V I R G I N I A:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, August 10, 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

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

2. Invocation and Pledge of Allegiance

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

3. Approval of Agenda

County Administrator Mark Reeter addressed the Board explaining that he had no amendments to the Agenda to offer. However, Mr. Reeter pointed out that at Board stations was a revised cover sheet for the consideration of the publication of the delinquent tax list for fiscal year ending June 30, 2004. Also, a draft resolution has been placed at Board stations for consideration relative to the Virginia Cooperative Coyote Control Program. Materials concerning the Coyote Control Program are included in the Board Information section of the Agenda packet.

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)

Mr. Ingle Aye
Mr. McCall Aye
Mrs. Mumpower Aye

Mr. Owens ***Aye***
Mr. Rector ***Aye***
Mr. Reynolds ***Aye***
Mr. Roberts ***Aye***

4. Approval of Minutes

On motion of Mr. Ingle, second by Mr. Reynolds, it was resolved to approve the minutes of the July 27, 2004, regular meeting as presented.

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***

5. Public Hearings:

a. Requests for Special Exception Permit:

(1) ***MacFarland Gamble, Property Tax Map #028-A-16*****: Request for a Special Exception permit to operate a sawmill on property located on the north side of State Route 689 near the intersection of State Route 689-688 in a CR (Conservation Recreation) zone, Jefferson Magisterial District**

Mr. Roberts opened the public hearing to receive comments both in support of and in opposition to the application of MacFarland Gamble for a Special Exception Permit.

Mr. MacFarland Gamble addressed the Board explaining that he has applied for a Special Exception Permit to allow him to continue his sawmill operation. Mr. Gamble further explained to the Board that the sawmill operation is his resource for earning a living. Therefore, the continuation of the sawmill operation is vital to him.

Ms. Jean Hayter addressed the Board speaking in opposition to the sawmill operation. Ms. Hayter explained that her primary concerns with the sawmill are the noise it creates and the increase of traffic, which creates a safety hazard due to the road being very narrow. Ms. Hayter stated that her grandchildren play and ride their bicycles in her driveway and she is concerned for their safety. She asked that if the Board granted the Special Exception Permit that they place a stipulation on the permit that the sawmill be relocated to the back of Mr. Gamble's house.

Ms. Mary Wimmer addressed the Board speaking in opposition to the sawmill operation. Ms. Wimmer stated that her primary concern was the potential safety hazard due to the increased traffic on the road. Ms. Wimmer explained that the road is small and does not accommodate the log trucks. She further

explained that her daughter is a nurse and works the night shift. Therefore, her daughter is a day sleeper and the noise from the sawmill makes it difficult for her to rest.

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

Discussion ensued among the Board.

Supervisor Bobby Ingle addressed the Board explaining that he was made aware of the sawmill operation several weeks ago and requested that the County Building Official check out the operation. Mr. Ingle further explained the sawmill is a large operation located adjacent to the property owners that spoke in opposition. There is heavy truck traffic on the road, which is a narrow lane that is more like a private drive than a road. He stated that another issue besides the noise and truck traffic is that timber is brought to the sawmill from other sources. County Code Section 66-1 states that sawmills may be located on private property for processing of timber cut only from that property or property immediately contiguous or adjacent thereto. Therefore, there are two issues to be considered with this application; first, the importation of timber and second the noise created from the operation. Mr. Ingle suggested that Mr. MacFarland consider moving the sawmill operation to another piece of property the he owns. He stated that the Planning Commission had reviewed Mr. MacFarland's application and voted unanimously to deny the application.

Subsequently, the following action was taken:

On motion of Mr. Ingle, second by Mr. Owens, it was resolved to follow the recommendation of the Washington County Planning Commission and deny the application of MacFarland Gamble, for a Special Exception permit to operate a sawmill on property located on the north side of State Route 689 near the intersection of State Route 689-688 in a CR (Conservation Recreation) zone, Jefferson Magisterial District.

