

VIRGINIA:

At a rescheduled regular meeting of the Washington County Board of Supervisors held Wednesday, November 12, 2008, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia the following were present:

PRESENT:

Kenneth O. Reynolds, Chairman
Jack R. McCrady, Jr., Vice Chairman
Phillip B. McCall
Dulcie M. Mumpower
Odell Owens
Paul O. Price
Thomas G. Taylor

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

1. Call to Order

The meeting was called to order by Mr. Kenneth O. Reynolds, Chairman of the Board, who welcomed everyone in attendance.

2. Invocation and Pledge of Allegiance

Supervisor Dulcie Mumpower gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

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

Move Item 7.b.2. - Presentation Concerning Proposed Benhams Area Branch Library to a new Item 5.e.

Move Item 7.b.1 - Presentation Concerning Citizen Alerting System to a new item 5.f.

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

Mr. McCall Aye
Mr. McCrady Aye

<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>

4. Closed Meeting:

- a. Request to convene in Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(7) for consultation with the County Attorney where such consultation and briefing in open meeting would adversely affect the negotiating or litigating posture of the Board of Supervisors and which require the provision of legal advice by legal counsel in reference to probable litigation under Virginia Code Section 58.1-3984

On motion of Mr. McCrady, second by Mr. Price, the Board acted to convene in Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(7) for consultation with the County Attorney where such consultation and briefing in open meeting would adversely affect the negotiating or litigating posture of the Board of Supervisors and which require the provision of legal advice by legal counsel in reference to probable litigation under Virginia Code Section 58.1-3984. It was further resolved to include County Administrator Mark Reeter, County Attorney Lucy Phillips and Commissioner of Revenue David Henry in the Closed 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. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

After returning to the meeting, the Chairperson noted that upon motion of Mrs. Mumpower, second by Mr. Price and favorable vote, the Board of Supervisors reconvened in open meeting. The Chairperson called for any participant in the closed meeting(s) who believed that there was a departure from the requirements of the Virginia Freedom of Information Act during the closed meeting(s), to state the substance of the departure that they believed took place. No members of the Board responded to the Chairperson's call for statements.

On motion of Mr. McCrady, second by Mr. McCall, the members of the Board certified the closed meeting(s) in accordance with the requirements of the Virginia Freedom of Information Act. By vote in favor of this motion, each member certified that the closed meeting was 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 was convened was heard, discussed, or considered in the closed 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. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

5. Consent Agenda:

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

a. Approval of Minutes:

- 1. **October 28, 2008 Regular Meeting**

b. Approval of Routine Financial Matters:

- 1. **Payment of Bills, October 2008**
- 2. **Request for Revenue Refunds – Washington County Sheriff’s Office – Animal Sterilization Fees**
- 3. **Request for Line-Item Transfer – Damascus Volunteer Rescue Squad, Inc. For 50% Matching Funds for RSAF Grant**
- 4. **Request for Line-Item Transfers-Washington County Circuit Court Judge for Part-time Compensation**
- 5. **Request for \$14,500.00 Transfer from Reserve for Contingencies – County Library Fund**
- 6. **Request for \$400,000.00 Supplemental Appropriation – Traffic Enforcement Fund Carryover**
- 7. **\$1,738,847.00 Transfer from Utilities Fund to General Fund**

c. Award of Bids and Approval of Contracts:

- 1. **Administrative Agreement with Virginia Department of Transportation for Damascus Branch Library and Tourism Center Project**

Board approval of this action authorizes the County Administrator to execute all required documentation with regard to this matter.

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

1. **Proposed Resolution Adopting Residential Anti-Displacement and Relocation Assistance Plan for Heartwood: Southwest Virginia's Artisan Gateway Project – Approved as follows:**

RESOLUTION 2008-51

ADOPTING RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN FOR THE HEARTWOOD: SOUTHWEST VIRGINIA'S ARTISAN GATEWAY PROJECT

BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that the following Residential Anti-Displacement and Relocation Assistant Plan is hereby adopted for the Heartwood: Southwest Virginia's Artisan Gateway Project:

Washington County will replace or rehabilitate all owner or renter occupied units, and vacant occupiable low/moderate-income dwelling units will be demolished or converted to a use other than as low/moderate- income dwelling unit as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended. All housing activities will be provided within two (2) years of the commencement of the Heartwood: Southwest Virginia's Artisan Gateway Project.

