V I R G I N I A:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, December 10, 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
Dulcie M. Mumpower
Anthony S. Rector

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

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1 Call to Order

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

2 Invocation and Pledge of Allegiance – Supervisor Tony Rector

Supervisor Tony Rector gave the Invocation and led the Pledge of Allegiance.

3 Approval of Agenda

On motion of Mrs. Mumpower, second by Mr. Roberts, it was resolved to approve the agenda as presented:

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

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

4 Approval of Minutes – November 26, 2002, Regular Meeting

On motion of Mr. Rector, second by Mr. Barker, it was resolved to approve the minutes of the November 26, 2002, meeting as presented.

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

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

5 Planning and Zoning Public Hearings:

Request for Special Exception Permit:

(1). Hester M. McFadden, Property Tax Map # 27-A-6: Request for a Special Exception Permit to construct and operate a small business in general, more specifically, a water purification business on property located on the north side of State Route 19 near the Russell County Boundary in a CR (Conservation Recreation) zone, Jefferson Magisterial District.

Mr. Derting opened the public hearing and invited comments in favor.

Mr. Brown Collins appeared before the Board to present a request for a special exception permit to construct a water purification business on the property. Mr. Brown commented that his business would not create a lot of traffic.

Mr. Derting invited comments in opposition.

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

On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved to follow the recommendation of the Planning Commission and approve an application submitted by Hester McFadden for a Special Exception Permit to construct and operate a small business in general, more specifically, a water purification business on property located on the north side of State Route 19 near the Russell County Boundary in a CR (Conservation Recreation) zone, Jefferson Magisterial District.

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

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

(2). Larry W. Tolliver, Property Tax Map # 067A3-Al-94A: Request for a Special Exception Permit to place a doublewide manufactured home on property located on the north side of State Route 609 near the intersection of State Route 609/846 in a V (Village) zone, Monroe Magisterial District.

Mr. Derting opened the public hearing and invited comments in favor.

Mr. Larry Tolliver appeared before the Board to request a special exception permit to place a doublewide manufactured home on property he purchased. He explained that he had made improvements to land in preparation for the doublewide manufactured home.

Mr. Derting invited comments in opposition.

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

On motion of Mr. Rector, second by Mr. McCall, it was resolved to follow the recommendation of the Planning Commission and approve an application submitted by Larry W. Tolliver for a special exception permit to place a doublewide manufactured home on property located on the north side of State Route 609 near the intersection of State Route 609/846 in a V (Village) zone, Monroe Magisterial District.

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

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

6 Public Hearing and Board Consideration for Adoption of an Ordinance Vacating a Public Alley Located Between 29227 and 29233 Hillman Highway in the Monroe Magisterial District of Washington County, Virginia.

County Attorney Lucy Phillips addressed the Board explaining that neighboring property owners Lacy D. Boyd and Ramona S and James Calloway approached the County requesting the public alley, that separates their property, be vacated. Ms. Phillips stated that the alley ends on one side at Hillman Highway and on the other at the railroad's right-of-way. She advised the Board there is ample access to the railroad's right-of-way, and that Norfolk Southern Railway Company was notified about the proposed abandonment. Ms. Phillips reported that she has received no objections.

Mr. Derting opened the public hearing and invited comments both in support of and in opposition to the proposed ordinance.

Mr. John Boyd identified himself as Lacy D. Boyd's son and addressed the Board requesting that the public alley be vacated.

Upon motion of Mr. Rector, second by Mr. Roberts, the Board acted to adopt the following ordinance:

AN ORDINANCE VACATING A PUBLIC ALLEY LOCATED
BETWEEN 29227 AND 29233 HILLMAN HIGHWAY IN THE
MONROE MAGISTERIAL DISTRICT OF WASHINGTON COUNTY, VIRGINIA