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***

Mr. Ingle stated that on June 24, 2004, Mr. Gamble was issued a notice of zoning violation and was ordered to immediately and permanently cease all such uses and activities. He stated that it is his understanding that timber continues to be processed at the sawmill and that the County's order needs to be followed.

(2) ***Dorothy A. Lewis on behalf of the Creeper Trail Café, Inc. Property Tax Map #174A-A-15*: Request for a Special Exception Permit to construct an addition to an existing restaurant located on the east side of State Route 725 in the Taylors Valley Community in a V (Village) zone, Taylor Magisterial District**

Mr. Roberts opened the public hearing to receive comments both in support of and in opposition to the application Dorothy A. Lewis on behalf of the Creeper Trail Café for a Special Exception Permit.

Ms. Beth Richardson addressed the Board explaining that she operates the Creeper Trail Café with her partner Susie Dotson. Ms. Richardson further explained that the building in which the restaurant is located is owned by her mother Dorothy Lewis. She stated that due to the growth in her business that she needs to expand the restaurant by adding a 24' X 24' dining room.

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

Chairman John Roberts addressed the Board explaining that the restaurant was located within his district and was certainly an asset to Washington County.

On motion of Mr. Ingle, second by Mr. Rector, it was resolved to follow the recommendation of the Washington County Planning Commission and approve the application of Dorothy A. Lewis on behalf of the Creeper Trail Café, Inc. for a Special Exception Permit to construct an addition to an existing restaurant located on the east side of State Route 725 in the Taylors Valley Community in a V (Village) zone, Taylor Magisterial District.

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***

(3) Gerald R. Sampson on behalf of Rick Tuggle, *Property Tax Map #035A-2-7*: Request for a Special Exception Permit to place a double wide manufactured home on property located on the north side of State Route 790 near the intersection of Hedge Lane and State Route 790 in a V (Village) zone, Jefferson Magisterial District

Mr. Roberts opened the public hearing to receive comments both in support of and in opposition to the application of Gerald R. Sampson for a Special Exception Permit.

Mr. Gerald Sampson addressed the Board explaining that he applied for a Special Exception Permit in order that he could sell a lot for the placement of a doublewide trailer.

Discussion ensued among the Board. Some primary issues discussed were if there was a right-of-way to the lot and concerns that the zoning map shows another structure between the road and lot. In addition, a Board member inquired if the lot was large enough to accommodate a septic system.

Mr. Sampson explained there is a right-of-way, which is part of the lot. He further explained that the lot is a corner lot and there is a house located on the other side of the road. Residents of this house have a right-of-way to get to there home.

Mr. Sampson explained that the lot has a septic system that was used about three months.

Ms. Jennifer Tuggle addressed the Board explaining that she and her husband were the potential purchasers of Mr. Sampson's property. Ms. Tuggle explained that she had contacted the Health Department and was told that the septic system located on the lot was approved.

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

Further discussion ensued among the Board regarding the discrepancies in the zoning map.

Mrs. Cathie Freeman, Zoning and Subdivision Official, addressed the Board to clarify the confusion with the zoning map. Ms. Freeman explained that there was not enough time for the GIS Department to correct the map. She further explained that the gray block on the zoning map is not where the lot is located and that she had identified the actual lot by placing the word "site" where the lot is located.

In addition, Mrs. Freeman explained that there is a septic system located on the lot. The lots in this community are grand fathered. However, they are required under the County Zoning Ordinance to meet the setback requirements, but will not have to meet the minimum area requirement of 30,000 square feet because all the lots are non-conforming.

On motion of Mr. Ingle, second by Mr. Rector, it was resolved to follow the recommendation of the Washington County Planning Commission and approve the application of Gerald R. Sampson for a Special Exception Permit to place a double wide manufactured home on property located on the north side of State Route 790 near the intersection of Hedge Lane and State Route 790 in a V (Village) zone, Jefferson Magisterial District.

