#### VIRGINIA:

At a meeting of the Washington County Board of Supervisors held Monday, January 13, 1992, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

# PRESENT:

James P. Litton, Chairman
Maurice H. Parris, Vice Chairman
Kenneth G. Mathews
Joe W. Derting
James T. Osborne
Jackson Barker, Jr.
Cecil K. Simcox

Bruce E. Bentley, County Administrator Cliff Walsh, County Attorney Mark W. Seamon, Director of Accounting Sandra M. Hatfield, CPS

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# 1. Call to Order

The meeting was called to order by Mr. James P. Litton, Chairman of the Board.

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# 2. Invocation and Pledge of Allegiance - Maurice H. Parris

Mr. Litton called upon Cecil Simcox to give the Invocation and led in the Pledge to the Flag.

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Mr. Bentley requested the Agenda be amended to include additional items for consideration and/or action.

On motion of Mr. Parris, second by Mr. Simcox, it was resolved to adopt the amended agenda.

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

M:	r. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
M	r. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye
M:	r. Simcox	Aye				

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# 3. <u>Approval of Minutes</u>:

:: Regular Meeting of December 23, 1991

:: Recessed Meeting of January 2, 1992

On motion of Mr. Derting, second by Mr. Parris, it was resolved to adopt the minutes of December 23, 1991 with corrections, and the minutes of January 2, 1992, as written:

# Item 4, Citizen Comments, Page 5886, Paragraph 2:

"... requesting a convenience station be located in the Tumbling Creek community, and that the location not be next to <u>any of the three churches</u>."

# Item 18, Board Member Reports, Page 5892, Paragraph 9:

"Mr. Litton announced that Jim Fiala  $\underline{and\ other\ merchants}$  have requested to be placed on the agenda ..."

The vote on the motion to approve minutes was as follows (7-0):

Mr. Mathews Aye Mr. Litton Aye Mr. Derting Aye
Mr. Osborne Aye Mr. Parris Aye Mr. Barker Aye
Mr. Simcox Aye

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# 4. Organization of the Board of Supervisors:

The following action was taken on organization of the Board of Supervisors for 1992:

# a. Election of Chairman

 $\operatorname{Mr.}$  Barker nominated Joe W. Derting for Chairman of the Board of Supervisors.

Mr. Parris nominated Mr. Mathews for Chairman of the Board of Supervisors.

Mr. Mathews expressed his appreciation, however, he declined the nomination and second Mr. Barker's motion to nominate Mr. Derting.

Mr. Parris withdrew his nomination of Mr. Mathews and nominated Mr. Litton for Chairman of the Board of Supervisors.

The vote on Mr. Parris' motion to nominate Mr. Litton for Chairman of the Washington County Board of Supervisors was as follows (2-5):

Mr.	Mathews	Nay	Mr.	Litton	Aye	Mr.	Derting	Nay
	Osborne Simcox	Nay Nay	Mr.	Parris	Aye	Mr.	Barker	Nay

The vote on the motion to nominate Joe W. Derting as Chairman of the Washington County Board of Supervisors was as follows (5-2):

Mr. Mathews	Aye	Mr. Litton	Nay	Mr. Derting	Aye
Mr. Osborne Mr. Simcox	Aye Aye	Mr. Parris	Nay	Mr. Barker	Aye

Mr. Derting assumed the role of Chairman.

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# b. Election of Vice Chairman

Mr. Barker nominated James T. Osborne for Vice Chairman of the Board of Supervisors. Mr. Barker's nomination was second by Mr. Mathews.

On motion of Mr. Parris, with no second, it was resolved to cease nominations and elect Mr. Osborne by acclamation.

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

Mr.	Mathews	Aye	Mr.	Litton	Aye	Mr.	Derting	Aye
		Aye Aye	Mr.	Parris	Aye	Mr.	Barker	Aye

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# c. Establish Term of Office for Chairman

On motion of Mr. Mathews, second by Mr. Simcox, it was resolved to establish the term of office for Chairman of the Washington County Board of Supervisors for the year 1992 as one year.

