

VIRGINIA:

At a recessed meeting of the Washington County Board of Supervisors held Wednesday, June 10, 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 (arrived at 6:40 PM)
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 Tom Taylor gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

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

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

Mr. McCall Aye
Mr. McCrady Aye
Mr. Owens Aye
Mr. Price Aye
Mr. Reynolds Aye
Mr. Taylor Aye

3. Consent Agenda:

Mr. Taylor requested that Item 3.d.4. - approval of a \$500.00 appropriation to the 40th Annual Saltville Labor Day Event be removed from the Consent Agenda and handled as a separate item.

On motion of Mr. Owens, second by Mr. McCall, the Board acted to approve items a, b, c and d.1. through d.3 of the Consent Agenda as set forth below.

a. Approval of Minutes:

1. May 26, 2009 Regular Meeting

b. Approval of Routine Financial Matters:

1. Payment of Bills, Month of May 2009
2. Request for Revenue Refunds – Washington County Sheriff’s Office – Animal Sterilization Fees
3. Budget Status Reports – May 31, 2009

c. Award of Bids and Approval of Contracts:

1. Approval of Use Agreement between County and Virginia Department of Health-Office Space in Community Services Building
2. Adoption of Proposed Resolution Concerning New Electric Service Agreements between Appalachian Power Company and Virginia Local Governments – Approved as follows:

RESOLUTION 2009-15

WHEREAS, the VML/VACo /Appalachian Power Company (“APCo”) Steering Committee (the “Committee”) comprised of representatives of local governments and political subdivisions has for many years negotiated on behalf of such governmental units within the service area of APCo the terms of standard contract forms which have included rates for the purchase of electricity supply and delivery service and for the installation, maintenance and delivery service of street lights by aforesaid governmental units from APCo as a single source provider; and

WHEREAS, APCo has agreed with the Committee to furnish counties, cities, towns and other political subdivisions (“Public Authorities” or “PAs”) in its service area such electric services as shall be purchased for governmental facilities for a three year term commencing on July 1, 2009 at rates which parallel those approved by the Virginia State Corporation Commission for regulated customers and APCo has also agreed to provide an aggregate total rate surcredit to the PA class of customers amounting to \$5.25 million over the three year contract term; and

WHEREAS, such agreement shall also provide, among other things, that APCo will install appropriate meters to measure the future PA class load, and upon termination of such contracts to

supply PA load data, cost of service analysis, and to negotiate with representatives of the PA class in good faith on a cost of service basis for further contracts; and

WHEREAS, if applicable, APCo also will furnish street lighting service to PAs on a three year contract, commencing on July 1, 2009; and

WHEREAS, on advice and recommendation of the Committee, the terms of such agreements and contracts which so provide, including the rates, are deemed fair and reasonable; and further that APCo is the sole practical source for the electric services required by Washington County, Virginia; and

WHEREAS, contracts for such electric services, including such as relate to street lighting, if applicable, for three years, commencing July 1, 2009, which have been reviewed by the Committee, its counsel and consultants, and approved as to form by the County Attorney of Washington County, Virginia, and have been duly presented to the meeting and considered,

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia:

1. That the contract referenced above for the provision of electric services to Washington County, Virginia by Appalachian Power Company for a three year term commencing on July 1, 2009 is hereby approved and adopted; and

2. That the County Administrator is hereby authorized to execute and deliver said contract to Appalachian Power Company for and on behalf of Washington County, Virginia.

d. Authorization of Routine Business Matters:

- 1, Approval of Fireworks Display Permit, Bobby Moore Photography**
- 2. Approval of Destruction of Records, Washington County Park Authority**
- 3. Approval of 6th Annual County Employee Picnic, September 13**

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>

3.d.4. Approval of \$500.00 Appropriation to 40th Annual Saltville Labor Day Event

Mr. Taylor questioned if the Board should consider the Town of Saltville’s request because funding for similar events was eliminated from the FY 2009-2010 County Operating budget due to the tight budget year. He expressed concern that the Town of Saltville would make this an annual budget request to the County.

Mr. Price explained that he asked that this request be placed on the Agenda. He stated that when times were better the County provided large appropriations to festivals such as the Highlands Jazz Festival. Mr. Price said he asks for a small contribution of \$500.00. He stated that the festival benefits both the Jefferson and Monroe district residents.