Before obligating or expending funds that will directly result in such demolition, rehabilitation, or substantial reconstruction, the county will make public and advise the state that it is undertaking such an activity and will submit to the state, in writing, information that identifies:

(1) a description of the proposed assisted activity;

(2) the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished, rehabilitated, or substantially reconstructed to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;

(3) a time schedule for the commencement and completion of the demolition or conversion;

(4) the general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;

(5) the source of funding and a time schedule for the provision of replacement dwelling units;

(6) the basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy; and

(7) information demonstrating that any proposed replacement of dwelling units with smaller dwelling units is consistent with the housing needs of low- and moderate-income households in the jurisdiction.

Washington County will provide relocation assistance to each low/moderate-income household displaced by the demolition of housing or by the direct result of assisted activities. Such assistance shall be that provided under Section 104 (d) of the Housing and Community Development Act of 1974, as amended, or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. The County's FY 2009 project includes the following activities:

PROJECT DESCRIPTION:

Heartwood: Southwest Virginia's Artisan Gateway is a 28,000 square-foot facility to be constructed on eight acres of land adjacent to the Virginia Highlands Community College and Higher Education Center in Abingdon, Virginia, just off Interstate 81. The LEEDTM Certified facility will display and sell regional handmade arts, crafts, and Virginia's Finest TM items, showcase regional cultural, outdoor, and historical recreation opportunities and provide visitor services with a café featuring locally produced and organic products. It will also house the offices of 'Round the Mountain: Southwest Virginia's Artisan Network and The Crooked Road: Virginia's Heritage Music Trail.

The activities as planned will not cause any displacement from or conversion of occupiable structures. The County will work with the grant management staff, project area residents, and the Department of Housing and Community Development to insure that any changes in project activities do not cause any displacement from or conversion of occupiable structures.

- 2. Certificate of Commendation – Dr. Anne Kegley, Operational Medical Director, Johnston Memorial Hospital
- 3. Proposed Resolution Regarding Loudon Drive Street Improvements Assessments – Approved as follows:

**RESOLUTION 2008-50
REGARDING LOUDON DRIVE IN THE TYLER MAGISTERIAL DISTRICT
TO REQUEST VDOT TO REIMBURSE OVERPAYMENT
AND TO DIRECT COUNTY TREASURER
TO INITIATE LANDOWNER ASSESSMENTS**

WHEREAS, by Resolution 2007-14 adopted by this Washington County, Virginia, Board of Supervisors (Board) on May 8, 2007, the Board found that a portion of Loudon Drive 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 improvement of a street for the purpose to take it into state system of secondary highways and further resolved to request the Virginia Department of Transportation (Department) to improve Project Street to the prescribed minimum standards in accordance with the provisions of Virginia Code section 33.1-72.1(c);

Name of Project Street: **LOUDON DRIVE**
From: *from Street's point of intersection with Nordyke Road (S.R. 622)*
To: *to Street's border with Parcel 119C-1-49 (approximately 1735 feet)*
Guaranteed Right-of-Way Width: *40 feet*
Plat Date: *August 30, 1963 (Plat Book 10, Page 39); and*

WHEREAS, by Resolution 2007-15 adopted by the Board on May 8, 2007, the Board authorized the County to pay to the Department one-half the estimated expense of \$220,000.00 to improve Project Street and upon completion of the Project Street construction and final determination of the actual expense for improvements to Project Street, to collect reimbursement of this advance payment of the road improvement project expense from owners of properties abutting Project Street (Landowners) by means of a special assessment; and

WHEREAS, liens for 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; and

WHEREAS, the Department honored the Board's request, improved Project Street, has accepted it into the state system of secondary highways, and by written correspondence dated November 3, 2008, the Department reported that such improvements were completed at a total expense of \$214,370.91, of which the landowner share pursuant to Virginia Code Section 33.1-72.1(C) is \$107,185.45.