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***

b. Public Hearing and Consideration of Amendment of FY 2004-05 County Operating Budget and Approval of Supplemental Appropriation of End-of-Year Carryovers

Accounting Manager Mark Seamon addressed the Board explaining that a Public Hearing for Amendment of the FY 2004-2005 County Budget is required when requested supplemental appropriations exceed $500,000.00. The needed supplemental appropriations of $1,038,525.86 are anticipated for carryovers from FY 2003-2004 with the total requested amendment to the County budget being $1,556,766.00. The FY 2004-2005 County Budget will be amended to $96,130,772.00.

Mr. Roberts opened the public hearing to receive comments both in support of and in opposition to amendment of the FY 2004-05 County Operating Budget.

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

On motion of Mr. Ingle, second by Mr. Rector, it was resolved to amend the FY 2004-2005 County Budget to $96,130,772.00.

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***

On motion of Mr. McCall, second by Mr. Reynolds, it was resolved to approve the following supplemental appropriations for end of year carryovers:

	FUND AND DEPARTMENT	AMOUNT	DEPT#
001	**GENERAL FUND:**		
	Assessor-Pro Services	$ 8,599.62	12320-3170
	IS-Telecommunications	$ 5,770.22	12510-5230
	IS-Equipment	$ 5,008.31	12510-8207
	Electoral Board-Voting Machines	$ 18,050.00	13100-8214
	Clerk of Circuit Ct-Technology Equip	$ 86,723.33	21600-8220
	WCSO-Alcohol Selective Grant-Comp	$ 11,258.00	31840-1800
	WCSO-Alcohol Selective Grant-FICA	$ 862.00	31840-2100
	VDEM Grant-Planning	$ 6,948.06	35510-5890
	VDEM Grant-Equipment	$ 38,129.35	35520-8220
	General Services-Comp Part-time	$ 758.00	43200-1800
	General Services-Equipment	$ 4,675.00	43200-8208
	Sewer & Water Subsidies-Exit 19	$ 43,690.00	43400-5191-03
	WC IDA-Oak Park Phase III	$ 358,762.00	81520-5646
	Reserve-Regional Jail Hookup Fee	$ 45,000.00	91400-5884
	TOTAL GENERAL FUND	**$ 634,233.89**	
002	**FEDERAL ASSET SHARING FUND:**		
	Commonwealth Attorney	$ 17,026.22	22800-5851
	Sheriff	20,536.84	31800-5851
	Sheriff	121,290.39	31810-5851
	TOTAL FED ASSET SHARING FUND	**$ 158,853.45**	

	FUND AND DEPARTMENT	AMOUNT	DEPT#
003	**LAW LIBRARY FUND:**		
	W.C. Law library	$ 15, 928.30	21800-5901

	TOTAL LAW LIBRARY FUND	**$ 15,928.30**	
004	**ROAD IMPROVEMENT FUND:**		
	Upgrading Subdivisions-Other	$ 2,396.77	94410-5699
	TOTAL ROAD IMPROVEMENT FUND	**$ 2,396.77**	
010	**SPECIAL GRANT PROJECTS FUND:**		
	Dry Well Replacement-Balance	$ 18,658.73	94941-
	Meadowview Comm. Planning Grant-Balance	15,242.40	94941-
	TOTAL SPECIAL GRANT PRJ FUND	***$ 33,901.13***	
011	**E911 FUND:**		
	E911 Expense Reimbursements	$ 113,458.87	31450-8203
	TOTAL ROAD IMPROVEMENT FUND	**$ 113,458.87**	
108	**COUNTY LIBRARY FUND**:		
	Library Grants-Rose Greer Akers	53,177.57	73900-5883
	Library Grants-Town of Abingdon	5,774.96	73900-5885
	Library Grants-E-RATE	14,106.66	73900-5861
	Library Miscellaneous Donations	6,694.26	73700-8440
	TOTAL LIBRARY FUND	**$ 79,753.45**	

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***

6. Consideration of Publication of Delinquent Tax List for Fiscal Year ending June 30, 2004

County Treasurer Fred Parker presented the Board with the Delinquent Tax List for Fiscal Year ending June 30, 2004, and requested that it be published in local news media and on the County's website (for a

period of two weeks). Mr. Parker explained that several lines on the list had been stricken. Those are bankruptcy cases and taxpayers that are covered by the Military Service Member Relief Act.