WHEREAS, an alley located in the Monroe Magisterial District of Washington County, Virginia, situated between real property conveyed to Homer C. Boyd and Lacy D. Boyd by Deed recorded in the Office of the Clerk of the Circuit Court of Washington County in Deed Book 644, Page 142, and real property conveyed to Ramona S. Calloway and James R. Calloway by Deed recorded in the Office of the Clerk of the Circuit Court of Washington County in Deed Book 466, Page 466, and described therein as "twelve (12) foot alley running along the east side of the hereinabove conveyed property" is a public right of way; and

WHEREAS said alley is not presently, nor has ever been a common means of ingress and egress for the general public and/or adjoining residents, nor has it ever been paved, improved, or regularly used for purposes of vehicular travel, and

WHEREAS, there appear to be no damages to the interests in neighboring property, and

WHEREAS, both owners of property adjoining this easement have requested the Board of Supervisors of Washington County to adopt this ordinance to vacate this public right of way pursuant to section 15.2-2006 of the 1950 Code of Virginia, as amended;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of Washington County, Virginia, after notice and public hearing, as required by law:

1. That the Board of Supervisors of Washington County, Virginia, does hereby adopt the following ordinance pursuant to section 15.2-2006 of the 1950 Code of Virginia, as amended:

Ordinance 2002-10. Vacation of "twelve (12) foot alley" in Monroe Magisterial District.

An alley of twelve (12) foot width, located in the Monroe Magisterial District of Washington County, Virginia, and situated between real property conveyed to Homer C. Boyd and Lacy D. Boyd by Deed recorded in the Office of the Clerk of the Circuit Court of Washington County in Deed Book 644, Page 142, and real property conveyed to Ramona S. Calloway and James R. Calloway by Deed recorded in the Office of the Clerk of the Circuit Court of Washington County in Deed Book 466, Page 466, described therein as "twelve (12) foot alley running along the [ ] side of the hereinabove conveyed property," is hereby vacated from the public domain pursuant to section 15.2-2006 of the 1950 Code of Virginia, as amended, hereby extinguishing said easement.

2. *That should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Washington County Code.*

3. That this ordinance shall become effective sixty (60) days from the date of its passage and adoption as set out herein and that a certified copy of this ordinance shall be recorded in the Office of Clerk of Circuit Court of Washington County, Virginia pursuant to section 15.2-2006 of the 1950 Code of Virginia, as amended.

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

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

Mr. McCall ***Aye***
Mrs. Mumpower ***Aye***
Mr. Rector ***Aye***
Mr. Roberts ***Aye***

7 Presentation of FY 2001-02 County Audit

Mr. Jim Fern with Hicok, Fern, Chapman and Brown, appeared before the Board to present the County's Audit Report for Fiscal Year ended June 30, 2002. Mr. Fern advised the Board that the County's internal control structure is adequate. He briefly reviewed the independent financial audit, report on internal control and the compliance and auditing procedures in relation to federal funding received by the County.

Mr. Fern advised the Board that a compliance finding was identified in relation to Washington County School System's Breakfast Program. He stated that the audit found an incorrect figure was reported on the financial report. The School System has taken measures to correct the error.

Mr. Fern informed the Board that new accounting practices would be implemented beginning with the audit for year ending 2003. He stated that Washington County is ready for the new system.

On motion of Mr. Roberts, second by Mr. Rector, it was resolved to accept the Financial Audit for Washington County for fiscal year ending June 30, 2002, as presented by Hicok, Fern, Brown and Chapman.

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

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

8 Presentation on the Rural Rustic Road Program

Mr. Steve Buston, Resident Engineer with the Virginia Department of Transportation (VDOT), appeared before the Board to make a presentation on VDOT's Rural Rustic Road Program. Mr. Buston explained this program was designed by the General Assembly to provide VDOT with means to finance and build more roads to lesser standards than allowed under the State Secondary System of Highways.

He advised the Board that several roads on the County's current Six Year Plan and on the storage list qualify for the Rural Rustic Road Program. Mr. Buston explained a resolution adopted by the Board of Supervisors is required to place a road in the Rural Rustic Road Program.

Responding to a question, Mr. Buston stated that once a road is in the Rural Rustic Road Program it could be eligible for inclusion back into the Six Year Plan. He further stated that this is not encouraged by VDOT.