NOW, THEREFORE, BE IT RESOLVED, *that the County Attorney shall request from VDOT reimbursement in the amount of \$3,314.55; and*

BE IT FURTHER RESOLVED, *the County Attorney shall direct the Treasurer of County of Washington, Virginia, to initiate special assessments, in accordance with Virginia Code § 15.2-2413, as Follows: 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 May 8, 2007, which was 4.73 percent, as follows:*

PROPERTY OWNER(S)	Parcel 1 Tax Id. #)	Parcel 2 (Tax Id. #)	Parcel 3 (Tax Id. #)	TITLE	Total Assessment
BELCHER, WALLACE E. & VIVIAN	<i>LOT # 61 (119C-1-61)</i>	<i>LOT # 59 (119C-1-59)</i>	<i>LOT # 60 (119C-1-60)</i>	<i><u>LOT 61-</u> DB 987/P445 <u>LOT 59, 60-</u> DB 949/P563</i>	<i>\$ 4,466 per Lot <u>X 3 Lots</u> TOTAL: \$13,398</i>
BOOHER, SCOTTY L.	<i>LOT # 41 (119C-1-41)</i>	<i>LOT # 42 (119C-1-42)</i>	<i>LOT # 43 (119C-1-43)</i>	<i><u>LOTS 41, 42, 43</u> DB 1054/P407</i>	<i>\$ 4,466 per Lot <u>X 3 Lots</u> TOTAL: \$13,398</i>
BROOKS, MICHAEL W. & MARTHA	<i>LOT # 64 (119C-1-64)</i>	<i>LOT # 65 (119C-1-65)</i>		<i><u>LOTS 64, 65</u> DB 845/P844</i>	<i>\$ 4,466 per Lot <u>X 2 Lots</u> TOTAL: \$8,932</i>

CLARK, COY LEE & LINDA FAYE	<u>LOT # 69</u> (119C-1-69)			<u>LOT 69</u> INSTRUMENT 0200027814	\$ 4,466 per Lot <u>X 1 Lot</u> TOTAL: \$4,466
CLIFTON, STELLA (STELLA M. JOHNSON)	<u>LOT # 38</u> (119C-1-38)	<u>LOT # 39A</u> (119C-1-39A)	<u>LOT # 39</u> (119C-1-39)	<u>LOT 38 LOT 39A</u> INSTRUMENT 0100018160 <u>LOT</u> 39 DB 671/P124	\$ 4,466 per Lot <u>X 3 Lots</u> TOTAL: \$13,398
FIELDS, HARRY & TAMMY	<u>LOT # 62</u> (119C-1-62)	<u>LOT # 63</u> (119C-1-63)		<u>LOTS 62, 63</u> DB 929/P859	\$ 4,466 per Lot <u>X 2 Lots</u> TOTAL: \$8,932
KISER, WANDA	<u>LOT # 73</u> (119C-1-73)			<u>LOT 73</u> DB 1071/P645	\$ 4,466 per Lot <u>X 1 Lot</u> TOTAL: \$4,466
MARTIN, GEORGE R. & JANICE C.	<u>LOT # 68</u> (119C-1-68)	<u>LOT # 66</u> (119C-1-66)	<u>LOT # 67</u> (119C-1-67)	<u>LOT 68</u> DB 885/P288 <u>LOT 66</u> INSTRUMENT 040008818 <u>LOT</u> 67 DB 574/P20	\$ 4,466 per Lot <u>X 3 Lots</u> TOTAL: \$13,398
MARTIN, PAUL ANTHONY	<u>LOT # 48</u> (119C-1-48)	<u>LOT # 49</u> (119C-1-49)		<u>LOTS 48, 49</u> INSTRUMENT 040008817	\$ 4,466 per Lot <u>X 2 Lots</u> TOTAL: \$8,932
MOORE, JAMES FRED	<u>LOT # 96</u> (119-A-96)			<u>LOT 96</u> DB 905/P209	\$ 4,466 per Lot <u>X 1 Lot</u> TOTAL: \$4,466
NECESSARY, II, EUGENE RICHARD	<u>LOT # 46</u> (119C-1-46)	<u>LOT # 47</u> (119C-1-47)		<u>LOT 46</u> DB 0997/P216 <u>LOT</u> 47 INSTRUMENT 0200026956	\$ 4,466 per Lot <u>X 2 Lots</u> TOTAL: \$8,932
SCARDO, BRIAN E. & SARAHENA W.	<u>LOT # 44</u> (119C-1-44)	<u>LOT # 45</u> (119C-1-45)		<u>LOTS 44, 45</u> DB 988/P581	\$ 4,466 per Lot <u>X 1 Lot</u> TOTAL: \$4,466
	COMBINED DUE TO SIZE				

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 recorded for purposes of this special assessment in accordance with the actual lien amount to be collected from each landowner, as stated herein.

