V I R G I N I A:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, August 13, 2002, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

PRESENT:

Joe W. Derting, Chairman
John B. Roberts, Sr., Vice Chairman
Jack H. Barker
Bobby D. Ingle
Phillip B. McCall
Anthony S. Rector

Mark K. Reeter, County Administrator
Lucy E. Phillips, County Attorney
Mark W. Seamon, Accounting and Purchasing Manager
Naoma A. Cook, Administrative Supervisor

ABSENT:

Dulcie M. Mumpower

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1 Call to Order

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

2 Invocation and Pledge of Allegiance – Supervisor Bobby D. Ingle

Mr. Bobby D. Ingle gave the Invocation and led the Pledge of Allegiance.

Chairman Derting stated that Supervisor Dulcie Mumpower was absent due to a recent illness.

3 Approval of Agenda

Supervisor Bobby Ingle requested the Agenda be amended to include discussions regarding the boiler at the Hayter's Gap Community Center.

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

Add Item 13b Consideration of Major Repairs to the Boiler at Hayter's Gap Community Center

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

Mr. Derting ***Aye***
Mr. Barker ***Aye***
Mr. Ingle ***Aye***
Mr. McCall ***Aye***
Mr. Rector ***Aye***
Mr. Roberts ***Aye***

4. Approval of Minutes – July 23, 2002

On motion of Mr. Ingle, second by Mr. McCall, it was resolved to approve the minutes of the July 23, 2002 meeting as presented.

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

Mr. Derting ***Aye***
Mr. Barker ***Abstained***
Mr. Ingle ***Aye***
Mr. McCall ***Aye***
Mr. Rector ***Aye***
Mr. Roberts ***Aye***

5. Presentation of County Service Award Pins:

Chairman Joe W. Derting and County Administrator Mark K. Reeter presented the following service pins:

a. Mark Seamon
Accounting and Purchasing Manager
20 Years

b. Bill Cole
County Building Official
20 Years

Mr. Derting and Mr. Reeter expressed their appreciation for the superior service received from these employees.

6. Public Hearing to Review the Decision of the Planning Commission on an Application of Wilton M. and Wilton H. Hilt, Property Tax Map # 146-A-30, 53: to review a 50 foot right-of-way (Hilt Drive) beginning at the intersection of Garden Path Drive and running in a southerly direction 3,153 linear feet as required by the County Code, Chapter 54; Article IV. Withholding of Streets from Public Dedication

Mr. Derting opened the public hearing and invited comments both in support of and in opposition to the review of the Washington County Planning Commission's decision relative to an Application of Wilton M. and Wilton H. Hilt, to review a 50 foot right-of-way (Hilt Drive) beginning at the intersection of Garden Path Drive and running in a southerly direction 3,153 linear feet as required by the County Code, Chapter 54; Article IV. Withholding of Streets from Public Dedication.

Mr. Derting asked those in favor of the application to address the Board.

- Mr. Michael Hilt addressed the Board stating that he is the applicant and property owner. He explained that plans to develop a 21-lot subdivision. He further explained that he plans to construct the road through the subdivision to meet State standards, but wants it to be withheld from public dedication because in order to have a private gated community. In addition, he stated that another reason he wants a private street is that he doesn't want non-adjoining property owners to access the lake via the subdivision.

- Mr. Patrick Mannix addressed the Board in favor of the request.

Mr. Derting invited comments in opposition to the proposal.

No one spoke in opposition.

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

The Board held discussions regarding this request.

Responding to a question, Mr. Mark Reeter, County Administrator, stated that the maximum number of lots that could be sold is what was shown on the subdivision plat that was submitted with the application to withhold streets from public dedication. Mr. Reeter stated that the plat showed 21 lots.

Mr. Reeter advised the Board that due to the many problems caused by roads withheld from public dedication, it was his recommendation that no bona fide subdivision streets be withheld from public dedication until the Board makes changes relative to private streets in the County's subdivision ordinance.

Supervisor Roberts stated that over the last year two different groups of individuals representing subdivisions with private roads have come before the Board complaining that they are unable to get certain services. For example, the school system will not provide bus service on private roads. He stated that after ownership of property on these private roads changes, the new owners come before the Board requesting assistance on matters such as school bus service for their children and the Board cannot help them. This is a concern the Board has relative to the withholding of roads from public dedication.

Supervisor Ingle also commented that the Board has encountered many problems with roads that have been withheld from public dedication. He stated that the County is in the process of revising the Comprehensive Plan and that in the future it will be only in rare circumstances for a road to be withheld from public dedication.

