

**VIRGINIA:**

At a regular meeting of the Washington County Board of Supervisors held Tuesday, March 10, 2009, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia the following were present:

**PRESENT:**

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

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

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**1. Call to Order**

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

**2. Invocation and Pledge of Allegiance**

Chairman Kenneth Reynolds gave the Invocation and led the Pledge of Allegiance.

**3. Approval of Agenda**

*On motion of Mr. Price, second by Mr. McCall, it was resolved to approve the agenda as presented.*

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

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

**4. Consent Agenda:**

Mrs. Mumpower asked for clarification concerning request from the Washington County School Board for a supplemental.

Mr. Seamon explained that the carryover of bond proceeds was not correctly budgeted for in the current fiscal year.

Discussion ensued among the Board concerning the School Board's request.

*On motion of Mr. Taylor, second by Mr. McCrady, the Board acted to approve items a, b, except for 4.b.3., and d of the Consent Agenda as set forth below. It was further resolved to remove item 4.b.3. from the Consent Agenda and to place this request as a General Business Item on the March 24 Board Agenda.*

*a. Approval of Minutes:*

- 1. February 24, 2009, Regular Meeting*

*b. Approval of Routine Financial Matters:*

- 1. Payment of Bills, February 2008*
- 2. Request for Revenue Refunds – Washington County Sheriff's Office – Animal Sterilization Fees*
- 3. Transfer from Reserve for Contingencies - \$2,028.27 Hayter's Gap Branch Library Improvement Project*
- 4. Budget Status Reports – February 28, 2009*

*c. Award of Bids and Approval of Contracts*

*d. Authorization of Routine Business Matters*

- 1. Approval of Trade of Sheriff's Office Motor Vehicle*

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

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

**5. Public Hearings:**

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

- 1. *Gary Lee Kelley on behalf of Earthscape, Property Tax Map #043-A-59: Request for Special Exception Permit to relocate an existing landscaping business (Eandscape) and to construct an 8' X 16' office building to sell mulch and decorative stone from local quarries on property located on the west side of State Route 19 near the intersection of State Route 19/State Route 802 in a CR (Conservation Recreation) zone, Jefferson Magisterial District***

Mrs. Mumpower noted that County Zoning and Subdivision Official Cathie Freeman was ill and would not be attending the meeting.

County Attorney Lucy Phillips provided introductory remarks and an explanation of the two requests from Gary Lee Kelley for Special Exception Permits as they are related. Ms. Phillips gave an overview of the Planning Commission's proceedings on Mr. Kelley's first request for a Special Exception Permit to operate a landscaping business on the property in question. The Planning Commission, on a 4-3 vote, recommended the Special Exception Permit be granted.

Mr. Reynolds opened the public hearing and invited comments concerning the request for special exception permit.

Mr. Gary Kelley addressed the Board requesting a Special Exception Permit to operate a landscaping business on property recently purchased at an auction. Mr. Kelley explained that he would be moving his landscaping business from adjoining property to this property.

At this time, a substantial question and answer period ensued between the Board and Mr. Kelley. The primary issue discussed was the Planning Commission's action to ask Mr. Kelley to remove the camper trailers from the property.

Mr. Kelley stated that he would abide by the County's rules governing a Conservation Recreation zoning district, and with the Planning Commission's request to remove the camper trailers. He explained that he was not aware that the campers could not be stored on his property.

Ms. Connie Mick addressed the Board explaining that she speaks on behalf of the residents of Moccasin Circle (a subdivision located near the property in question) who are not opposed to the landscaping business; however, they are opposed to the second request for a special exception permit to operate a motorcycle related business.

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

Discussions ensued among the Board.

***On motion of Mr. Price, second by Mr. McCrady, the Board acted to approve the request of Gary Lee Kelley on behalf of Earthscape for a Special Exception Permit to relocate an existing landscaping business (Eandscape) and to construct an 8' X 16' office building to sell mulch and decorative stone***

*from local quarries on property located on the west side of State Route 19 near the intersection of State Route 19/State Route 802 in a CR (Conservation Recreation) zone, Jefferson Magisterial District.*

Further discussions ensued among Board members regarding a proposed requirement that Mr. Kelley provide public restrooms for his customers.

*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. Gary Lee Kelley on behalf of Spiritwheel Allegiance, Inc., Property Tax Map #'s 042-2-1, 2: Request for a Special Exception Permit to temporarily erect a 40' X 60' tent, with a 40' X 60' permanent building to be constructed at a later date in order to operate a small business in general, more specifically, a spiritually based organization for motorcycle enthusiasts for worship, fundraising activities, live music, bike rodeo's, sale of bike apparel and rental spaces for motorcycles on property located on the west side of State Route 19 near the intersection of State Route 19/State Route 802 in a CR (Conservation Recreation) zone, Jefferson Magisterial District**

Ms. Phillips provided introductory remarks and gave an overview of the proceedings before the Planning Commission regarding Mr. Kelley's second request for a Special Exception Permit to operate a spiritually based organization for motorcycle enthusiasts for worship, fundraising activities, live music, bike rodeo's, sale of bike apparel and rental spaces for motorcycles on the property where his existing landscaping business is located. Ms. Phillips explained that there was a great deal of discussion among the Planning Commission concerning this request. There was a motion to approve the application; however, this motion failed. A subsequent motion was made to deny the application which was approved on a 7-0 vote.

