

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, January 28, 2003, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

PRESENT:

Joe W. Derting, Chairman
Phillip B. McCall
Jack H. Barker
Dulcie M. Mumpower
Anthony S. Rector
John B. Roberts, Sr.

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

ABSENT:

Bobby D. Ingle

1 Call to Order

The meeting was called to order by Mr. Joe Derting, Chairman of the Board, who welcomed everyone in attendance. Mr. Derting noted that Supervisor Bobby Ingle was ill and unable to attend the meeting.

Chairman Derting recognized the members of the Washington County Leadership Class that were in attendance.

2 Invocation and Pledge of Allegiance – Supervisor Phillip B. McCall

Vice Chairman Phillip McCall gave the Invocation and led the Pledge of Allegiance.

3 Approval of Agenda

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

Move Item 11: Presentation on Glade Area Park as New Item 11c Under Joint Parks & Recreation Committee Report

Table Indefinitely Item 15: Consideration of Appointments to Washington County Emergency Services Advisory Board

Add New Item 21: Closed Meeting 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: (6-0)

<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

4 Approval of Minutes of January 6, 2003 Organizational Meeting

On motion of Mr. McCall, second by Mr. Roberts, it was resolved to approve the minutes of the January 6, 2003, Organizational Meeting as presented.

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

<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

5 Presentation of Certificates – Washington County 4-H Stockman Team

Chairman Joe Derting and Vice Chairman Phillip McCall presented the following Certificates to the Washington County 4-H Program Stockman's Team for winning National and State Championships:

- ***Emily Blevins, Abingdon High School***
- ***Sarah Blevins, Abingdon High School***
- ***Sara Pratt, Marion Senior High School***
- ***Jason Pratt, Marion Senior High School***
- ***Crystal Peek, Coach***
- ***Phillip Blevins, Coach***

Mr. McCall commented that it is always an honor to recognize the Washington County 4-H Program.

6 Presentation of Service Pins:

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

- a. Diana Rasnake
 5 Years of Service
 Building and Zoning Department

- b. William Roark
 5 Years of Service
 Building Department

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

7 Public Hearing for Board Consideration of An Ordinance To Amend Chapter 10 Of The Code Of Washington County, Virginia, To Add Regulations for a Permit System to Govern the Keeping Of Hybrid Canines

County Attorney Lucy Phillips advised the Board that David Whitley and Jody Taylor would give a presentation on the proposed ordinance to govern the keeping of hybrid canines.

Mr. Jody Taylor, Animal Control Officer presented a report to the Board on the proposed ordinance for the keeping of hybrid canines. Mr. Taylor explained that the Animal Control Department has received an increased amount of inquiries regarding these animals, and for this reason, the Department felt the need to enact an ordinance to establish a permit system to govern the keeping of hybrid canines. Currently, hybrid canines fall outside the body of regulations governing the keeping of dogs and, therefore, are not subject to requirements of rabies vaccination and licensing. He stated that at this time there is not a vaccination that has been proven to prevent rabies in the hybrid canines.

County Attorney Lucy Phillips advised the Board the proposed ordinance had been amended and they were provided with revised copies at their stations. Ms. Phillips explained that the changes were minor and not substantive. She stated that if approved, the ordinance would become effective 30 days after adoption.

Mr. Derting opened the public hearing to receive comments both in support of and in opposition to the proposed ordinance to govern the keeping of hybrid canines.

Chief Animal Control Officer David Whitley, addressed the Board speaking in favor of the proposed ordinance and stating that it would be an effective tool in the event that the County incurred problems with hybrid canines.

Mr. Patrick Mannix addressed the Board in opposition of the proposed ordinance.

There being no further comments, Mr. Derting declared the Public Hearing closed.

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

ORDINANCE NO. 2003 – 01

AN ORDINANCE TO AMEND CHAPTER 10 OF THE CODE OF WASHINGTON COUNTY, VIRGINIA, TO ADD REGULATIONS FOR A PERMIT SYSTEM TO GOVERN THE KEEPING OF HYBRID CANINES

WHEREAS, Virginia Code § 3.1-796.126:9 allows any county by ordinance to establish a permit system to ensure the adequate confinement and responsible ownership of hybrid canines; and

WHEREAS, the animal control officers of Washington County have encountered an increased number of hybrid canines maintained in the county; and

WHEREAS, there is no vaccination proven to be effective to prevent rabies in hybrid canines, which makes the ownership of hybrid canines a risk to public health and safety distinct from that posed by ownership of dogs; and

WHEREAS, the Chief Animal Control Officer recommends adoption of an ordinance to regulate by permit system the keeping of hybrid canines in order to protect the public safety against the specific risks and maintenance considerations related to the keeping of hybrid canines;

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 Chapter 10 of the Code of Washington County is amended, by adding a new division 5, as set forth below:*

Chapter 10. Animals.

