

**VIRGINIA:**

At a regular meeting of the Washington County Board of Supervisors held Tuesday, January 27, 2004, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia the following were present:

**PRESENT:**

John B. Roberts, Sr., Chairman  
Phillip B. McCall, Vice Chairman  
Bobby D. Ingle  
Dulcie M. Mumpower  
Odell Owens  
Anthony S. Rector  
Kenneth O. Reynolds

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

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**1. Call to Order**

Mr. John Roberts, Sr., Chairman of the Board, called the meeting to order. Mr. Roberts welcomed everyone in attendance. At this time, he recognized the members of the Washington County Leadership Class in attendance.

**2. Invocation and Pledge of Allegiance**

Supervisor Bobby Ingle gave the Invocation and led the Pledge of Allegiance.

**3. Approval of Agenda**

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

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

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

#### 4. Approval of Minutes

*On motion of Mr. Reynolds, second by Mr. Ingle, it was resolved to approve the minutes with the following correction:*

**Page 13134, Agenda Item 5b:** *Correct sentence to read, “Mr. McCall opened the floor for nominations of a Vice-Chairman for Calendar Year 2004.”*

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

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

*Scrivener's Note:* *The above corrections have been made to the recorded Minutes of the referenced meeting.*

#### 5. Public Hearings:

##### a. **Public Hearing and Board Consideration of Proposed Resolution to Abandon Footbridge #9007 in the Taylor Magisterial District (E-01 Election District)**

Mr. Stephen Buston, Resident Engineer with the Virginia Department of Transportation (VDOT) – Abingdon Residency, addressed the Board explaining that VDOT submitted a request to the Board of Supervisors to initiate procedures to abandon Footbridge #9007, which spans the South Fork of the Holston River near the intersection of Route 733 (Rush Creek Road) and Route 714 (South Fork River Road). Mr. Buston further explained that the footbridge is not in service due to its poor condition. The footbridge in its current condition could pose a safety hazard to the public. The estimated cost to repair the bridge is approximately \$150,000. VDOT does not feel the bridge is being utilized from the South Fork River Road because there is access to the Holston River via Rush Creek Road. Therefore, it is not feasible to expend funds to make the repairs so VDOT is requesting the footbridge be abandoned.

County Attorney Lucy Phillips advised the Board that a decision on VDOT’s request is not required at this meeting if the Board feels more time is needed to study the issue. However, action must be taken no later than the first meeting in May. Ms. Phillips referenced correspondence from her office concerning calls from residents voicing their opposition to the abandonment request.

Mr. Roberts opened the public hearing and invited comments both in support of and in opposition to a request from VDOT to abandon Footbridge 9007.

Mr. Mark Mitchell addressed the Board in opposition to the abandonment of the footbridge. Mr. Mitchell explained the reasons for his opposition. His primary concerns are public access to the Holston River, deterioration of scenic value, and potential loss of tourism related business and income. Mr. Mitchell advised the Board that an alternative to abandoning the bridge would be to contact the Virginia

Department of Game and Inland Fisheries to request they take over the point where the footbridge is now located and turn it into a boat dock.

Chairman Roberts presented the Board with a petition from residents opposed to the abandonment of the footbridge.

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

Discussion ensued among the Board regarding the request.

Responding to an inquiry, Mr. Buston explained that if the footbridge were abandoned and taken down the right-of-way where the bridge is located would be returned to the original property owner. Mr. Buston further explained that the public would have access to the Holston River via Rush Creek Road.

Chairman John Roberts reviewed with the Board various options other than abandonment that VDOT had provided the County concerning the footbridge. One of the options to the County is they could request the bridge be placed on the six year plan for secondary construction funds.

After discussing the issue at length, the Board took the following action:

***On motion of Mr. McCall, second by Mr. Rector, the Board acted to send the request by the Virginia Department of Transportation to abandon footbridge 9007 to the County Transportation Advisory Board for their review and consideration of adding the footbridge to the County six year plan for secondary roads.***

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

<b><i>Mr. Ingle</i></b>	<b><i>Aye</i></b>
<b><i>Mr. McCall</i></b>	<b><i>Aye</i></b>
<b><i>Mrs. Mumpower</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Owens</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Rector</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Reynolds</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Roberts</i></b>	<b><i>Aye</i></b>

Following the vote, the Board by consensus requested the County Administrator contact the Virginia Department of Game and Inland Fisheries regarding the footbridge and further to take the issue to the County's Joint Parks and Recreation Committee.