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

Mr.	Mathews	Aye	Mr.	Litton	Aye	Mr.	Derting	Aye
Mr.	Osborne	Aye	Mr.	Parris	Aye	Mr.	Barker	Aye
Mr.	Simcox	Aye						

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# d. Establish salary of Chairman (1991: \$350/Mo)

On motion of Mr. Litton, second by Mr. Osborne, it was resolved to establish the salary of Chairman of the Washington County Board of Supervisors at \$350.00 per month for the year 1992.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne Mr. Simcox	Aye Aye	Mr. Parris	Aye	Mr. Barker	Aye

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# e. Establish Term of Office for Vice Chairman

On motion of Mr. Litton, second by Mr. Osborne, it was resolved to establish the term of office of Vice Chairman for the Washington County Board of Supervisors for 1992 as one year.

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

	Aye	Mr. Litton	Aye	Mr. Derting	1170
Mr. Osborne Mr. Simcox	Aye Ave	Mr. Parris	Aye	Mr. Barker	Aye

\*\*\*\*

month.

# f. Establish salary for Vice Chairman and Board Members (1991: \$300/Mo.)

On motion of Mr. Simcox, with no second, it was resolved to establish the salary for Vice Chairman and members of the Washington County Board of Supervisors for 1992 at \$300.00 per

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

Mr.	Mathews	Aye	Mr.	Litton	Aye	Mr.	Derting	Aye
	Osborne Simcox	Aye Aye	Mr.	Parris	Aye	Mr.	Barker	Aye

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# g. Adoption of By-laws and Rules of Order of the Board of Supervisors

Mr. Mathews called attention to Section 3 of the Bylaws, Rules of Procedure and Guidelines, urging that the Supervisors adhere to "... not taking formal action on any subject which is not on the agenda for a meeting, unless a majority of the members present vote to act on the matter because it is deemed to be a situation requiring

action prior to the next meeting of the Board of Supervisors. Routine matters of an administrative nature may be referred to various appropriate departments or agencies under the Board Member Reports."

Discussion ensued over Section 5.b, "A second to a motion is not necessary or required, but is desirable, in order to discuss and/or vote upon the motion."

Mr. Mathews made a motion, with no second, to adopt the Bylaws and Rules of Order, deleting Section 5.b (see text below).

Mr. Litton offered a substitute motion, second by Mr. Parris, to adopt the following Bylaws and Rules of Order, keeping Section 5.b in the text of the Bylaws and Rules of Order:

# PROPOSED BYLAWS, RULES OF PROCEDURE AND GUIDELINES

- 1. The Board of Supervisors will follow Roberts' Rules of Order (Robert, Henry M.; Rules of Order and Parliamentary Practice). In following these rules of parliamentary procedure, the Board of Supervisors intends that special attention will be given to the following:
  - a. Protecting the rights of each individual member of the Board of Supervisors.
  - b. Preserving and ensuring a spirit of harmony and cooperation within the Board of Supervisors, and between individual Board members.
  - c. Allowing full and free discussion among the members of the Board of Supervisors in order to ensure that all viewpoints are considered prior to taking action on behalf of the County.
- 2. In accordance with the rules of order and parliamentary practice, the Chairman is to preside at the meeting, and individual Board members are to speak only after having been recognized by the Chairman. Board members are to be polite and courteous in addressing other members of the Board, and all Board members are to refrain from "name calling," derogatory remarks and other forms of personalities at all public meetings.
- 3. The Board of Supervisors will not take formal action on any subject which is not on the agenda for that meeting, unless a majority of the members present vote to act on the matter because it is deemed to be a situation requiring action prior to the next meeting of the Board of Supervisors. Routine matters of an administrative nature may be referred to various appropriate departments or agencies under the Board Member Reports.
- 4. No recording device of any nature whatsoever may be used during any executive session or closed meeting of the Washington County Board of Supervisors, unless the majority of the members of the Board present at the

meeting vote to allow the recording of the executive session or closed meeting.