Article II.

Division 5. Hybrid canines.

Section 10-110. Definitions.

For the purposes of this article and unless otherwise required by the context, the following words and terms shall have the meanings respectively ascribed to them by this section:

Adequate confinement shall mean a securely enclosed and locked structure of sufficient height and design to (i) prevent the animal's escape; or if the hybrid canine is determined to be a dangerous dog pursuant to this Article, the structure shall prevent direct contact with any person or animal not authorized by the owner to be in direct contact with the hybrid canine, and (ii) provide a minimum of one hundred (100) square feet of floor space for each adult animal. Tethering of a hybrid canine not under the direct supervision and control of the owner or custodian shall not be considered adequate confinement.

Direct supervision and control, for purposes of management of a hybrid canine, shall mean on a leash, lead, rope, or chain and under the immediate control of a competent adult handler.

Hybrid canine shall mean any animal which at any time has been or is permitted, registered, licensed, advertised or otherwise described or represented as a hybrid canine, wolf or coyote by its owner to a licensed veterinarian, law enforcement officer, animal control officer, humane investigator, official of the department of health, or state veterinarian's representative. Hybrid canine shall include, but not be limited to, the offspring resulting from the mating of a domesticated dog and a wolf, coyote or other similar wild animal as well as their subsequent offspring.

Responsible ownership shall mean the ownership and humane care of a hybrid canine in such a manner as to comply with all laws and ordinances regarding hybrid canines and to prevent endangerment by the animal to public health and safety.

Section 10-111. Hybrid Canine Permit.

- (a) *It shall be unlawful for any person to own or to have in a person's custody a hybrid canine, four months or older, in the county, unless such person holds a valid permit for the ownership of such hybrid canine in accordance with the provisions of this article. A separate permit shall be obtained for each hybrid canine, four months or older.*
- (b) *Any hybrid canine permit issued in accordance with this article shall be valid for a period of no more than one (1) year from the date of issuance. The permittee shall have sole responsibility for ensuring that all permit renewals are timely initiated to ensure that a valid permit is continuously in effect throughout the period of the permittee's ownership of a hybrid canine within the county.*
- (c) *No permittee shall own more than two (2) hybrid canines, four months or older, at any time.*
- (d) *All permits issued in accordance with this article shall be subject to the following:*
 - (1) *Each hybrid canine shall wear a collar bearing identification, including the name, address and telephone number of the owner of the hybrid canine.*
 - (2) *Whenever it is on the property of its owner or custodian, each hybrid canine shall be maintained in an adequate confinement while not under the direct supervision and control of its owner or custodian. Direct supervision and control of the hybrid canine, as defined in this Article, is required at all times that such animal is not maintained in an adequate confinement.*
 - (3) *Each hybrid canine shall be muzzled and kept under the control of a competent adult handler, on a leash, lead, rope, chain, or in a crate whenever it is not on the property of its owner or custodian.*
- (e) *A hybrid canine permit shall be issued or renewed upon review and approval by the Chief Animal Control Officer or his designee. The decision to issue or renew such a permit shall be based upon the following criteria:*
 - (1) *The type, quality and extent of the confinement of the hybrid canine while on the property of its owner or custodian. The Chief Animal Control Officer or his designee shall inspect the facility proposed to house the hybrid canine(s) to confirm that such facility meets the requirements of adequate confinement, as defined in this Article; and*
 - (2) *Ability to handle safely the hybrid canine while not on the property of the owner; and*
 - (3) *The knowledge and demonstrated experience of the owner to adequately care for, keep, and handle hybrid canines while on or off the property of the owner.*

Section 10-112. Hybrid Canine Permit Application.