**6. Consideration of other Board Appointments by the Washington County Board of Supervisors, Calendar Year 2004:**

**a. Appointment of Board Representative to Highlands Juvenile Detention Center Commission**

***On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved to appoint Tony Rector to represent Washington County on the Highlands Juvenile Detention Center Commission for a four year term beginning January 27, 2004, and expiring on January 27, 2008.***

***The vote on this motion was as follows: (6-0-1)***

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Abstained</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

**b. Appointment of Board Representative to Highlands Community Services Board**

*On motion of Mr. Rector, second by Mr. Owens, it was resolved to appoint Bobby Ingle to represent Washington County on the Highlands Community Services Board to fill the unexpired term of Jack Barker. The term shall be effective immediately and expire on June 30, 2005.*

*The vote on this motion was as follows: (6-0-1)*

<i>Mr. Ingle</i>	<i>Abstained</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

**c. Appointment of Board Representative to Virginia Highlands Small Business Incubator Board**

*On motion of Mr. Rector, second by Mrs. Mumpower, it was resolved to appoint John Roberts to represent Washington County on the Virginia Highlands Small Business Incubator Board to fill the unexpired term of Joe Derting. The term shall be effective immediately and expire on July 31, 2004.*

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

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

**d. Appointment of Board Representative to Mount Rogers Economic Development Partnership**

*On motion of Mr. Rector, second by Mrs. Mumpower, it was resolved to appoint John Roberts to represent Washington County on the Mount Rogers Economic Development Partnership to fill the unexpired term of Joe Derting. The term shall be effective immediately and expire on June 30, 2004.*

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

<i>Mr. Ingle</i>	<i>Aye</i>
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*Mr. McCall*                    *Aye*  
*Mrs. Mumpower*           *Aye*  
*Mr. Owens*                    *Aye*  
*Mr. Rector*                    *Aye*  
*Mr. Reynolds*                *Aye*  
*Mr. Roberts*                  *Aye*

**7. Consideration of Participation in FY 2005 VDOT Revenue Sharing Program**

Mr. Steve Buston addressed the Board presenting information concerning the County's participation in VDOT's Revenue Sharing Program for FY 2005. Mr. Buston explained that the Revenue Sharing Program allows VDOT to provide state funds to match local funds for the construction, maintenance, or improvement of primary and secondary highways. During the last several years the County has participated in the Revenue Sharing Program for the State Route 1717 Relocation Project.

Mr. Buston advised the Board that Washington County is eligible to request an additional allocation from the FY 2003-2004 Revenue Sharing Program fund.

Application packages for the FY 2005 Revenue Sharing Program and for the additional allocation from FY 2003-04 are due by March 1, 2004. Mr. Buston encouraged the County to submit applications for these funds.

County Administrator Mark Reeter advised the Board that in the FY 2003-2004 County operating budget there is \$250,000 to be used as matching funds for the State Route 1717 Project. Mr. Reeter explained that he would evaluate the County's ability to match additional Revenue Sharing funds for the Project and bring back a recommendation to the Board in February.

In regards to another matter, Supervisor Tony Rector inquired about the status of the request to bring the Spring Hill Subdivision into the State System of Secondary Highways. Mr. Buston responded by explaining that he would look into the matter and get back to him with the status.

**8. Consideration of Increasing Part-time Position to Full-time within Washington County Extension Office**

Washington County Extension Office Unit Coordinator Phil Blevins presented the Board with a request to use existing County funds in the amount of \$8,885.00 to transition the 4-H Program Assistant's position from part-time to full-time. Mr. Blevins explained that the 4-H programs are rapidly growing with a total of 36 school clubs, two community clubs, two project clubs and 38 school enrichment groups. Therefore, justifying the request to make the 4-H Program Assistant a full-time position.