4. Requests for Surplus County Vehicles

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. Information Items

e. Presentation Concerning Proposed Benhams Area Branch Library

The Board received a presentation from Mrs. Jennifer Illowiecki concerning the Branch Library in Mendota. Mrs. Illowiecki explained that she was representing the community and the Mendota Community Association (MCA), who would like to ask for assurance from the Board that the branch library in Mendota would serve the community for years to come at its present location. She further explained that the MCA adopted a Resolution in support of the Mendota Branch Library. In addition, petitions were provided to the Board of Supervisors from the Mendota community in support of the Library. Mrs. Illowiecki explained that the Mendota Branch Library keeps the children in the community involved in activities.

Mrs. Illowiecki stated that a member of the MCA was contacted by Supervisor Odell Owens who explained that the Board has no interest in closing the Mendota Branch Library. She further stated that Mr. Owens discussed the interest in placing a branch library in the Benhams area of the County.

Mr. Owens addressed the Board explaining that no decision has been made to close the Mendota Branch Library. He explained that over a year ago Washington County Public Library Director Charlotte Parsons and he looked at property in the Benhams area with the ideal of locating a branch library there due to the tremendous growth in that area. At that time, the thought was if a branch library was built in the Benhams area then the Mendota Branch Library may eventually close. Since that time and after discussing the issue with Board members, if a branch library is built in the Benhams area the Mendota Branch Library would most likely remain if that is the desire of the Mendota Community. Mr. Owens said he could not give a definite answer that the Mendota Branch Library would remain open, but at this point it appears that it would. He stated that the County is three to four years away from building a branch library in the Benhams area. Mr. Owens further stated that the Benhams area is the center of population in the Tyler District.

Discussions ensued among the Board.

f. Presentation Concerning Citizen Alerting System

The Board received a presentation from the Information Systems Department concerning the Citizen Alerting System Grant.

Information Systems Nadine Culberson introduced the grant team and reviewed the project timeline.

The County's Geographic Information Systems Consultant Brandon Moore with King-Moore Consultants provided a review of how the Citizen Alerting System will work.

Information Systems/Geographic Information Systems Specialist Heather Lawson provided a presentation on the public education and registration campaign for the Citizen Alerting System.

Discussions ensued among the Board, Mrs. Culberson, Mr. Moore and Ms. Lawson. The Information Systems Department and Washington County Sheriff's Department was commended for their in obtaining grant funds for the Citizens Alerting System.

6. Public Hearings:

a. Request(s) for Rezoning:

- 1. Bob Wherry's Nursery, Inc., Property Tax Map #143A2-A-19,20: Request to rezone approximately 7.37 acres of property located on the south side of State Route 11 near the intersection of State Route 11/State Route 1717 from B-2 (Business, General) and A-2 (Agricultural, General) to B-2 (Business, General), Wilson 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 Bob Wherry's Nursery, Inc., to rezone the above referenced property.

Mrs. Freeman explained that the Planning Commission held a public hearing on this rezoning request on October 27, 2008. Mr. Larry Weddington addressed the Planning Commission explaining that he along with three cousins inherited this property. Their request is to have the portion of the property zoned A-2 (Agricultural, General) to B-2 (Business, General). There was no opposition t present at the public hearing. The Planning Commission unanimously recommended approval of the request.

Mr. Reynolds opened the public hearing and invited comments concerning the request to rezone property.

Mr. Larry Weddington addressed the Board explaining that he along with three cousins inherited the property. Mr. Weddington explained that they have been marketing the property and believe the property would be easier to sell if had one zoning designation.

Discussions ensued among the Board.

Mr. Taylor inquired if there were plans to use the property for commercial purposes. Mr. Weddington explained there plans were to sell the property.

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

Further discussions ensued among the Board.

Mr. Taylor explained that in recent months the Board has approved similar requests to rezone property where the property owner did not have specific plans for the property. He further explained that by approving requests such as this one the County is flooding itself with property rezoned for business. Mr. Taylor commented about the unsightly landscape along the U.S. Highway 11 corridor from Abingdon to Bristol. He stated that business owners do not have an incentive to keep their property looking attractive, and mentioned the ordinance recently passed by the Board that requires business owners to keep their property safe and decent.

Mr. Price commented that the unsightly portion of U. S. Highway 11 is already zoned for business, and rezoning the property would make it more marketable.

Mr. McCrady stated that if the property is not marketable, the property owners may be forced to hold on to the property longer.