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

Mr. Gary and Julia Kelley made a presentation to the Board concerning their plans for the property. Mr. Kelley explained that the proposed plans are to establish a spiritually based business for motorcycle enthusiasts that include performing service jobs on bikes, sale of bike apparel and to rent spaces for individuals to sale their bikes. The property would also serve as a place for bikers to meet or to gather for rides and to hold church services before the rides. He further explained that he was advised by County staff members to include in his application for a Special Exception Permit any uses that he may wish to do with the property. Mr. Kelley advised the Board that the live music and bike rodeos would not be regular events. The live music may be scheduled twice a year. Mr. Kelley further explained that U. S. Route 19 is a highly traveled motorcycle route, and currently there is no place for bikers to meet or gather for rides.

A lengthy question and answer period ensued among the Board and the Kelley's concerning their proposed business plan.

Ms. Connie Mick, representing Moccasin Circle homeowners (a subdivision located near the property in question) addressed the Board in opposition of the Special Exception Permit application primarily because of the noise that would be created from the proposed business.

Washington County Sheriff Fred Newman addressed the Board explaining to uphold his responsibility to the citizens of Washington County that he must speak in opposition to the Special Exception Permit request because of safety issues on U. S. Route 19, which is a highly dangerous road to travel.

At this time, further lengthy discussions ensued among the Board and the Kelley's. There being no further comments, Mr. Reynolds declared the public hearing closed.

Discussions ensued among the Board with Ms. Phillips reading the statement of intent for the Conservation/Recreation District. The following action was taken by the Board:

*On motion of Mr. Taylor, second by Mrs. Mumpower, the Board acted to follow the recommendation of the Washington County Planning Commission and deny the request of Gary Lee Kelley on behalf of Spiritwheel Allegiance, Inc., for a Special Exception Permit to temporarily erect a 40' X 60' tent, with a 40' X 60' permanent building to be constructed at a later date in order to operate a small business in general, more specifically, a spiritually based organization for motorcycle enthusiasts for worship, fundraising activities, live music, bike rodeos, sale of bike apparel and rental spaces for motorcycles on property located on the west side of State Route 19 near the intersection of State Route 19/State Route 802 in a CR (Conservation Recreation) zone, Jefferson Magisterial District due to safety concerns and the proposal not staying with the Statement of Intent for the Conservation and Recreation 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>

**b. Public Hearing and Consideration of Adoption of an Ordinance to Amend Chapter 66 of the Code of the County of Washington, Virginia, by Repeal of Chapter 66, Article VII, Planned Unit Development, Limited (P-1) Zoning District**

Ms. Phillips explained that the proposed ordinance would repeal County Code Chapter 66, Article VII that allows and regulates creation of planned unit developments (Planned Unit Development, Limited, P-1 Zoning District). She further explained that areas in the County that are currently zoned P-1 will continue to be governed by the regulations in effect prior to the repeal. Ms. Phillips said there are two planned unit developments in the County, Wallace Meadows and Meadows at Emory. Neither of the two have had much commercial development success.

Ms. Phillips reviewed with the Board the proceedings before the Planning Commission on this request. She explained that the Planning Commission devoted a lot of discussion to the issue. The Planning Commission considered a motion to recommend approval of the proposed ordinance. The motion failed

on a 3-4 vote. Therefore, there is no recommendation from the Planning Commission regarding the proposed ordinance.

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

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

At this time, the Board devoted lengthy discussions to the proposed ordinance. Subsequently, the following action was taken:

*On motion of Mr. Price, second by Mr. Owens, the Board acted to follow recommendation of the Washington County Planning Commission and deny adoption of the ordinance to repeal Chapter 66, Article VII, Planned United Development, Limited (P-1) Zoning District. It was further resolved that appropriate revisions to the existing ordinance be identified to fix the flaws.*

Further discussions ensued among the Board.

*The vote on this motion was as follows: (5-2)*

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Nay</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>

**6. General Business:**

**a. Actionable Items:**

There were no actionable items before the Board for consideration.