Responding to an inquiry from the Board, Mr. Blevins stated that he didn't anticipate bringing future requests before the Board for funding of this position.

***On motion of Mr. Ingle, second by Mr. McCall, it was resolved to authorize the Washington County Extension Office to use approximately \$8,885.00 of existing funds within the Washington County Extension Office budget for FY 2003-2004 to make the 4-H Program Assistant a full-time position.***

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

*Mr. Ingle*                    *Aye*  
*Mr. McCall*                *Aye*  
*Mrs. Mumpower*        *Aye*  
*Mr. Owens*                *Aye*  
*Mr. Rector*                *Aye*  
*Mr. Reynolds*            *Aye*  
*Mr. Roberts*              *Aye*

**9. Consideration of Fee Adjustments for Washington County Sheriff's Office, Division of Animal Control**

Washington County Sheriff Fred Newman addressed the Board concerning proposed changes to fees for adoption of animals from the C. C. Porter County Animal Shelter. Sheriff Newman explained that there have been no fee increases in quite some time. The proposal is to increase the adoption fee for cats from \$10.00 to \$15.00 and for dogs from \$20.00 to \$25.00, and in addition, a \$50.00 sterilization fee that would be reimbursed when the adopter presents valid proof that they have had the animal sterilized.

County Attorney Lucy Phillips addressed the Board and explained that an increase to the fee structure would require Board action to amend Chapter 10 of the 2002 County Code. If the Board wishes to have the ordinance amended a public hearing would also be required.

Discussion ensued among the Board regarding Sheriff Newman's request. A Board member expressed concerns with the \$50.00 sterilization fee because it could possibly discourage a potential adopter due to the extra expense.

Sheriff Newman explained that potential adopters could seek financial support for sterilization from the Animal Defense League.

***On motion of Mr. Reynolds, second by Mrs. Mumpower, it was resolved to direct the County Attorney to draft the necessary amendments to Chapter 10 of the 2002 County Code to implement or revise the fee proposals. It was further resolved to authorize the County Attorney to schedule a public hearing on the proposed amendments.***

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

*Mr. Ingle*                    *Aye*  
*Mr. McCall*                *Aye*  
*Mrs. Mumpower*        *Aye*  
*Mr. Owens*                *Aye*  
*Mr. Rector*                *Aye*  
*Mr. Reynolds*            *Aye*  
*Mr. Roberts*              *Aye*

**10. Consideration of Proposed Amendment to Board By-laws Article 10 – Appointments of the Board of Supervisors**

County Administrator Mark Reeter addressed the Board explaining that he proposes amending the Board By-Laws for CY 2004 under Article 10 – Appointments of Board of Supervisors to incorporate action taken by the Board at their January 13 Organizational Meeting, and further to provide for a term limit of

one year for appointees of the Board of Supervisors other than Board members themselves and would only be applicable to appointments where no term for the appointment is specified. A new Section 10.7 has been drafted to incorporate these provisions.

***On motion of Mrs. Mumpower, second by Mr. Rector, the Board acted to approve the following amendment to the By-Laws for Calendar Year 2004:***

***Article 10. Appointments of Boards of Supervisors***

***10.7 Where no term limit for an appointment is otherwise established or prescribed, the term of appointed Board of Supervisors members shall be for two (2) years or the remainder of their term on the Board, whichever is less; and for non-Board of Supervisors appointees, one (1) year. Appointments may be for successive terms.***

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

<b><i>Mr. Ingle</i></b>	<b><i>Aye</i></b>
<b><i>Mr. McCall</i></b>	<b><i>Aye</i></b>
<b><i>Mrs. Mumpower</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Owens</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Rector</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Reynolds</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Roberts</i></b>	<b><i>Aye</i></b>

A Board member inquired about terms of office for members of various Boards and Commissions and asked why terms did not coincide with the term of the Board of Supervisor in whose district the appointment was made. Discussion ensued among the Board regarding this issue and by consensus directed the County Attorney to research the Code of Virginia regarding term limits on appointments and to determine if this matter could be addressed by Board action.