Discussions ensued among the Board.

On motion of Mr. Price, second by Mr. Owens, the Board acted to approve a supplemental appropriation from reserve for contingencies in the amount of \$500.00 to the Town of Saltville to be used for expenses associated with the 40th Annual Saltville Labor Day Event.

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>

Further discussions ensued among the Board concerning contributions to the other town’s festivals.

4. General Business:

a. Actionable Items:

1. Consideration of Award of Bid for Renovations to Washington County Public Safety Building

Mr. Charles Day representing Beeson & Beeson Architects made a presentation to the Board concerning the award of the bid for renovations to the Washington County Public Safety Building. Mr. Day explained that bids for the project were opened on June 2. A total of six bids were received with the low bidder being Glade Construction Company located in Abingdon, VA. He explained that he has worked with them on numerous projects and they do a good job. Mr. Day recommended that the contract be awarded to Glade Construction Company in the amount of \$247,700.00. He explained that Sheriff Fred Newman has indicated this amount is within the budget the Sheriff’s Department can afford.

Sheriff Fred Newman addressed the Board explaining that he has had conversations with Accounting Manager Mark Seamon in regards to the bid award and that the bid amount falls within the guidelines of what the Sheriff’s Department can afford including the ten percent overage of what might be added to the renovation project.

Discussions ensued among the Board.

Mr. Reynolds inquired about the start and completion date for the project. Mr. Day explained that the project will start within ten days of the award of the contract and the company has three months to complete the work.

Mr. McCall inquired as to how much of the building would be renovated.

Sheriff Newman explained that the main renovations involve office space. Also, information has been received concerning stimulus money available for E-911 upgrades. He further explained that it is his goal to move everybody within his department at one time. However, this may not be financially possible. If not, Sheriff Newman stated that he hopes to move all of department to the public safety building soon. Sheriff Newman explained that the public safety building would house three County departments and the Sheriff's Department.

On motion of Mr. McCrady, second by Mr. Price, the Board acted to award bid for renovations to Washington County Public Safety Building to Glade Construction Company for \$247,700.00 and to transfer \$272,470.00 from Line-Item 31820-5851, Sheriff's FASP Account-Federal-Equipment & Enforcement Costs to new Line-Item 31820-8405, Public Safety Building – Renovation Contract. It is further resolve moved to amend Line-Item 31810-8404, Public Safety Building – Improvements to a balance of \$100,000.00.

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>

Sheriff Newman thanked the Board for their support of this project.

2. Consideration of Appointments to Various Boards, Authorities and Commissions Expiring June 30, 2009

Washington County Planning Commission:

Mr. Price advised the Board that he did not file for re-election. He explained that the only person to file for the Board of Supervisors to represent the Jefferson District was Nicole Price. Mr. Price said that Mrs. Price would be good for the Jefferson District and is a very capable individual. He explained that he does not believe a supervisor member should make appointments to Boards, Authorities and Commissions within the last few months of their term of office. Mr. Price stated that he has learned that the appointments on a Board, Authority or Commission can be carried over and that the person currently serving can legally serve until another appointment/reappointment has been made. He advised the Board that he will work with Mrs. Price on this appointment, or either let her make the appointment when her term begins on the Board.

Ms. Phillips explained that she has researched the appointment terms, and Mr. Price is correct. Virginia has a hold over statute that allows a member of a Board, Authority or Commission to remain as an active member until a new appointment is made.

Washington County Service Authority:

On motion of Mr. Taylor, second by Mr. Price, the Board acted to appoint Prince Coleman to represent the Monroe Election District on the Washington County Service Authority Board of Commissioners for a four year term beginning July 1, 2009 and expiring on June 30, 2013.

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. Taylor commended the 12 years of service that Scott Rector has dedicated to the Washington County Service Authority Board of Commissioners. He explained that it is his feeling that you need to rotate appointments. Mr. Taylor requested that a letter of commendation be sent to Mr. Rector.