Mrs. Mumpower explained that this property is located in her district. She recommended that the property be rezoned to have one uniform zoning designation. Otherwise, it is an inconvenience to the property owner because most potential buyers are not interested in property that is split zoned.

Mr. Taylor commented about the proposed revisions to the County Comp Plan that includes the recommendation that the entire U. S. Highway 11 corridor be zoned for business. He reiterated that if the Board approves the rezoning request at this time it allows too much property of this kind on the market and provides not incentive for property owners to keep up their property.

Discussions ensued among the Board concerning the proposed revisions to the County’s Comprehensive Plan.

On motion of Mrs. Mumpower, second by Mr. McCrady , it was resolved to follow the recommendation of the Washington County Planning Commission and approve the application of Bob Wherry’s Nursery, Inc. to rezone approximately 7.37 acres of property located on the south side of State Route 11 near the intersection of State Route 11/State Route 1717 from B-2 (Business, General) and A-2 (Agricultural, General) to B-2 (Business, General), Wilson Magisterial District.

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

<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>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Nay</i>

2. Farmers Warehouse, Inc., Property Tax Map #086A1-8-1,2,3: Request to rezone approximately 29 acres of property located on the north side of State Route 704/State Route 11 from M-1 (Industrial, Limited) to B-2 (Business, General) Monroe Magisterial District, A-01 Election 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 Farmers Warehouse, Inc., to rezone the above referenced property.

Mrs. Freeman explained that the Planning Commission held a public hearing on this rezoning request on October 27, 2008. Mr. Edward Cozart addressed the Planning Commission explaining that he felt it would be the best use of the property in question to be rezoned from M-1 (Industrial, Limited) to B-2 (Business, General) due to the slow down in industrial business. Mr. Cozart explained to the Planning Commission that at this time he does not have industrial prospects that are interested in the property, and if the property is rezoned to B-2 he would be able to attract restaurants, hotels or other similar businesses.

Mrs. Freeman explained to the Board that she advised the Planning Commission that a previous request was submitted by Farmers Warehouse in January 2001. She explained that a traffic study was done at

that time which determined that Exit 22 was designed for 3,080 vehicles per hour. Mrs. Freeman further explained that she advised the Planning Commission of discussions she has had with the County Zoning Administrator Mark reeter about the fact that sewer is not available to this property. She advised the Board that the Planning Commission members expressed concerns about making sewer available to the site. The Planning Commission on a 3-2-1 vote recommended denial of the application because of the property currently being zoned M-1 and the costs the County would incur for the expense to locate sewer to the site.

Discussions ensued among the Board concerning the sewer issues.

Mr. Owens inquired if the County Comprehensive Plan recommends this property be zoned B-2. Mrs. Freeman explained that during the Planning Commission's discussions at their October 27, 2008, meeting on the proposed County Comprehensive Plan revisions, which were held after the public hearing on the Farmers Warehouse request, Mr. Cozart reviewed a map included in the County Comprehensive Plan that shows the property as being recommended to be zoned B-2.

Mr. Reynolds opened the public hearing and invited comments concerning the request to rezone property.

Mr. Edward Cozart addressed the Board explained that the request to rezone the property to B-2 is in line with the County Comprehensive Plan. He further explained that the County Comprehensive Plan calls for sewer to be made available on the side of Interstate 81 where this property is located. Mr. Cozart stated however that his request is for rezoning only and that he is not asking the County to provide sewer to the site. He further stated that he should have advised the Planning Commission during the public hearing about the fact that the zoning request was in line with the County Comprehensive Plan.

Discussions ensued among the Board and Mr. Cozart.

Mr. McCall commented that in 2001 when the Farmers Warehouse requested rezoning they had a prospect that needed space for a warehouse facility.

Mr. Taylor inquired if there any current prospects for the property. Mr. Cozart explained that there were not. Mr. Taylor further inquired if there were plans to work with the Washington County Service Authority about getting sewer service to the property. Mr. Cozart explained that he does not have a plan to bring sewer to the property. He further explained that to get a business interested in the property the property needs to be rezoned.

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

Further discussions ensued among the Board. Most Board members felt the best use of the property would be for commercial development.

Mr. Taylor asked that in making a decision on this request that the Board keep in mind the investments that have been made to the area where this property is located. He explained that this area is important to the future tax base of the County. Mr. Taylor expressed concern about a business locating on the property that might have an adverse affect on the area. He stated that sewer needs to be brought to the area. Mr. Taylor explained that the County will be considering revisions to the Comprehensive Plan and believes the Board would be acting prematurely if this rezoning request is approved.