**11. Consideration of Concerns about Illegal Automobile Graveyard and Tire Disposal on County Tax Map 044-A-101**

Mr. Johnny Roark addressed the Board regarding concerns about an automobile graveyard located in the vicinity of his property on Fall Hill Road. Mr. Roark asserted that the automobiles are being stripped down with fluids from the vehicles going into a nearby creek possibly causing contamination of the water.

County Attorney Lucy Phillips addressed the Board explaining that Stephen Richardson, County Recycling and Special Projects Manager, began working on this case in the Spring of 2003. Charges were brought against the property owner. The case was first heard in court in July of 2003 where the judge continued the matter until October 2003 to allow the property owner time to remove tires and vehicles from the property. The case was heard again in December 2003, with another continuance granted until February 2, 2004. Ms. Phillips advised the Board that Mr. Richardson is scheduled to do a site visit to the property in question on January 30, 2004, prior to the court date.

Discussion ensued among the Board on this item.

Responding to an inquiry, Mr. Roark explained that the property owner continues to bring additional junk cars to the property. Mr. Roark alleged that prior to coming to this meeting he saw five additional vehicles parked along the road by the property.

Following discussion, the Board by consensus directed the County Attorney to have Stephen Richardson include Supervisor Bobby Ingle in the site visit. In addition, the Board requested that Mr. Richardson provide them with a detailed report on the status of the automobile graveyard and further that the report include how much debris remained on the property.

## **12. Consideration of Concerns from Residents of Oak Hill Estates Subdivision**

Ms. Patricia Owens, resident of Oak Hill Estates Subdivision located adjacent to Oak Park: Center for Business and Industry, addressed the Board regarding concerns of the residents in the Subdivision.

Ms. Owens explained that residents of Oak Hill Estates have the following issues and concerns with Westinghouse Road:

- Request that the current speed limit of 45 mph lowered;
- Request the passing lane be eliminated;
- Concerns with buckling in the Westinghouse Road from tractor-trailer traffic;
- Installation of guard rails for safety purposes;
- Installation of a traffic light on Lee Highway and Westinghouse Road.

Ms. Owens stated that the residents would like VDOT to conduct an assessment of Westinghouse Road.

Ms. Owens further explained that the residents are concerned with the speed in which industrial traffic from Oak Park travels at the turn into the subdivision both going to and leaving work. In addition, as more businesses locate in the industrial park there is more evidence of littering. Ms. Owens asked the Board to consider sending correspondence to the chief executive officers of the businesses located in Oak Park to request that their employees slow down when entering and leaving the industrial park and also not to litter. She inquired about utilizing the Sheriff's Department inmates to pick up the litter.

In conclusion, Ms. Owens stated that the residents would like the Industrial Development Authority (IDA) to plant evergreen trees behind their properties on Mahogany Drive to provide a buffer zone from Oak Park.

Supervisor Dulcie Mumpower addressed the Board explaining that serious issues exist concerning the drainage from Oak Park into Oak Hill Estates and that these problems need looked into. Mrs. Mumpower stated that residents of Eggars Road have suffered damage to their property as a result of the drainage. She asked that the Virginia Department of Transportation undertake a speed and safety study of Westinghouse Road, and further to request the Sheriff Department's utilization of inmates to pick up the litter and debris.

Responding to a question regarding a traffic light at Westinghouse Road and Lee Highway, Assistant County Administrator Christy Parker explained that traffic light requests were demand driven, and VDOT needs to see that there is enough traffic coming out of the industrial park to justify installing the traffic light. Ms. Parker stated that cost estimates and engineering studies for the traffic light have been completed by VDOT.

Ms. Parker further explained that the IDA and VDOT are working to correct the drainage problems in Oak Park, and that the drainage issues are entirely the responsibility of VDOT.

The Board by consensus directed the County Administrator to request that the Virginia Department of Transportation conduct a speed and safety study on Westinghouse Road (State Route 1718).