6. Board Member Reports

Mr. Taylor inquired about the status of the environmental assessment or environmental impact study that was to be submitted by Love's Travel Center. Mr. Reeter explained that the report is a National Environmental Protection Agency Assessment Report, and that he received correspondence from a Love's official today explaining that they were not finished with the assembly of the report to be distributed to the Board. The report is due in the County Administrator's Office on Thursday (June 11). He advised the Board that if the report is received on Thursday it will be mailed to the Supervisors. Mr. Reeter explained that it is his thought that the report is similar to those required for Community Development Block Grants which contain sign-offs and letters from regulatory agencies.

Mr. Taylor remarked that claims have been made that fear motivated many of the comments that were made in regards to the proposed Love's Travel Center. He explained that physicians do not take their time to put together information for the Board of Supervisors out of fear. The issues with the truck stop are potentially serious problems. Mr. Taylor stated that he hopes the Board will follow up and get the information they believe is needed to make a responsible decision on the matter. If the truck stop is approved the County will have to live with what they create as far as the bridge on State Route 80 is concerned. Also, concerning the potential health risks to the children and putting them in jeopardy without knowing all the information would be irresponsible on the Board's part. Mr. Taylor proposed that an independent study be conducted by Virginia Tech.

Mrs. Mumpower stated that East Tennessee State University could do a similar independent study.

Mr. Taylor explained that from his brief look at the revenue the County will receive from the Love's Travel Center that it may be equal to what it will cost the County to bring in this business. He suggested that a cost benefit analysis be conducted. He stated that the Board has some serious issues before them, and he hopes the Board will give the attention it deserves. Mr. Taylor commented that it is a frightening thing to watch a child have an asthma attack.

Mr. McCrady requested that Assistant County Administrator Christy Parker be assigned the task of monitoring stimulus monies that may be available to fund projects in the County such as providing broadband service County wide, and to keep the Board informed of available funds. He proposed that Ms. Parker attend seminars such as the one recently sponsored in Wytheville by Congressman Rick Boucher concerning stimulus funds. Mr. McCrady requested the County Administrator speak with Ms. Parker about this issue.

Mr. McCrady suggested that the Board explore implementing term limits for the appointments to County Boards, Authorities and Commissions.

Mr. McCrady asked who will interpret the Environmental Impact Study received from Love's Travel Center. He asked if there would be an executive overview. Mr. Reeter stated that he may know the layout of the report by Thursday of this week.

Mr. McCrady explained his concerns with the Love's Truck Stop are with the children. He stated that he visited Meadowview Elementary School on Tuesday morning as part of the Phase II Construction Project and the issues with the children laid heavy on him. Mr. McCrady further explained that it seems like the truck stop will happen and stated that there are air quality monitoring stations that are mobile. He proposes that one be placed at the elementary school. He stated that he received a call today regarding a chemical situation at MXI that is causing people to get sick. The Board can't allow this to happen to the children.

Mrs. Mumpower explained that she worked in a pediatric unit for 30 years. Lung problems in children are very serious. She stated that when the Board asked for the environmental impact study that she hopes they are serious in wanting to find out the affects of the truck stop on the children in the area. If the truck stop is permitted to locate in Meadowview there is not much that can be done about the issues. The primary concern of this Board should be for the health and safety of the children. If the study being submitted to the Board is not the right kind of study, she hopes the Board will commission the appropriate one to be conducted.

Mr. Price stated he would support implementing term limits for all Boards, Authorities and Commissions.

Mr. Taylor explained that he does not support term limits because if there is a member on a Board, Authority or Commission doing a good job there is no need to appoint a new person. He stated that he intends to appoint Scott Rector to another Board, Authority or Commission to give him experience and prepare him to run for the Board of Supervisors in the future if he should desire to do so.

Mr. McCrady explained term limits would allow the Board to remove a member from a Board, Authority or Commission without being forced to.

Discussions ensued among the Board concerning term limits.

Mrs. Mumpower commended the County Information Systems Department for the recognition they received on the front page of the Bristol Herald Courier with regards to the new County webpage. She stated that Debra McCown did a nice article and was very complimentary of the Information Systems Department. Mrs. Mumpower commended the Information Systems staff for an excellent job and hopes that each Board member will let them how proud the Board is of them.

Mr. Reynolds asked Mr. Reeter to comment on the stimulus funds.

