye*
Mr. Price *Aye*
Mr. Rector *Aye*

Mrs. Mumpower stated that the Washington County Fire and Rescue Department has requested an additional vehicle. Mr. Reeter explained that he will be presenting a proposal to the Board to handle the surplusing of vehicles in a different method. Discussions ensued.

15. Recess to 6:00 PM Thursday, August 30 for Board of Supervisors Worksession Meeting on School Board Financing, Conference Room 1, County Administration Building

On motion of Mr. Rector, second by Mr. Price, it was resolved to recess to 6:00 PM Thursday, August 30 for Board of Supervisors Worksession Meeting on School Board Financing, Conference Room 1, County Administration Building.

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

<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. Rector</i>	<i>Aye</i>

Prepared by:

Naoma A. Mullins, Recording Clerk

Approved by the Washington County Board of Supervisors:

Kenneth O. Reynolds, Chairman