Mr. McCall explained that he has looked at the property and spoken with people in the vicinity of the property. The people would prefer to see the property zoned for commercial use rather than for industrial use. It is better to have car traffic than the heavy truck traffic. Mr. McCall stated that it would take a major business prospect to make it financially feasible to extend sewer service to the property.

On motion of Mr. McCall, second by Mr. Price, it was resolved to approve the application of Farmers Warehouse to rezone approximately 29 acres of property located on the north side of State Route 704/State Route 11 from M-1 (Industrial, Limited) to B-2 (Business, General) Monroe Magisterial District, A-01 Election District.

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

<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>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Nay</i>

The Board took a five minute recess at this time.

b. Public Hearing and Consideration of Adoption of an Ordinance to Amend Chapter 2 of the code of the County of Washington, Virginia to Create the Washington County – Town of Abingdon Recreational Facilities Authority

Ms. Phillips provided the following review of the differences between the ordinance originally proposed for Board adoption and the ordinance adopted by the Town of Abingdon at their November 3, 2008, meeting:

Section 2-160. Definitions – Added definition for home field to say that home field means the sports field location at which a team holds its practice, regular season games, and tournament play. The Town did not adopt the definition for home field as proposed by the County.

Section 2-162. Purpose – The words “and use” were added to the fourth line of this section to say: Abingdon sports teams may designate and use the sports complex as their home fields, subject to scheduling management by the Authority. Also, the definition of home field was inserted into this Section.

Section 2-164. Board of Directors – In subsection (c) the word “executive” has been removed.

Section 2-164. Board of Directors – subsection (e) was deleted. This subsection stated “The elected chairperson shall have no voting rights except in the event of a tie vote; however, any member of the authority acting as chairperson in the absence of the elected chairperson may vote.” The Town has given the chairperson the right to vote.

Section 2-165. Appointment and terms of members of Authority – The town deleted the sentence that read “The board of supervisors and town council shall review and approve the appointments of the other

member locality.” – The town deletes the requirement that the Board and Town would review and approve appointments of other member locality.

Ms. Phillips advised the Board if they wish to make changes to conform to the ordinance adopted by the Town then they would need to approve the changes as reviewed above.

Mr. Reynolds opened the public hearing and invited comments concerning the proposed ordinance.

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

At this time the Board devoted discussions to the issue of the County and Town having different ordinances.

Responding to inquiry, Ms. Phillips explained that the State Statute requires that the two ordinances be concurrent which is defined to address the same subject matters. A few differences would be permitted. However, if the two ordinances are not the same it may cause issues with financing. Financing institutions may disapprove financing. Ms. Phillips stated that her recommendation would be that the two ordinances be as similar as possible.

Further substantial discussions ensued among the Board concerning the proposed ordinance.

Mr. Taylor explained that he cannot support language in the proposed ordinance that designates the sports complex as home field for Abingdon Little League. He further explained that he does not want the Recreational Facilities Authority (RFA) to be put under an implied pressure that some organization has access for the sports complex above and beyond the supervision of the RFA. Mr. Taylor stated that he does not have a problem with the Abingdon Little League using the sports complex subject to the scheduling and management of the RFA. Mr. Taylor proposed amending the ordinance to remove reference to home field in Section 2.162 and to adopt the ordinance as amended.

Mr. McCrady explained that it is not necessary to have language in the ordinance that would designate the sports complex as home field for Abingdon Little League.

Mrs. Mumpower explained that when the sports complex project first came up it seemed to be a good ideal because of the need for a sports complex facility. However, a lot of time has passed since the project was first initiated. The financial situation is different now than before. Both the nation and state are in a financial crisis. Mrs. Mumpower explained that she believes the County is in a financial crisis. Mrs. Mumpower stated that she would like to have a sports complex and realizes there is a need and that she is not opposed to a sports complex. However, the Board is also steward of County taxpayer dollars. In these tough economic times, citizens of Washington County have to decide whether to buy groceries or their medicines. The County government is facing crucial and serious financial times. As steward of County taxpayer dollars, the Board has to consider the financial situation it will face with the sports complex project. The Board has to ask itself how the County will come up with the money to pay for the sports complex project. If the County continues to spend and fails to tighten its belt and curtail spending then where is the County going to end up, and what kind of crisis will the County face or may already be facing. Mrs. Mumpower discussed the cuts that will be made in the State's budget, which will have an affect on the County. She stated that Governor Kaine has said that localities do not need to move forward with capital projects at this time. Mrs. Mumpower strongly stated her concerns about the financial situation, and that the County is going to have to stop spending.