- 5. General procedures and guidelines:
  - a. A quorum of the Board of Supervisors is a majority of the membership (at least four of the seven members of the Board must be present for an official meeting and in order to take official action).
  - b. A second to a motion is not necessary or required, but is desirable, in order to discuss and/or vote upon the motion.
  - c. Any member of the Board may terminate debate and call for a vote on a pending motion by "calling for the question" after being recognized by the Chairman.
  - d. An abstention is neither an affirmative nor a negative vote and has no effect on the vote, or the status of the quorum.
  - e. Substitute motions will be voted on prior to the primary motion, in reverse order (i.e. the last substitute motion will be voted on first).
  - f. Informal discussion of a subject by Board members is permitted while no motion is pending.
  - g. The Chairman of the Board of Supervisors is authorized to speak in discussions, and can vote on all motions and/or all questions.
  - h. A tie vote fails. A tie-breaker is not designated by the Board of Supervisors.
- 6. The Sheriff of Washington County is requested to provide a deputy to attend each meeting of the Board of Supervisors.
- 7. The Board of Supervisors of Washington County will conduct its regular meetings in the Board of Supervisors Meeting Room in the County Administration Building at 205 Academy Drive during Calendar Year 1992, unless otherwise specified and announced by the Board of Supervisors.
- 8. The regular meetings of the Washington County Board of Supervisors for Calendar Year 1992 are hereby established as follows:

The second Monday of each month at 7:00 p.m. The last Thursday of each month at 7:00 p.m.

If the meeting day falls on a legal holiday, the meeting will be held on the next County working day of the month in accordance with State law, unless the Board of Supervisors announces and specifies a different date for holding the meeting.

- 9. In the absence of the Chairman, the Vice-Chairman is hereby designated the Acting Chairman to preside over meetings of the Board of Supervisors and to perform all such duties as may be performed by the Chairman in accordance with law.
- 10. Executive sessions or "closed meetings" will be restricted for those proper purposes enumerated in the Code of Virginia and all executive sessions will be held in strict accordance with Virginia law. The meeting agenda will reflect the category of information that will be discussed in the executive session.
- 11. The Board of Supervisors has established a citizen comment period as part of its agenda. Citizen comments are restricted to five minutes per citizen and are limited to residents of Washington County or owners of property located within Washington County. The matters on which citizens may address the Board are limited to legitimate matters of County business. No citizen is to engage in political statements, personal attacks upon members of the Board of Supervisors, nor is any person entitled to use abusive language or discuss matters outside the purview of the authority of the Board of Supervisors. Violation of this rule shall enable the Chairman to take appropriate measures to rule the person out of order and to have the person removed from the meeting, if necessary.

Discussion ensued with Mr. Mathews pointing out that Section 5.b conflicts with Section 1 of the Bylaws, Rules of Procedure and Guidelines.

The vote on Mr. Litton's motion was as follows (5-2):

Mr. Mathews Nay Mr. Litton Aye Mr. Derting Nay
Mr. Osborne Aye Mr. Parris Aye Mr. Barker Aye
Mr. Simcox Aye

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# h. Adoption of Policy and Operational Procedures

Mr. Derting commented that citizen comments will be held to 5 minutes each and expressed his hope that comments will be positive and assist in the long range goals of Washington County.

(For action on adoption of Policy and Operational Procedures, see below.)

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### i. Schedule of Invocations

There was consensus agreement to adopt the schedule of Invocations as presented by the County Administrator.

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# 5. Citizen Comments

At this time, Mr. Derting invited comments from citizens in the audience on items that do not appear on the agenda.

 $\underline{\text{Harry Brady}}$ , addressed the Supervisors expressing his disfavor with E-911 and the initiation of address changes.

Benice Buckles, spoke to each Supervisor wishing the newly elected officials success and expressing her hope that the Board will work together and toward progress in Washington County.

<u>Bill Bish, Jr.</u>, expressed his appreciation to the Supervisors for going to view the Russell County 911 system. He asked the Board of Supervisors to put 911 on the ballot for voters to determine their desire for the system. He expressed concern over the funds already expended on E911 and questioned the agreement entered into between United Telephone and Washington County. Mr. Bish requested the Supervisors adopt the 911 system without address changes, and that all equipment for the 911 system be placed on competitive bids.