- (a) *Any person seeking a hybrid canine permit shall complete an application provided by the department of animal control that requires the following information:*
 - (1) *Name, address, phone number and date of birth of the applicant.*
 - (2) *Species, color, date of birth, sex, vaccination history, and origin of the hybrid canine.*
 - (3) *Height at the withers and length of the hybrid canine.*
 - (4) *Photographs of the hybrid canine, current at the time of application or renewal, which show the size, color and any identifying marks or characteristics of the hybrid canine.*
 - (5) *Information as to identification tags, tattooing or other identifying marks of the hybrid canine.*
 - (6) *An executed consent form authorizing the chief animal control officer or his designee to inspect the premises where the hybrid canine is confined for the purpose to confirm compliance with the permit and this article.*
 - (7) *An executed consent form that if an animal control officer determines the Permittee to be in violation of any condition of the permit or of this Article, the animal control officer may take the hybrid canine(s) into custody of the department of animal control pending correction of the insufficiency within a reasonable time period or for euthanization in accordance with Code of Virginia § 3.1-796.119.*

(b) Any application for a hybrid canine permit shall be accompanied by payment of an application fee as set forth in Appendix A – Fee Schedule.

Section 10-113. Penalty, Violations.

- (a.) Any person, whether an owner, temporary custodian, agent, or employee, violating, causing, or permitting the violation of this article regarding regulation of hybrid canines or the conditions of a hybrid canine permit shall be guilty of a class 3 misdemeanor for the first violation and a class 1 misdemeanor for a second or a subsequent violation.**
- (b.) If the owner or custodian of a hybrid canine fails or refuses to obtain or renew any required permit or violates a provision of this Article or any other law pertaining to the responsible ownership of the hybrid canine, then the department may require the owner to dispose of the hybrid canine or the department may take such hybrid canine into its custody for euthanasia in accordance with Virginia Code § 3.1-796.119.**
- (c.) In the event that any hybrid canine is found in any condition inconsistent with the requirements set forth in this Article, any permit issued for such hybrid canine shall immediately be deemed null and void.**
- (d.) The department may revoke a permit or deny renewal of the permit if the owner has violated a provision of the permit or this article or any other law pertaining to the responsible ownership of the hybrid canine, including, but not limited to the escape of the animal from the confinement or any death, damage, or injury caused by the hybrid canine, or if the owner has failed to renew any required permit in a timely manner.**

Appendix A – Fee Schedule

Hybrid canine permit fee, Section 10-112.....\$50

- 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 thirty (30) days after the date of its adoption by the Board of Supervisors.**

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

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

8 Public Hearing for Board Authorization of Condemnation of Real Property for an Easement for the installation of water and sewer lines in Mock Hollow and for approval of compensation to property owners for such purpose

Mr. Thomas Dene, Legal Counsel for the Mock Hollow Project, presented the Board with an overview of the contents and purpose of the proposed resolution for an easement for the installation of water and sewer lines in Mock Hollow and for approval of compensation to property owners for such purpose. Mr. Dene advised the Board that amendments had been made to the original resolution and reviewed the changes.

County Attorney Lucy Phillips reported that a revised resolution had been placed at their stations for review.

Mr. Derting opened the public hearing and invited comments both in support of and in opposition to the proposed Condemnation of Real Property for an Easement for the installation of water and sewer lines in Mock Hollow and for approval of compensation to property owners for such purpose.

There being no comments, Mr. Derting declared the Public Hearing closed.

Discussion ensued among the Board on this item. The following action was taken:

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

RESOLUTION 2003-03

WHEREAS, the residents of the Mock Hollow area of Washington County (“Mock Hollow”) lack public water, a public road, and public sewage disposal; and

WHEREAS, the Board of Supervisors of Washington County, Virginia (“the Board”) is a participant in the Mock Hollow Community Improvement Project (“the Project”) with the Town of Damascus, Virginia, the Virginia Department of Transportation, and the Virginia Department of Housing and Community Development; and

WHEREAS, the Project is a community development project with the purpose of providing the residents of Mock Hollow with a public road, public water, and public sewage disposal; and

WHEREAS, it is necessary for Washington County, by and through the Board, to enter and take certain real property in Mock Hollow for the purpose of effectuating the Project; and

NOW, THEREFORE, pursuant to Sections 15.2-1903 and 15.2-1905 of the 1950 Code of Virginia, as amended, be it hereby resolved:

1. The Board hereby declares its intent to enter upon and take, first, a permanent easement for the erection, construction, installation, use, operation, inspection, repair, maintenance, replacement and removal of a roadway, sewer lines, water line, utilities and appurtenances as shown as a proposed right-of-way on that certain set of plans and maps filed in the Office of the County Administrator of Washington County, Virginia entitled “Mock Hollow Community Improvement Project”, of record in the Clerk’s Office of the Circuit Court of Washington County, Virginia, in plat book 42, page 11, and second, a temporary construction easement, forty (40) feet in width, having the same center line as the above described permanent easement, in, upon, under and through the following real property in Mock Hollow:

- a. All that certain tract or parcel of land lying and being in Washington County, Virginia, and more particularly described as follows:***

BEGINNING at a stake in what is known as Kessler's Hollow in a line of Doss (formerly S. L. Mock); thence with the Doss line in a northeast direction 878 feet and 9 inches to a stake; thence at right angles and running southeast 194 feet to a stake at the edge of the new road; thence running with the edge of the said road to a white oak bush in Kessler's hollow, a corner to Morefield's land; thence down the hollow with Morefield's line 390 feet to the BEGINNING, containing 3 acres, more or less.