Mrs. Mumpower explained that the County jumped into this project and should have never gotten into this position. All of the details and issues should have been worked out before getting to this point. The Board is faced with the challenge to come up with the money to pay for the property. Mrs. Mumpower said believes the County can make due with the existing playing fields until the financial situation improves.

Mr. Owens commented that he spoke with the County's Property Assessor about real estate values. The Property Assessor told him that the property values would not increase a great deal. This is another indication of the bad financial times the County is facing. Mr. Owens stated that the County does not have the money for this project and needs to think twice before obligating itself.

Lengthy discussions ensued among the Board concerning financing for the sports complex project.

Mr. Price stated that he agreed with Mrs. Mumpower's remarks. He further stated that he believes the children of the County are worth whatever the County can afford. Mr. Price said that sometime ago the County could see the financial situation it would be facing and should have told the Town then that they did not want to proceed with the project. He asked that if the County chooses not to go forward with the project that they do so in a manner that does not come across as the County not wishing to work with the Town.

Mr. Taylor explained that one of the primary topics of discussion about the sports complex is that it is a project for the County's children. He further explained that the primary use for this project is for economic development to attract industry and sports tournaments to the County. Mr. Taylor stated that he agrees the County is facing tough financial times and that the sports complex facility does not have to be built in the next few years. Mr. Taylor commented about the work that has already gone into the project to bring it to this point.

At this time, Mr. Taylor made a motion to adopt the ordinance creating the Joint County/Town Recreational Facilities Authority with Section 2-162 being amended to state that the Abingdon Little League may use the sports complex facility subject to the scheduling and management of the Joint County/Town Recreational Facilities Authority, and that reference to home field be removed from this section. No second was offered to the motion.

Substantial discussions ensued concerning the action proposed by Mr. Taylor.

Mr. McCrady explained that if the County has to purchase the property for the sports complex and proceeds with establishing the RFA it is incurring \$750,000 of debt in addition to the property acquisition costs in order to provide operating money to the RFA. He further explained that up until now Washington County has not faced tough financial times, but now every locality is taking a hit financially.

Mrs. Mumpower stated as a word of caution that by establishing the RFA and not knowing what financial situation the County will face, the Board is once again making a mistake. At this point, not knowing what the financial situation is going to be, it is premature to establish the RFA. She further stated that she cannot support the establishment of the RFA at this time.

Mr. Price stated that Mr. Taylor’s proposed action might get support if he would amend his motion to leave the language about home fields for Abingdon Little League in the ordinance. He further stated that he believes removing the language would kill the project.

Mr. McCall addressed the Board explaining that he does not understand the issues that some of the Board members have with the ordinance. He explained that the Town entered into this project with the County in good faith. The sports complex project is a win-win situation for both localities. Mr. McCall stated that he does not have a problem with the home field language in the ordinance.

After further discussions the following action was taken:

On motion of Mr. McCrady, second by Mr. Owens, the Board acted to suspend adoption of the ordinance creating the Joint County/Town Recreational Facilities Authority and to move forward, if necessary, with the purchase of property. The Board further acted to revisit the establishment of the Joint County/Town Recreational Facilities Authority at such a time that the County’s financial situation appears to be more reasonable.

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

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

The motion failed.

Further discussions ensued about the purchase of the property and how the property would be paid for.

Mr. Price stated that tonight’s action is about establishing the RFA and not about purchasing the property. Therefore, he proposed that the action:

On motion of Mr. Price, second by McCall, the Board acted to adopt the ordinance as amended by the Town of Abingdon.

Mrs. Mumpower explained that she has polled many citizens throughout the County about the issue of the sports complex project and that 90% of the people she has spoken with are not favorable of developing the sports complex at this time. At least 75% of these people indicated they did not want to see the project move forward because of the financial situation.

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

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

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

The motion failed.

Further discussions ensued among the Board with action taken to adjourn the meeting prior to the remaining items on the agenda being considered.

11. Adjourn

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

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

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

Prepared by:

Naoma A. Norris, Recording Clerk

Approved by the Washington County Board of Supervisors:

Kenneth O. Reynolds, Chairman