9 Presentation Concerning Overmountain Trail Development Proposal

The Board received a presentation from Blair Keller and Paul Carson on a proposal by the National Parks Service and the Overmountain Victory Trail Development Committee to turn the 354 mile trail, of which 11 ½ miles wind through Washington County, into a green belt for hiking and the preservation of history associated with the famous march in 1780 where revolutionary soldiers traveled to Kings Mountain, South Carolina for the battle that turned the tide against the British.

10 Recess

It was consensus of the Board not to take a recess at this time.

11 Consideration of Request for Financial Assistance for a Group of Abingdon High School Students to Attend a Mock General Assembly

Abingdon High School students Seth Strawbridge, Chris Moffet and Mike Smith appeared before the Board to present a request for financial assistance for 13 students to attend the Mock General Assembly in Richmond, VA in March of 2003. Mr. Strawbridge explained to the Board the need for financial assistance was due to an increased number of students desiring to participate. He stated that there are normally six students who attend, but this year the number increased to thirteen.

Discussion ensued among the Board regarding the request. It was consensus of the Board to ask the students to take their request for financial assistance to the Washington County School Board. Further, the Board encouraged the students to bring the request back to the Supervisors in the event they are not successful in receiving assistance from the School Board.

12 Consideration of Nomination of Allison David as Washington County's Appointee to the City of Bristol Convention & Visitors Bureau

On motion of Mr. McCall, second by Mr. Barker, it was resolved to appoint Allison David as Washington County's Appointee to the City of Bristol Convention & Visitors Bureau. The term shall be for one year beginning January 1, 2003 and expiring on December 31, 2003.

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

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

13 Consideration of Awarding Bid for Food and Related Supplies for the Washington County Jail

Accounting Manager Mark Seamon addressed the Board explaining that the Purchasing Department had received bids for food and related supplies for the Washington County Jail. Mr. Seamon recommended the Board award the contract to Gordon Food Services-Institutional Distributors Division in the amount of $80,292.18.

On motion of Mr. Ingle, second by Mr. Rector, it was resolved to award the bid for food and related supplies for the Washington County Jail to Gordon Food Service-Institutional Distributors Division in the amount of $80,292.18.

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

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

14 <u>County Administrator Reports</u>

a. First Draft of Board By-laws, General Policies and Operational Procedures for CY 2003
b. Board of Supervisors Committees and Advisory Boards for Calendar Years 2002 and 2003
c. Appointments to Boards and Commissions

County Administrator Mark Reeter advised the Board that they were provided with a draft of the By-laws, General Policies and Operational Procedures for CY 2003, and the Board of Supervisors Committees and Advisory Boards for CY 2002 and 2003. Mr. Reeter reported that no changes had been made to the documents since the November 26, 2002, Board meeting. He requested the Supervisors review them and contact him with any suggested changes prior to the January 2003 Organizational Meeting.

The Board was provided with a list of several appointments to Boards and Commissions that expire in January and February 2003.

At this point, the following appointments were made:

<u>Washington County Planning Commission</u>:

Name:	*Representing:*	*Term Expires:*
W. D. Young, Jr.	Taylor Election District	June 30, 2003

On motion of Mr. Roberts, second by Mr. McCall, it was resolved to appoint Richard Rhea to fill the unexpired term of Mr. W. D. Young, Jr., as the E-01 Election District representative on the Washington County Planning Commission. The term shall begin on January 1, 2003, and expire June 30, 2003.

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

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

Industrial Development Authority of Washington County:

Name:	*Representing:*	*Term Expires:*
Eugene P. Baker	Tyler Election District	January 30, 2003

On motion of Mr. Barker, second by Mr. Ingle, it was resolved to appoint David Counts to represent the F-01 "Tyler" Election District on the Industrial Development Authority of Washington County. The term shall be for four years beginning February 1, 2003 and expiring on January 31, 2007.

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

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

Supervisor Barker advised the Board that due to Military orders he would be unable to attend the organizational meeting scheduled for January 14, 2003, and requested the Board consider changing this meeting to January 6, 2003.