**b. Informational Items:**

**1. Request of County Emergency Services Committee for March 26 Board Worksession Meeting**

Mr. Reeter explained that the Emergency Services Committee (Supervisors Jack McCrady and Paul Price) are ready to present to the Board a study completed by Public Safety Solutions on the current state of County emergency medical services. Mr. Reeter stated that it will take a worksession of the Board to handle this issue. The Emergency Services Committee proposes that a Board worksession meeting be scheduled for Thursday, March 26 at 7:00 PM.

It was consensus of the Board to schedule the worksession for Thursday, March 26 beginning at 7:00 PM.

**2. Recommendation of Planning Commission Regarding Update of 2002 Washington County Comprehensive Plan**

Mr. Reeter explained that the Planning Commission voted at their February 23 meeting to formally recommend updates to the County Comprehensive Plan. The Planning Commission held its public hearing on the recommended updates as proposed by the Joint County Planning and Land Use Committee and received good comments. The Joint County Planning and Land Use Committee took the comments and further revised the Comprehensive Plan.

Mr. Reeter proposed that the Board schedule a public hearing on the proposed updates to the County Comprehensive Plan for the April 14 meeting.

*On motion of Mr. Taylor, second by Mr. McCall, the Board acted to authorize advertisement for a public hearing on the proposed updates to the County Comprehensive Plan for the April 14 Board 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>

**7. Board Member Reports**

Mr. Price proposed that the Board consider a Business, Professional and Occupational License (BPOL) for the County. He explained that a positive of the BPOL is that when a license is obtained by a business in the County the license holder can do projects in other localities that are \$50,000 and under jobs.

Mr. Taylor requested that Appalachian Power be asked to make a presentation to the Board on their energy program and allow the Board to address any concerns. He explained that included in the Board Information there is a letter from Appalachian Power in regards to a 30 minute presentation they would make to the Board concerning energy issues.

It was consensus of the Board to request Appalachian Power make a presentation to the Board.

Mr. Owens and Mr. Reynolds requested that a Resolution be drafted for Board consideration at their March 24 regular meeting expressing Board support of keeping the Virginia Department of Transportation (VDOT) – Abingdon Residency open. Mr. Owens and Mr. Reynolds further requested that other items in correspondence from Jim Givens dated March 4, such as keeping the rest areas open along the Interstates, be included in the Resolution.

Mr. Reynolds stated that he would present the Resolution at the VDOT Public Hearing on March 25 at Southwest Virginia Community College in Cedar Bluff, VA.

It was consensus of the Board that a Resolution be drafted and presented for their consideration at the March 24 regular meeting. Mr. Reeter asked Board members to let him know of other items they wish to address in the Resolution.

Mr. McCall encouraged the Board to read the minutes of the Washington County Service Authority meeting held on December 2. The Service Authority has procured the services of a firm to do a rates/fees/charges study.

## **8. Board Information and Reminders**

Mr. Reeter reviewed the following Board Information:

- Reminder of the Joint Board of Supervisors/Washington County Service Authority Recessed Meeting to be held Tuesday, March 17 at 7:00 PM in Conference Room 1 of the County Administration Building. The agenda materials for this meet will be distributed later this week.
- The presentation of the FY 2009-2010 County Operating Budget is scheduled for the March 24 Board meeting.
- Presentation by VDOT, Bristol District, Commonwealth Transportation Board Member James D. Bowie at the March 24 Board meeting.
- VDOT public information meeting concerning changes in the Bristol District scheduled for March 25 beginning at 6:00 PM at Southwest Virginia Community College, Cedar Bluff, VA.
- Reminder that beginning March 24, regular meetings will begin at 6:30 PM and the public comment period will be on the agenda.
- Correspondence from Love's Travel Centers, Inc., dated March 4, 2009 regarding their March 12 & March 31 public information meetings concerning a proposed travel center development at Exit 24.
- Registration information for a one-day energy forum for local government officials on March 24, 2009, in Danville, VA.
- Registration information for the National Association of Counties Annual Conference to be held July 24-28, 2009, in Nashville, TN.
- Correspondence from VDOT – Bristol District Administrator James S. Givens concerning the comprehensive plan to address long-term funding reductions for VDOT and a list of public information meetings concerning the comprehensive plan.
- Reported to the Board about the passing of former Bristol City Council Member Farnham Jarrard.
- Correspondence containing list of proposed projects submitted for Washington County for the Federal Economic Recovery and Reinvestment Act.

- Virginia Association of Counties - *Capital Contacts* Newsletter with attachments reviewing the final outcome of the 2009-2010 state budget process.

Mr. Reynolds commented on the closing of Utility Trailer in Glade Spring, VA.

Mr. Taylor encouraged Board members to review materials provided relative to the proposed truck stop at Exit 24.

**9. Recess**

*On motion of Mr. Price, second by Mr. Owens, it was resolved to recess to 7:00 PM, Tuesday, March 17, 2009, for a joint meeting with the Washington County Service Authority Board of Commissioners to be held in Conference Room 1 of the County Administration Building.*

*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