Following discussion by the Board, the following action was taken.

On motion of Mr. Ingle, second by Mr. McCall, it was resolved to affirm the determination of the Planning Commission and deny the application submitted by Wilton M. and Wilton H. Hilt, to review a 50 foot right-of-way (Hilt Drive) beginning at the intersection of Garden Path Drive and running in a southerly direction 3,153 linear feet as required by the County Code, Chapter 54; Article IV. Withholding of Streets from Public Dedication.

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mr. Rector	***Aye***
Mr. Roberts	***Aye***

7. Consideration of Request from Damascus Volunteer Fire Department for Matching Grant Funds

Mr. Will Fritz, Assistant Chief, Damascus Volunteer Fire Department addressed the Board explaining that the Fire Department has received a grant in the amount of $15,000 to be used to replace the existing vehicle used to transport the emergency equipment. He advised the Board that the grant required a match and requested the Board consider appropriating $15,000 to be used as matching funds.

Mr. Fritz advised the Board that the County donated the current vehicle being used to transport the emergency equipment to the Fire Department several years ago. He said the vehicle responds to 80% of the calls and has reached the point of being unsafe to operate. Mr. Fritz stated that the Fire Department felt it would be best for safety reasons to replace the truck as opposed to having it repaired.

Discussion ensued among the Board regarding this request. The Board members again stated that requests of this nature should initially go to the Emergency Services Committee for a recommendation to the Board of Supervisors. As a result of the discussions, the following action was taken:

On motion of Mr. Roberts, second by Mr. Barker, it was resolved to transfer $15,000 from Reserves for Contingencies to the Damascus Volunteer Fire Department to be used as matching monies for a grant received by the Department to purchase a new vehicle to replace the current first responder vehicle

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mr. Rector	***Aye***
Mr. Roberts	***Aye***

8. Consideration of Resolution regarding Mock Hollow Road

On motion of Mr. Roberts, second by Mr. Rector, it was resolved to adopt the following resolution:

RESOLUTION 2002-20

WHEREAS, the street described below relocates a street, Mock Hollow Road an extension of state Rt. 1215, from Rt. 58 to 0.51 mi east of Rt.58 otherwise eligible for rural addition pursuant to §33.1-72.1, Code of Virginia, the improvements of which are eligible for financing under §33.1-75.1, Code of Virginia, and

WHEREAS, the Virginia Department of Transportation has deemed this County's current subdivision control ordinance meets all necessary requirements to qualify this County to recommend additions to the secondary system of state highways, pursuant to §33.1-72.1, Code of Virginia, and

WHEREAS, the original street has provided continuous public service since its establishment, and is deemed to provide sufficient public service to warrant addition as part of the secondary system of state highways, and

WHEREAS, after examining the ownership of all property abutting this street, this Board finds that speculative interest does not exist, and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the following street be added to the secondary system of state highways, pursuant to §33.1-72.1, Code of Virginia:

"Mock Hollow Road," an extension of State Route 1215 relocated from State Route 58 to 0.51 mi. east of State Route 58.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to improve the street to prescribed minimum standards, pursuant to the rural addition policy of the Commonwealth Transportation Board and fund the improvements pursuant to §33.1-75.1, code of Virginia.

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mr. Rector	***Aye***
Mr. Roberts	***Aye***

9. <u>Consideration of Solid Waste Hauler Permits</u>

Ms. Lucy Phillips, County Attorney, addressed the Board explaining that the review of Solid Waste Hauler Permits was an annual process. She advised the Board that county ordinance requires annual review and approval of these permits.

Ms. Phillips stated that each of the Solid Waste Haulers goes through an extensive and detailed application process.

On motion of Mr. Rector, second by Mr. Roberts, it was resolved to approve renewal of the following applications for solid waste haulers for the time period September 1, 2002 through August 31, 2003, and to issue an original permit to R. W. Edwards Company for the same purpose and term:

Waste Management of the Tri-Cities, Inc.
1010 Sam Walton Drive
Kingsport, TN 37663

MXI Environmental Services
26319 Old Trail Road
Abingdon, VA 24201

Southwest Sanitation Co., Inc.
Route 6, Box 88
Tazewell, VA 24651

E. Luke Green Company, Inc.
619 East Maple Street
Johnson City, TN 37601

Hayden Excavating Company and Roll-Off
P. O. Box 1087
Saltville, VA 24370

R. W. Edwards Company
P. O. Box 3344
Bristol, TN 37625

Browning-Ferris Industries of Tennessee, Inc.