Mr. Reeter reviewed correspondence from the Governor's Office that basically states that applications filed earlier this year for projects to be funded with stimulus money did not receive discretionary funding in the State's budget. He explained that he receives updates from VACo on stimulus funds, and that he has not seen any monies coming available other than for broadband that could be targeted toward previously identified County projects such as library projects. He discussed the announcement made by Congressman Rick Boucher earlier this week concerning additional funding for the Exit 13 sewer project. Mr. Reeter stated to his knowledge, at this time there are no stimulus funds available to fund projects such as the Beaverdam Project, the branch library projects or the office space needs of the County. There does not appear to be stimulus funds available to fund the types of projects that the County has at this time.

At this time, further discussions ensued among the Board about keeping track of stimulus funds that may be available to fund County projects.

Mr. Reynolds reported on several conversations with the Washington County Service Authority (WCSA) about projects. They will apply for and hope to receive stimulus funding for projects they have ready to go.

At this time substantial discussions ensued about the WCSA tap fees and mandatory connections.

Mr. Reeter explained that the County has an ordinance in place that requires mandatory connection to water and sewer. He read portions of the Washington County Code pertaining to this issue. Mr. Reeter explained that the ordinance is not current, and that the WCSA may request the Board of Supervisors to update or strengthen the ordinance.

Mr. Reynolds explained that one real problem is that people sign up to get water service and when the water lines are installed only a small amount of people actually connect. This is not financially feasible to the WCSA.

Mr. McCrady stated that he was unaware the County had a mandatory connection ordinance for water and sewer services. He explained there should be low tap fees so an ordinance would not be necessary.

Mrs. Mumpower explained that she received a call from someone in a new sewer service area that was asked to pay a \$2,400 tap fee.

Mr. Reeter explained that most state and federal funding agencies require that a mandatory connection fee be in place, specifically agencies such as Rural Development and the Department of Housing and Community Development that loan money. If funding is accepted from one of these agencies then their rules must be complied with. He further explained that the WCSA is saying that the language in the County ordinance is no longer sufficient. At this point, he is not sure how the WCSA would like to see the ordinance revised.

Mr. Taylor explained that the County may not like the tap fees and mandatory hookups, but if the taxpayers are funding the projects the money needs to be paid back. He further explained that there needs to be a cost of living adjustment each year on the connection fees. The WCSA needs to operate like a business. If the issue of a mandatory connection fee does not want to be enforced then the County needs to subsidize the WCSA. Mr. Taylor stated that he would have a problem with this.

Substantial discussions ensued among the Board concerning issues relating to the mandatory connection fee, the high tap fees charged by the WCSA and the adverse affects this is having on the development

community. Discussions were also devoted to the importance of good water and sewer service in the County.

7. Board Information and Reminders

Mr. Reeter reviewed the following Board Information:

- Correspondence from Leadership Washington County Program concerning enrollment
- Correspondence from Virginia Department of Forestry concerning the management plan for the Channels State Forest
- Correspondence from Abingdon Senior Services requesting additional funding from the Board.

Discussions ensued concerning the request from Abingdon Senior Services.

Mr. McCall explained that he would like to support their request. However, they were cut ten percent in the FY 2009-2010 County Operating budget like the other agencies, and he does not know if the County could afford to appropriate additional money to Abingdon Senior Services.

Ms. Phillips reviewed the following information:

Ms. Phillips provided the Board with a review of her research on realigning the appointments to Boards, Authorities and Commissions to match up with the terms of the Board of Supervisor members. She explained that the Statute clearly provides for length of terms. The County has an ordinance in place that sets term limits for five of the County Authorities and Commissions. In order to change appointments for Boards, Authorities and Commissions it would require ordinance changes. Ms. Phillips explained that the terms of Boards, Authorities and Commission appointees where the appointments currently expire would need to be reviewed to assure they would hold over and then set new appointments for times desired by the Board. She proposed if the Board is interested in doing this that they identify to her the Boards, Authorities and Commissions that they would like to receive top priority, and she would begin work on the project.

Mr. Reeter explained that the goal would be that appointees would serve no more than six months after the term ends for a Board of Supervisor member.

Discussions ensued among the Board. It was consensus of the Board not to make changes to the appointment terms of County Boards, Authorities and Commissions.

7. Adjourn or Recess

On motion of Mrs. Mumpower, 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>

Mrs. Mumpower *Aye*
Mr. Owens *Aye*
Mr. Price *Aye*
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