Discussion ensued among the Board.

On motion of Mr. Rector, second by Mr. McCall, the Board acted to authorize the publication of the Delinquent Tax List for Fiscal Year ending June 30, 2004, in the news media and placed on the County website for a period of two weeks.

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***

7. Recess

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

8. County Administrator Reports

a. Recommendation of County Personnel Committee concerning Salary Study for Administrative Division Personnel

County Administrator Mark Reeter addressed the Board explaining that the County Personnel Committee are recommending that a study by a professional personnel/human resources consultant be performed this fiscal year for Administrative Division employees. Phase I of the study would include updating/upgrading of official position descriptions for all current Administrative Division positions, revising the current minimum-maximum initial starting salary ranges already established for all current Administrative positions, recommendation concerning salary adjustments for current Administrative Division personnel, a fiscal impact analysis for three fiscal years concerning the impact of recommended salary adjustments (FY 2004-05, 2006-07 and 2007-08) and recommendations concerning a better method of preparing position descriptions for new positions which might be created in the future.

Mr. Reeter explained that the current set of Position Descriptions for Administrative Division positions was originally prepared in 1995-1996 as part of the creation of a new personnel manual by Dr. Don Lacy of Virginia Tech. These original descriptions have been updated over the years and new Position Descriptions drafted and approved as new positions have been added; however, the format and quality of content of the descriptions can be significantly improved. The Board first adopted minimum-maximum initial starting salary ranges for all Administrative Division positions in 1999 and adjusted those ranges comprehensively in 2001. New starting salary ranges have been adopted as new positions have been created over the years, but the Personnel Committee believes that a professional consultant should be

engaged to more thoroughly evaluate the entire Administrative Division compensation structure. This would be the first professional study of the County's compensation system ever conducted.

Mr. Reeter further explained that the Request for Proposal was written to permit the Board at its discretion to continue and extend this study after July 1, 2005, to County Constitutional Offices and County Public Library employees as a second phase.

Mr. Reeter stated that based on preliminary estimates from several local consultants it is estimated that the comprehensive study would cost between $10,000-$20,000.

Discussion ensued among the Board. Primary concerns discussed were the cost of the study and Phase II of the study that would include Constitutional Officers.

Responding to an inquiry from the Board concerning an employee evaluation program, Mr. Reeter explained that the Personnel Committee could request this be a component of the comprehensive study.

Responding to an inquiry regarding assistance from the Virginia Association of Counties for this study, Mr. Reeter stated that he would contact VACo to inquire if they had the resources to conduct the comprehensive study.

On motion of Mr. McCall, second by Mr. Reynolds, it was resolved to authorize the Personnel Committee to proceed in procuring a professional consultant for Phase I of the Comprehensive Salary and Position Description study.

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. <u>County Attorney Reports</u>

a. Consideration of Review of County Code for Consistency with State Law Changes

County Attorney Lucy Phillips addressed the Board explaining that she recommends that the County retain Municipal Code Corporation to review the County Code for consistency with state law and to recommend necessary updates. The fee for this service is $3,600 and was included in the current fiscal year budget for the Office of County Attorney. Ms. Phillips further explained that the County Code was republished in 2002 after extensive review and updating. However, as a result of annual state-level legislative changes, provisions of the County Code are currently out-of-date. The County Code requires annual review and updating to keep it consistent with State law.

On motion of Mrs. Mumpower, second by Mr. Rector, it was resolved to authorize the County Attorney to retain Municipal Code Corporation to review the County Code regarding consistency with state law

and to make recommendations for amendments necessary to bring the County Code up-to-date with state law.