BEING the same property conveyed to M. J. Gentry by deed dated April 23, 1959 of record in the Clerk's Office of the Circuit Court of Washington County, Virginia in Deed Book 324, Page 541.

This property is depicted as parcel 172B2-A-257 on the Tax Map of Washington County Virginia, ("the Tax Map"), and upon information and belief, belongs to M.J. Gentry or the heir(s) or devisee(s) of M.J. Gentry.

- b. *All that certain tract or parcel of land, formerly belonging to Ruben and Mandy Ellen Owens and escheated to the Commonwealth, lying in the County of Washington, Virginia and described as follows: All that certain lot, piece or parcel of land with any improvements thereon, lying in and being in the County of Washington, near Damascus W S Kistner Acr - 22, Taylor District, Tax Map #172B2-A-258.*

BEING the same property conveyed to James D. Montgomery, III by deed dated October 18, 1995, of record in said Clerk's Office in Deed Book 930, Page 614.

This property is depicted as parcel 172B2-A-258 on the Tax Map, and upon information and belief, belongs to James D. Montgomery, III.

- c. *All that certain tract or parcel of land with all appurtenances thereto belonging; situate in and near Damascus, Washington County, Virginia, and being a part of the tract or parcel of land conveyed to William A. Burchett from Charles J. Rosenbaum and Yada Rosenbaum, his wife, by deed dated March 9, 1938 of record in said Clerk's Office in Deed Book 172, Page 421, and bounded as follows: BEGINNING at Paul Duncan's corner at the road, then with Duncan's line 88 feet to branch, then down branch 68 feet, then 78 feet to the road, then with the road 60 feet to the Beginning. Also a narrow strip of land, said strip of land being 8 feet and 4 inches wide running alongside of Paul Duncan's property.*

BEING the same property conveyed to Clinton Sweet by deed dated September 7, 1945, of record in said Clerk's Office in Deed Book 209, Page 008.

This property is depicted as parcel 172B2-A-264 on the Tax Map, and upon information and belief, belongs to Clinton Sweet or the heir(s) or devisee(s) of Clinton Sweet.

- d. *All that certain tract or parcel of land, situate in Washington County, in and adjoining the town of Damascus, Virginia, and bounded and described as follows: BEGINNING in the edge of a road, a corner to Eva Moore, then running with Eva Moore's line and five feet from a line of Olivene Doss 150 feet to a corner to Eva Moore and Luther Campbell, thence with the southern line of Luther Campbell's land 50 feet to a line of Jim Rosenbalm, thence with his line 150 feet to the Government line, thence with the Government line 79 feet to a corner to Bill Curd's lot, thence with Bill Curd's line 70 feet to a corner to Olivene Doss, thence with her southern line 45 feet to a point five feet from Luther Campbell's southeast corner, thence with her line to the road, leaving a five foot roadway or lane between Olivene Doss and Eva*

Moore as a part of this conveyance. This conveyance is subject to the reservation of minerals and mineral rights.

BEING the same property conveyed to Painter Watkins and Rosie Watkins by deed dated December 18, 1937, of record in said Clerk's Office in Deed Book 170, Page 424.

This property is depicted as parcel 172B2-A-278 on the Tax Map, and upon information and belief, belongs to Painter Andrew Watkins, Jr., Cynthia Louise Ferguson, Marilyn Sue Church, Fredrick Walter Watkins, Linda W. Owenby, Vance Henry Watkins, Pansy Lucille Watkins Hopkins, and Leonard Jessie Watkins.