**13. Recess**

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

**14. County Administrator Reports****a. Procurement of County Solid Waste Disposal and Transportation Services**

County Administrator Mark Reeter addressed the Board explaining that the County's current contracts for solid waste disposal and transportation end in October of this year. The County currently has a contractual agreement with Browning Ferris Industries for disposal of all County solid waste at their Hawkins County, TN landfill facility and a contract for waste hauling services with Southwest Sanitation. Mr. Reeter stated that the County would proceed with the procurement process to obtain new contracts for solid waste disposal and transportation services. The County Landfill Team will oversee the procurement process and will bring a recommended contract back to the Board for final approval prior to October of this year.

**15. County Attorney Reports****a. Consideration of Renewal of Lease for Green Cove Solid Waste Convenience Station**

County Attorney Lucy Phillips addressed the Board advising them that the County's lease to use the Green Cove Solid Waste Convenience Station expired in October 2003. Ms. Phillips explained that it has taken some time to locate the property owners. After finding the owners of the property, the County offered to purchase the two-acre convenience station site, but the owners were not interested in selling. The owners proposed a renewal of the lease for a seven-year term, \$1,800 annual rent, with automatic renewal every seven years thereafter unless either the owner or the County chooses to terminate the lease.

***On motion of Mr. Reynolds, second by Mr. Owens, the Board acted to renew the lease of the Green Cove Solid Waste Convenience Station.***

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

<b><i>Mr. Ingle</i></b>	<b><i>Aye</i></b>
<b><i>Mr. McCall</i></b>	<b><i>Aye</i></b>
<b><i>Mrs. Mumpower</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Owens</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Rector</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Reynolds</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Roberts</i></b>	<b><i>Aye</i></b>

**16. Board Information**

County Administrator Mark Reeter drew attention to correspondence at Board stations regarding Senate Bill 134 relative to Methadone Clinics and correspondence from the Washington County School Board stating their opposition to the proposed clinic.

**17. Consent Agenda**

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

- a. Memo From Building Inspection Department Requesting \$55.00 Revenue Refund-Building Permit Fee*
- b. Updated Resolution for Authorized Check Signatures*
- c. Budget Status Reports For December 31, 2003*

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

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

**18. Board Member Reports**

Supervisor Dulcie Mumpower reported that the meeting held with residents of the Wyndale Community and those involved with the Route 1717 Relocation Project went very well. Mrs. Mumpower thanked County Administrator Mark Reeter, Assistant County Administrator Christy Parker, Industrial Development Authority (IDA) Russell Owens, and the members of the IDA for their assistance with putting the meeting together. She stated that the meeting was informative and a great help to the residents.

Supervisor Tony Rector requested the County Administrator following up on the request to bring Spring Hill Subdivision into the State System of Secondary Highways.

Supervisor Odell Owens reported while attending a Metropolitan Planning Organization meeting he was approached by City of Bristol, TN Mayor David Shumaker requesting that Washington County appoint a representative to serve on the Farmer's Market Board. Mr. Owens advised the Board he would be willing to serve on this Board.

By consensus of the Board, Mr. Owens was appointed to serve on the Farmer's Market Board.

Chairman John Roberts encouraged the Board to review the five-year plan submitted by the Washington County Fireman's Association. In addition, Mr. Roberts requested that the Emergency Services Committee develop a plan for formulating the funding requests of emergency services organizations. The Board by consensus agreed to direct the Emergency Services Committee to develop such a plan and report its recommendations to the Board before the end of 2004.

Supervisor Tony Rector, member of Emergency Services Committee, advised the Board that the Committee would most likely be willing to undertake the project of developing a funding plan and requested they be provided with some guidelines.

**19. Recess to January 29, 2004 Joint Worksession Meeting with Washington County School Board, 7:00 PM, Conference Room 1, County Administration Building**

*On motion of Mr. Rector second by Mr. McCall, it was resolved to Recess to January 29, 2004 Joint Worksession Meeting with Washington County School Board, 7:00 PM, Conference Room 1, County Administration Building*

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

<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

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**Prepared by:**

\_\_\_\_\_  
Naoma A. Mullins, Recording Clerk

**Approved by the Washington County Board of Supervisors:**

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John B. Roberts, Sr., Chairman