2825 Carters Valley Road
Church Hill, TN 37642-6186

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mr. Rector	***Aye***
Mr. Roberts	***Aye***

10. Consideration of Request for Surplus of Bullet-proof Vests, Washington County Sheriff's Office

Mr. Fred Newman, Sheriff, addressed the Board explaining that he would like to request that approximately 15 bulletproof vests be declared surplus. He stated that his department no longer uses the vests because of a grant received which allowed the department to replace the current vests with better ones.

On motion of Mr. McCall, second by Mr. Roberts, it was resolved to declare surplus approximately 15 bulletproof vests and to approve the sale of the vests to other state or local agencies.

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mr. Rector	***Aye***
Mr. Roberts	***Aye***

At this point, Mr. Fred Newman thanked the County's Department of General Services for their work on the new interview office behind the Magistrate's Office.

In another matter, Mr. Brad Davis, Criminal Justice Planner, addressed the Board explaining that the Sheriff's Department has the opportunity to apply for a Criminal Justice System Improvement Technology Grant that is being offered through the Virginia Department of Criminal Justice Services, and the Department is requesting the Board's permission to apply. He further explained that if the grant were approved, funds would be used to purchase twenty-one mobile laptops along with the mounting devices for each patrol vehicle and install the Sheriff-Pak Management System on each laptop.

Mr. Davis advised the Board that the grant requires a 25% local match and stated the Department has the $25,000 match in their budget, therefore no additional local dollars would be requested.

On motion of Mr. Roberts, second by Mr. Ingle, it was resolved to endorse the Sheriff Department's Criminal Justice System Improvement Technology Grant application to purchase twenty-one mobile laptops along with the mounting devices for each patrol vehicle.
The vote on this motion was as follows: (6-0)

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***

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

11. Recess

On motion of Mr. Barker, second by Mr. Rector, it was resolved to take a ten minute recess.

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

Mr. Derting ***Aye***
Mr. Barker ***Aye***
Mr. Ingle ***Aye***
Mr. McCall ***Aye***
Mr. Rector ***Aye***
Mr. Roberts ***Aye***

12. Consideration of Publishing Delinquent Tax List, Washington County Treasurer's Office

On motion of Mr. Ingle, second by Mr. Rector, it was resolved to publish the Delinquent Tax List as presented by the Washington County Treasurer's Office.

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

Mr. Derting ***Aye***
Mr. Ingle ***Aye***
Mr. McCall ***Aye***
Mr. Rector ***Aye***
Mr. Roberts ***Aye***

Supervisor Barker was away from the Board table and did not participate in the vote on this Item.

13. Consideration of Renewal for Liability, Fleet, Property and Inland Marine Insurance Coverage

Mr. Mark Seamon, Accounting and Purchasing Manager, addressed the Board explaining that the County's current contract with CSE Insurance Agency for general liability, fleet, property and inland marine insurance coverage will expire on October 31, 2002. Mr. Seamon advised the Board that when the bid was awarded to CSE in October of 1999, there was an annual revision clause, which could not exceed two additional years, upon written agreement of both parties.

Mr. Seamon explained that the County had three choices they could consider for the insurance renewal which are as follows:

Option 1 Prepare, send, receive and evaluate an Invitation for Bid
Option 2 Renew the current contract with CSE Insurance Agency
Option 3 Join the Virginia Association of Counties Risk Pool

Mr. Seamon advised the Board that the Virginia Association of Counties Insurance Program has an assessment provision; however, there are no buyout requirements if the County chose to leave the program.

On motion of Mr. Barker, second by Mr. Rector, it was resolved to authorize Mark Seaman and Frank Canter to negotiate with CSE Insurance Agency for renewal of liability, fleet, property and inland marine insurance coverage. It was further resolved for Mr. Seamon and Mr. Canter to review a proposal from the Virginia Association of Counties Insurance Program.

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mr. Rector	***Aye***
Mr. Roberts	***Aye***

13b. Consideration of Major Repairs to the Boiler at Hayter's Gap Community Center

Mr. Frank Canter, General Services Manager, addressed the Board explaining that the boiler at Hayter's Gap Community Center is in major need of repairs. He presented an estimate in the amount of $5,152.00 obtained from Virginia Trane for the repairs.

On motion of Mr. Ingle, second by Mr. Roberts, it was resolved to transfer $5,152 from Reserves for Contingencies to Hayter's Gap Community Center for the purpose of repairing the boiler.