- e. All that certain lot or parcel of land lying and being in the Holston Magisterial District of Washington County, Virginia, near the Town of Damascus, and more particularly described as follows: BEGINNING in the edge of the road and at a corner of Olivene Doss lot; thence in an easterly direction with the Road 50 feet to David Moore's corner; thence in a southerly direction 190 feet to the U. S. Government line; thence with the Government line 50 feet to a stake; thence 218 feet to the BEGINNING. (The 50 feet measurement with the government line above mentioned is measured at right angles to the 190 foot line and not with the angle of the Government line.)*

BEING the same property conveyed to Howard Watkins and Eanes Watkins, his wife, by deed dated August 20, 1963, of record in said Clerk's Office in Deed Book 378, Page 750.

This property is depicted as parcel 172B2-A-281 on the Tax Map, and upon information and belief, belongs to Eanes Watkins or the heir(s) or devisee(s) of Eanes Watkins.

- 2. Compensation and damages offered to the owners of the above described real property are:

 - a. to the owner(s) of the real property described in Section 1(a) above: \$150.00.*
 - b. to the owner(s) of the real property described in Section 1(b) above: \$218.00.*
 - c. to the owner(s) of the real property described in Section 1(c) above: \$150.00.*
 - d. to the owner(s) of the real property described in Section 1(d) above: \$150.00.*
 - e. to the owner(s) of the real property described in Section 1(e) above: \$150.00.**
- 3. The Board hereby approves the public use of the above-described property.*
- 4. The Board hereby declares the necessity to enter upon and take such property described above prior to or during the condemnation proceedings.*
- 5. The Board hereby directs the acquisition of the above-described easements by condemnation or other means.*
- 6. The above-described easements shall be used for the purposes set out above.*

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

<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>

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

9 Consideration of Dog Damage Claims

Mr. Carl Kling addressed the Board to present his dog damage claim for a goat killed by dogs. Mr. Kling explained that the Animal Control Department had been notified and is conducting an on-going investigation due to the fact that he and his father John Kling continue to experience problems with the dogs and their owners have not yet been identified. Mr. King further stated that he is requesting to be reimbursed \$50.00, which is the fair market value for the goat.

Mr. John Kling addressed the Board to present his dog damage claim for two lambs and a goat killed by dogs. The total fair market value for these animals is \$167.00. Mr. Kling reiterated his son's remarks in that the Animal Control Department is conducting an investigation into the problems they are experiencing with the dogs.

Discussion ensued among the Board regarding these requests.

On motion of Mr. McCall, second by Mr. Roberts, it was resolved to make restitution in the amount of \$50.00 for Carl E. King and \$167.00 for John R. Kling for dog damage loses.

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

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

10 Consideration of Requests from the Virginia Department of Transportation

a. Consideration of Approval for Washington County' Secondary Highway Six Year Plan for FY 2003-04 through FY 2008-09

Mr. Steve Buston, Resident Engineer, Virginia Department of Transportation, presented the Secondary Highway Six Year Plan for FY 2003-04 through FY 2008-09 for Washington County. Mr. Buston explained that the front page of the plan projects the County's annual allocations for highway construction. He advised the Board that due to funding reductions since the last approved Plan no new projects could be added. Some projects listed on the last approved Plan were removed and placed on a storage list because of an overall funding reduction. Mr. Buston stated that as funding becomes available these storage projects would be added back onto the Six Year Plan in the order they were removed.

Mr. Buston said a highlight of this Plan is the implementation of the Rural Rustic Program for unpaved roads. The program allows roads to be built to lesser standards than the Secondary Highway Plan. He advised the Board that the first unpaved road to be built under the new program would be Route 708, Bethel Road.

After substantial discussions by the Board, the following action was taken:

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

RESOLUTION 2003-04

SIX-YEAR SECONDARY ROAD PLAN 2003-04

BE IT HEREBY RESOLVED, the Washington County, Virginia Board of Supervisors does hereby approve the FY 2003-04 to 2008-09 Virginia Department of Transportation Secondary System Six Year Plan for Washington County, Virginia and,

BE IT FURTHER RESOLVED, that the Washington County, Virginia Board of Supervisors approves the first year of the plan titled, Details of the Washington County, Virginia Secondary Construction Budget for July 1, 2003 through June 30, 2004.

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

<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

Scribner's Note: *The Six Year Plan referenced above is included as Minutes Exhibits Item 2003-01-28A*

b. Consideration of Resolution to designate Route 708, Bethel Road, a Rural Rustic Road

Mr. Buston explained to the Board that the Virginia Department of Transportation is asking the Board of Supervisors for a resolution designating Route 708, Bethel Road, a Rural Rustic road.

County Administrator Mark Reeter advised the Board that the Transportation Advisory Board had not yet been given a presentation on the new Rural Rustic Road Program.