County Administrator Mark Reeter advised the Board that in order to change the date of the organizational meeting to January 6, 2003, they would need to amend the By-laws for CY 2002.

On motion of Mr. Rector, second by Mr. Barker, the Board acted to amend Article 6.1 of the By-laws for CY2002 to allow for the organizational meeting of 2003 to be held on January 6, 2003, and the second meeting of January to be held at the regular time of January 28, 2003.

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

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

Mr. Reeter commented that Governor Mark Warner may announce additional holidays for State employees and asked if the Board wished to accept any additional holidays for County employees.

By consensus, the Board authorized the County Administrator to follow Governor Mark Warner's holiday schedule should he designate additional holidays for State employees.

15 County Attorney Reports

No report.

16 Consent Agenda

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

- ***a. Payment of Bills – December 2002***
- ***b. Recreation Department Program Fee Refund, $20.00, Stacy Miller***
- ***c. Supplemental Appropriation, $4,347.71, School and Libraries Universal Service Discount Program***
- ***d. Request for Refund, Building Permit No. 13799, $490.00, Robert & Lori Brendlinger, P. O. Box 1637, Richlands, VA 24641-1637***

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

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

17 Board Member Reports

Supervisor Bobby Ingle reported that the Virginia Department of Environmental Quality would be holding a meeting on Tuesday, December 17, 2002, in the Board of Supervisors meeting room to discuss the new Storm Water Management Regulations. Mr. Ingle commented that the County Administrator had received notification that Washington County was no longer included in the new regulations.

Supervisor John Roberts reported that the Virginia Department of Transportation (VDOT) at this time has suspended the Route 58 project, and that he is not pleased with their action. Mr. Roberts requested that the Board send a letter to VDOT officials and Governor Mark Warner communicating the Boards dissatisfaction with recent actions taken by VDOT.

On motion of Mr. Roberts, second by Mr. Ingle, the Board acted to request the County Administrator to draft a letter to appropriate officials at the Virginia Department of Transportation and to Governor Mark Warner relative the suspension of the Route 58 project.

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

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

18 <u>Closed meeting regarding annexation proceeding and Oak Park properties</u>

On motion of Mr. Ingle, second by Mr. Rector, the Board acted to convene in closed meeting pursuant to Code of Virginia section 2.2-3711(A)(7) to allow consultation with the County Attorney regarding specific legal matters requiring the provision of legal advice by such counsel, more specifically, to discuss with the County Attorney Washington County's response to the Property Owner Annexation Proceeding initiated by Trammell Investments, LLC, The Leonard L.P., Henard Enterprises, Inc., J.H. Spurgeon, and Crown Point Development, Inc.

AND

pursuant to Code of Virginia Section 2.2-3711(A)(5) to discuss a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding in Washington County, more specifically regarding such location or expansion of business or industry in Washington County's Oak Park industrial park; also pursuant to Code of Virginia Section 2.2-3711(A)(3) to discuss the possibility of acquisition or use of real property for public purpose or the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, more specifically, regarding such property acquisition or use in the Oak Park industrial park.

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

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

The members of the Board went into closed meeting.

On motion of Mr. Barker, second by Mr. Rector, the Board of Supervisors reconvened in open meeting.

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

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

Mr. Derting asked for any participant in the closed meeting who believed that there was a departure from the requirements of the Virginia Freedom of Information Act during the closed meeting, to state the substance of the departure that the participant believed to have taken place.

Hearing no such statements, on motion of Mr. Ingle, second by Mr. Barker it was resolved to certify the closed meeting 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 were heard, discussed, or considered in the closed meeting.

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

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

In open meeting, the members of the Board indicated consensus to authorize the County Attorney to retain private legal counsel to represent the County in the annexation proceedings.

19 <u>Adjourn</u>

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

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

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

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Prepared by:

_____
Naoma A. Mullins, Recording Clerk

Approved by the Washington County Board of Supervisors:

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Joe W. Derting, Chairman