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***

In other matters, Ms. Phillips provided the Board with the following updates:

- The Smyth Washington Regional Industrial Facilities Authority (SWIFA) contracted a title examiner to complete a title exam, which was authorized by the Board, on property owned by Mr. Martin Rosenbaum that is needed by SWIFA for the construction of an acceleration lane into the Highlands Business Park. The report of the title exam was submitted to SWIFA on August 9, 2004. SWIFA will make a report to the Board concerning this matter at a future Board meeting.

- Three of the solid waste haulers still have not completed their application packets. Their current solid waste hauler permit does not expire until August 31, 2004.

- Circuit Court has upheld the Board's decision to deny granting a Special Exception Permit to Cherokee Natural Stone. A letter from the County has been submitted to the Department of Mines, Minerals and Energy notifying them of the Circuit Court's action and to request that they deny granting a permit to Cherokee Natural Stone.

10. <u>Board Information</u>

County Administrator Mark Reeter drew attention to materials in the Board Information section. Particularly, the Certificate of Award for 2004 Community Development Block Grant funds for the Old Mill Water Project, a reminder of the Washington County Public Schools tour on August 17 and correspondence from the U. S. Department of Agriculture regarding the Virginia Cooperative Coyote Control Program.

Discussion ensued among the Board regarding the Virginia Cooperative Coyote Program. Subsequently, the following action was taken:

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

RESOLUTION 2004-17
VIRGINIA COOPERATIVE COYOTE CONTROL PROGRAM

WHEREAS, the Virginia Cooperative Coyote Control Program (the Program) has assisting the farmers of Washington County in transition from tobacco revenue they receive into other agriculture interest by removing the threat of further loss in income due to the threat of their livestock, and

WHEREAS, due to prevention of predation to their livestock, Washington County farmers have increased the profitability of their farms and assisted in the financial growth of the county, and

WHEREAS, the Program has increased the farm income and encouraged farmers and their children to remain on the family farm, and

WHEREAS, the Program has expanded market opportunities by allowing farmers to expand their operation and seek other livestock opportunities, and

WHEREAS, the Program has helped farmers to realize the growth potential in increasing heard size and diversify into other agriculture prospects;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that it supports the Virginia Cooperative Coyote Control Program and supports the Program's application to the Virginia Tobacco Indemnification and Community Revitalization Commission for grant funding.

BE IT FURTHER RESOLVED that the Board directs the County Administrator to forward a copy of this Resolution to the U.S. Department of Agriculture, Wildlife Services, Castlewood, Virginia.

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***

11. <u>Consent Agenda</u>

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

a. Payment of Bills – July 2004
b. Revenue Refund – Building Permit Fee
c. Revenue Refund – Recreation Fee
d. Revenue Refunds – Animal Sterilization Fee

e. Supplemental Appropriation – General Services
f. Supplemental Appropriation – Information Systems
g. Budget Status Reports for June and July of 2004

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***

13. <u>Board Member Reports</u>

Supervisor Dulcie Mumpower reported that she had spoken with Sandi Hatfiield. Sandi is doing better and sends her best regards.

Supervisor Tony Rector reported that he had received good comments from many county employees concerning the County employee picnic.

In another matter, Mr. Rector stated that the County should concentrate on obtaining grant funds for housing rehabilitation.

Supervisor Odell Owens apologized for missing the employee picnic.

Supervisor Phillip McCall reported to the Board that he had received many positive comments regarding the employee picnic.

Chairman Roberts reported that he had also received many positive comments about the employee picnic, and received a thank you note from Doug Meade.

In another matter, Mr. Roberts advised the Board that the Town of Damascus was planning a centennial celebration. He proposed that the Board adopt a resolution to commemorate the Town's Centennial celebration.

It was consensus of the Board to place this request on the August 24 Agenda.

14. <u>Adjourn</u>

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

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***

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Prepared by:

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Naoma A. Mullins, Recording Clerk

Approved by the Washington County Board of Supervisors:

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John B. Roberts, Sr., Chairman