On motion of Mr. Roberts, second by Mr. McCall, the Board acted to adopt the following resolution:

RESOLUTION 2003-05

WHEREAS, during the 2002 session of the General Assembly, legislation was passed to revise §33.1-70.1 of the code of Virginia, to allow for the improvement and hard surfacing of certain roads deemed to qualify for and be designated a Rural Rustic Road; and

WHEREAS, VDOT has expressed a willingness to adopt this concept on a pilot basis until the program is fully implemented to assist in developing and defining the guidelines to be used for the program; and be evaluated by VDOT with regard to safety, resident concerns, and environmental issues; and.

WHEREAS, such roads must be located in a low-density development area, and have no more than 500 vehicles per day; and

WHEREAS, this Board is unaware of any pending development that will affect the existing traffic on the road; and

***WHEREAS, a road that traverses an area known for its scenic vistas or a historic and relaxed ambiance is one that should be considered for designation as a Rural Rustic Road; and
WHEREAS, this Board believes Route 708 Bethel Road should be designated a Rural Rustic Road, From: Intersection of Route 58 To: Intersection of Route 722 owing to its qualifying characteristics; and***

WHEREAS, the road aforesaid is in this Board's six-year plan for improvements to its secondary system of state highways:

NOW, THEREFORE, BE IT RESOLVED, this Board hereby designates and requests VDOT's Resident Engineer to concur in the aforesaid road as a Rural Rustic Road.

BE IT FURTHER RESOLVED, this Board requests that this road be hard surfaced and, to the fullest extent prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, this Board pledges to discourage more development on this road.

BE IT FURTHER RESOLVED that a certified copy of this resolution is forwarded to the Resident Engineer for the Virginia Department of Transportation.

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

<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

In another matter, Mr. Buston provided the Board with a map highlighting areas or "hot spots" in Washington and Smyth Counties that may have a habitation of threatened and endangered species. He explained that when the Virginia Department of Transportation (VDOT) undertakes a project they must complete an extensive environmental review process before approval is granted to proceed. Mr. Buston advised the Board that if VDOT is approached with a request for a private entrance permit in one of the "hot spots" the permit will have to be reviewed by the district or central office and may take an additional 30 to 45 days to process.

County Administrator Mark Reeter addressed the Board advising them that this would affect the County relative to the issuance of building permits. Mr. Reeter explained that currently residential building permits are not issued unless the applicant can produce a private driveway entrance permit from VDOT. Now the applicant, if building in one of the "hot spots" will have to go through 30 to 45 day waiting period for VDOT to review the exact location of where their driveway is coming into the road before they can obtain their building permit.

In response to an inquiry, Mr. Buston stated that the local VDOT residency could determine if proposed construction is located in one of the "hot spots."

11 Joint Parks & Recreation Committee Report:**a. Consideration of Agreement between Board and Washington County Park Authority concerning Management of Washington County Park at Glade Spring**

Recreation Manager Keith Owens provided the Board with a report concerning the history and present condition of the Washington County Park at Glade Spring. The Joint County Parks & Recreation Committee over the past six months have investigated the current condition and management at the Washington County Park at Glade Spring and determined that significant repairs and improvements and more consistent management of the Park is needed in order for the facility to remain usable for public recreation. Mr. Owens advised the Board that the Washington County Park Authority owns the property and sub-leases it to the Glade Area Recreation Corporation. He explained that the Plan being presented on behalf of the Joint Parks and Recreation Committee proposes two to three years of capital improvements in addition to operational repairs. The Committee also proposes the management of the Park be transferred from the Glade Area Recreation Corporation to the County Department of Recreation.

Supervisor Rector commented that the Washington County Park at Glade Spring is an asset to the community, but that substantial repairs are needed. Over the years, the repairs have been neglected due to lack of funding. The County must make an investment in the Park now to ensure it remains open and enjoyable to the public. Mr. Rector advised the Board that the Town of Glade Spring is interested in sub-leasing the facility from the Washington County Park Authority.

Supervisor Roberts provided the Board with a detailed history of the events that led to tonight's recommendations by the Joint County Parks and Recreation Committee. Mr. Roberts recommended to the Board that they support the proposal.

b. Consideration of Request for Supplemental Appropriation for Repairs to Washington County Park at Glade Spring

Mr. Owens presented the Board with a proposed budget and explained that it is two-fold. First, a supplemental appropriation will be needed in the amount of \$30,000 to the Department of Recreation for immediate repairs to various Park facilities as well as to fund Park operations from Memorial Day through June 30 of this year. Second, a proposed operational budget for Summer 2003, which details anticipated expenditures through the end of the current FY and for FY 2003-04.