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mr. Rector	***Aye***
Mr. Roberts	***Aye***

14. Report on General Fund Reconciliation – June 30, 2002

Received report from Mark W. Seamon, Accounting & Purchasing Manager reconciling the June 30, 2002 General Fund Balance.

15. Consideration of Expiring Appointments to Boards and Commissions:

Board of Building Code of Appeals

Name:	*Representing:*	*Term Expires:*
Ann L. Roope	A-01 "Harrison" Election District	August 31, 2002

It was consensus of the Board to defer this appointment until the August 27, 2002 meeting.

16. County Administrator Reports

Mr. Mark Reeter, County Administrator, gave a statement to the Board of Supervisors regarding an article appearing in today's *Bristol Herald Courier* that erroneously attributed certain comments related to public school teachers to him. He told the Board that his wife made the

comments in response to an article about teachers in Tennessee via e-mail to the *Bristol Herald Courier,* and that her comments were taken out of context and were presented by the newspaper as part of a story that they did not pertain to. Mr. Reeter stated that the comments made by his wife do not reflect his views and he regrets the misunderstanding. Mr. Reeter advised that he had taken steps to inform School Superintendent Dr. Alan Lee, School Board members and the President of the Washington County Teacher's Association of the error.

Supervisor Jack Barker spoke on Mr. Reeter's behalf stating that Mr. Reeter is an avid supporter of education and teachers.

17. County Attorney Reports

Ms. Lucy Phillips, County Attorney, asked the Board to consider a policy for future reviews of appeals on decisions made by the Washington County Planning Commission related to the withholding of streets from dedication for public use.

It was consensus of the Board at this time to continue with the format of a public hearing, and to authorize the County Attorney and County Planner to draft a proposed policy for their review and consideration.

18. Consent Agenda

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

a. Payment of August 2002 Bills
b. Supplemental Appropriation, $562.98, Sheriff's Office DMV Bicycle Grant
c. Supplemental Appropriation, $810.00, Department of Social Services for Respite Care
d. Canceled Checks:

Check#	Payee	Amount	Date
0112852	Air Products Chemical, Inc.	$324.00	01-10-2001 Paid
0114029	James Locksmiths, Inc.	$ 35.00	03-30-2001 Paid
0114146	Bob's Muffler Shop	$ 46.50	04-10-2001 Paid
0114831	Pizza Plus, Inc.	$ 13.80	05-21-2001 Reissue
0115712	Pro Page	$ 38.25	07-13-2001 Duplicate
0116876	Pizza Plus, Inc.	$ 14.20	09-27-2001 Reissue
0116996	Heritage Hallmark	$ 6.17	10-09-2001 Reissue
0118029	National Juvenile Court	$ 4 0.00	12-10-2001 Duplicate
0118138	A & S Sanitation	$360.00	12-20-2001 Duplicate
0118346	Town of Abingdon-Sewer	$827.06	12-28-2001 Duplicate

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

Mr. Derting	Aye
Mr. Barker	Aye
Mr. Ingle	Aye
Mr. McCall	Aye
Mr. Rector	Aye
Mr. Roberts	Aye

19. Board Member Reports

Supervisor Ingle presented a status report on the revision to the Comprehensive Plan. He stated that Chapters 1 through 5 were complete in draft form and posted to the County's website.

Supervisor Rector commented about the good relationship the Board of Supervisors has with the Washington County School Board. He said that Washington County is fortunate to have the quality of teachers that it does. Mr. Rector further commented that the article in the *Bristol Herald Courier* was a misunderstanding and that an apology has been made.

Supervisor Jack Barker advised the Board that citizens of Washington County who own cell phones and have a Tennessee number could possibly be paying a tax to their cell phone company that is being accessed by Sullivan County, Tennessee. He stated that a constituent from his district brought this to his attention, and that County personnel are looking into the matter.

Chairman Derting advised the Board that the property for the Abingdon Regional Jail site has been purchased. He further stated that contact was made with the Washington County Service Authority regarding a waiver of impact fees for water and sewer services to the site.

In another matter, Chairman Derting advised the Board that a meeting was held with Town of Abingdon Officials and Dr. David Dawson, General Manager, Washington County Service Authority regarding a project where the Service Authority would provide sewer services around certain areas of the Town of Abingdon (i.e. Old Jonesboro Road).

20. Adjourn

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

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mr. Rector	***Aye***
Mr. Roberts	***Aye***

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Prepared by:

_____
Naoma A. Cook, Recording Clerk

Approved by the Washington County Board of Supervisors:

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Joe W. Derting, Chairman