County Administrator Mark Reeter addressed the Board explaining that the proposed agreement places management of the Park under the County Recreation Manager with ownership of the Parks grounds and facilities remaining with the Park Authority. The agreement sets out specific roles and responsibilities between the Park Authority, Department of Recreation and the Board of Supervisors regarding management and improvement of the Park, modeled after the successful arrangements between the County and Industrial Development Authority regarding the Washington County Community Services Building.

c. Presentation on Glade Area Park

Mr. Rick Call, Vice Mayor for the Town of Glade Spring made a presentation to the Board concerning the Washington County Park at Glade Spring. Mr. Call explained that he volunteers with the Glade Area Recreation Corporation, and has worked with the County Recreation Department to create a plan for improvements and management of the Park. He advised the Board that the Town of Glade Spring is interested in subleasing the Park from the Park Authority and will be presenting a proposal to the Authority at their January 30, 2003, meeting. Mr. Call stated that the Town has personnel that could provide management and maintenance work at the Park; therefore, any money appropriated could be used strictly for costs associated with improvements and not

on personnel costs. He requested that the Board allow time for the Town of Glade Spring to make their presentation to the Park Authority.

Discussion ensued among the Board members and as a result the following action was taken:

On motion of Mr. Roberts, second by Mr. Rector, the Board acted to approve the Agreement between the County and Park Authority for the operation, maintenance and improvement of Washington County Park at Glade Spring contingent upon final approval by the Park Authority and to authorize the Chairman of the Board to execute same on behalf of the Board of Supervisors. Further, it was resolved to appropriate \$30,000.00 from Reserves for Contingency to the County Department of Recreation for repairs, improvements and operation of the Washington County Park at Glade Spring through June 30, 2003.

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

<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

Scribner's Note: The Agreement referenced above is included as Minutes Exhibits Item 2003-01-28B

12 Recess

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

13 Consideration of Report Concerning Status of Audits of Organizations Receiving \$10,000 or more in County Funds

Received a report from Accounting Manager Mark Seamon on the status of audits of organizations receiving \$10,000 or more in County funds.

14 Consideration of Appointments to Real Estate Reassessment Committee (Suggested Composition of Committee: Two Board of Supervisors Members; Washington County Commissioner of the Revenue & Washington County Treasurer. Committee participants: Local Realtor; Local Property Appraiser; County Administrator; County Attorney; County GIS Consulting Manager & Information Technology Manager)

The Board discussed these appointments and took the following actions:

On motion of Mrs. Mumpower, second by Mr. Rector, it was resolved to appoint Mike Mumpower as a local property appraiser representative on the Real Estate Reassessment Committee.

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

<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>

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

The Board by consensus tabled other appointments on the Real Estate Reassessment Committee until the February 11, 2003, meeting.

15 Consideration of Appointments to Washington County Emergency Services Advisory Board
(Suggested Composition of Advisory Board: One resident of each of the County's seven Election Districts appointed by the Board of Supervisors; President of the Washington County Fireman's Association (ex-officio); President of the Washington County Emergency Volunteers Association (ex-officio). Advisory Board participants: County Emergency Services Coordinator & County Administrator)

It was consensus of the Board to table action indefinitely on these appointments.

16 Consideration of Appointments to Boards and Commissions:

Mount Rogers Planning District Commission

<i>Name:</i>	<i>Representing:</i>	<i>Term Expires:</i>
W. D. Young, Jr.	At-Large	June 30, 2003

It was consensus of the Board to request the Planning Commission submit a recommendation for this appointment.

17 County Administrator Reports:

- a. February 4 Demonstration of Board of Supervisors "Electronic" Agenda Book and "Electronic" Budget Book

County Administrator Mark Reeter requested an opportunity for the Information Technology Department to provide a demonstration to the Board of a model "electronic" Board of Supervisors Agenda Book and "electronic" Budget Book at the Board's February 4, 2003, recessed meeting. The purpose of this demonstration would be to show the Board how a laptop computer-based Board Agenda Book would work as well as to get feedback from the Board on the use of a laptop-based Budget Book for the upcoming FY 2003-3004 budget preparation process.

- b. Surplus of 1990 4WD Vehicle to Southwest Virginia Regional Jail Authority

Mr. Reeter advised the Board that the County has taken possession of a 1990 4WD vehicle originally surplus to Washington County Fire & Rescue and returned to the County due to mechanical problems. He explained that the Southwest Virginia Regional Jail Authority might be interested in having this vehicle surplus to them for use by their new Jail Superintendent. Mr. Reeter asked the Board to make this vehicle available to the Jail Authority should they request it.

On motion of Mr. Rector, second by Mr. Roberts, the Board acted to surplus one 1990 4WD returned to the County from Washington County Fire & Rescue to the Southwest Virginia Regional Jail Authority if so requested.

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

<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

18 County Attorney Reports

No report.

19 Consent Agenda

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

- a. **Supplement Appropriation - Forfeited Asset Sharing Fund:**
 Sheriff's Department \$200.00 Fund 002 – Dept. 31800
 *Commonwealth's Attorney \$100.00 Fund 002 – Dept. 2280**
- b. **Supplemental Appropriation, \$16,781.00 – Tobacco Commission Settlement Grant, Washington County School Board***

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

<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

20 Board Member Reports

Supervisor Tony Rector inquired about the Threatened and Endangered Species information provided by the Virginia Department of Transportation, and if the County's Zoning Department would advise citizens about the delay in getting a building permit if they build in one of the "hot spots."

In response to the inquiry, County Administrator Mark Reeter advised the Board that he is working with the Building and Zoning Department on this matter.

Supervisor Jack Barker stated that the Board should have been notified prior to the meeting regarding the recent resignation of County Planner Fredric Crowell. The Personnel Committee will have to evaluate whether the County should fill this position.

Supervisor John Roberts advised the Board that the Green Cove Community Center needs a new generator. General Services Manager Frank Canter has located a used one in good condition for \$3,750. The total cost for

parts and labor is estimated to be \$4,000. Mr. Roberts stated that Mr. Canter has indicated funds are available for this project within his budget under the facilities improvement line item.

On motion of Mr. Roberts, second by Mr. Barker, it was resolved to approve the purchase and installation of a generator for the Green Cove Community Center. It was further resolved to take the funds estimated to be \$4,000 from the Facilities Improvements Line Item within the General Services Budget.

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

<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

Chairman Derting provided the Board with a resolution of support for House Bill No. 1397 currently before the General Assembly that would give Counties the same taxing options that are enjoyed by towns and cities.

The Board held discussion regarding the proposed legislation and took the following action:

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

RESOLUTION 2003-06

WHEREAS, many Virginia counties are fiscally disadvantaged in comparison to cities and towns in their ability to generate local revenues from various sources, and

WHEREAS, Virginia counties are increasingly being asked to provide more services to their citizens comparable to municipalities, and

WHEREAS, increasing reliance on property and sales taxes by counties to meet the demands for more services places a disproportionate burden on county residents, and

WHEREAS, House Bill 1397 currently before the Virginia General Assembly would provide for equal taxing authority for all Virginia counties, cities and towns, and

WHEREAS, such authority would help address the disparity in local tax sources that presently exists between units of local government in Virginia and help relieve the heavy reliance upon property and sales tax revenues by counties;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that it hereby endorses passage of House Bill 1397.

BE IT FURTHER RESOLVED that the County Administrator is directed to distribute copies of this Resolution to all members of the House of Delegates Counties, Cities and Towns Committee, the Southwest Virginia Legislative Delegation and to the Virginia Association of Counties.

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

<i>Mr. Barker</i>	<i>Aye</i>
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<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

At this point, Mr. Reeter brought the Boards attention to a resolution provided at their stations that was adopted by the Wise County Board of Supervisors regarding a five-year moratorium on annexations initiated by towns.

No action was taken by the Board on this matter.

- 21 **Closed Meeting 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**

On motion of Mr. Barker, second by Mr. McCall, the Board acted to convene in closed meeting 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: (6-0)

<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

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

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

<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

Mr. Derting asked for any participant in the closed meeting who believes that there was a departure from the requirements of the Virginia Freedom of Information Act during the closed meeting, please state the substance of the departure that you believe has taken place.

Hearing no such statements, on motion of Mr. McCall, 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: (6-0)

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

22 Recess to February 4, 2003 7:00 PM for Public Hearing on Recommended 2002 Washington County Comprehensive Plan

On motion of Mr. Rector, second by Mr. Roberts, it was resolved to recess to February 4, 2003, for a Public Hearing on the Washington County Comprehensive Plan.

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

<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

Prepared by:

Naoma A. Mullins, Recording Clerk

Approved by the Washington County Board of Supervisors:

Joe W. Derting, Chairman