<u>Phil Boutwell</u>, Owner/Operator Highlands Retirement Home, welcomed the newly elected Supervisors and expressed his hope that the Board of Supervisors will continue the practice of listening to comments from the audience outside of the Citizen Comment period.

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# h. Adoption of Policy and Operational Procedures

On motion of Mr. Litton, second by Mr. Simcox, it was resolved to adopt the following Policy and Operational Procedures and the schedule of invocations:

#### POLICY AND OPERATIONAL PROCEDURES

Purpose: Board of Supervisor meetings are held to conduct the business of the county government. The general purpose is to act in public upon matters that usually have been researched and considered by board members prior to the meeting.

The County Administrator will answer all questions and respond to all recommendations made by a board member. Those items needing the attention of the board or policy matters will be scheduled for a future board agenda.

General Operational Statements:

Board of Supervisor packets containing an agenda and supporting documents shall be mailed to Supervisors a minimum of three business days in advance of the meeting date.

The Board of Supervisors should not be expected to act on items presented for the first time at a board meeting.

The County Administrator should respond in a timely and professional manner to all requests of the Board of Supervisors or individual board member.

The County Administrator should not surprise Supervisors at board meetings with request for action. The Board of Supervisors should be informed in advance of any unusual action or delegation expected at a board meeting.

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

Mr.	Mathews	Nay	Mr.	Litton	Aye	Mr.	Derting	Aye
		Aye Aye	Mr.	Parris	Aye	Mr.	Barker	Aye

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#### 6. Public Hearing on Amendment to Procurement Ordinance

Mr. Derting invited comments both in support of and in opposition to the proposed amendments to the County Procurement Ordinances.

Bill Bish, Sr., addressed the Supervisors raising his concern over contracts exceeding \$10,000 and asked that the ordinance not be approved for any reason.

Mr. Mathews commented over his concern about the legality of favoritism.

Joe College, businessman, asked for a clarification of competitive negotiations vs. bidding. Mr. Walsh responded to Mr. College defining the elements of competitive negotiations and bidding.

Mr. Bish, Sr. differed with Mr. Walsh's interpretation of competitive negotiations and bidding.

C. C. Cowan, addressed the Supervisors, disagreeing with the concept of favoritism in County purchasing. He expressed his view that the Supervisors should not pay an amount more than is required.

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

On motion of Mr. Osborne, second by Mr. Barker, it was resolved to adopt the following amendment to the County's Public Procurement Ordinance:

# ORDINANCE

Be it ordained by the Board of Supervisors of Washington County, Virginia:

That the Washington County Code is amended by revising the following Sections Article III of Chapter 11.2 to read as follows:

#### PUBLIC PROCUREMENT

# ARTICLE III SOURCE SELECTION; DEBARMENT; REMEDIES

# Sec.11.2-7.13.2, Preference for Virginia Goods, Services, Products and Firms

In the case of a tie bid, preference may be given to goods, services and construction produced in Virginia or provided by Virginia persons, firms or corporations, if such a choice is available. In the case of a tie, preference may be given to a person who has previously supplied the same or similar goods or services to the County or using agency; otherwise the tie shall be decided by lot. Whenever any bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a preference, a like preference may be allowed to the lowest responsible bidder who is a resident of Virginia.

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

Mr.	Mathews	Nay	Mr.	Litton	Aye	Mr.	Derting	Aye
Mr.	Osborne	Aye	Mr.	Parris	Aye	Mr.	Barker	Aye
Mr.	Simcox	Aye						

In his comments, Mr. Mathews disapproved of the action to amend the procurement ordinance on the basis that it has been working effectively.

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# 7. <u>Browning Ferris Industries Application for Waste Transporting</u> License (Dennis G. Gilliam)

Mr. Dennis Gilliam of Browning Ferris Industries addressed the Supervisors requesting the application for waste transporting license be approved. He stated he has two waste haulers, and he can bring a competitive market to the area.

<u>James Elliott</u>, Attorney for White, Elliott & Bundy, representing Waste Management of Tri Cities, called attention to the current franchise agreement between Washington County and Waste Management to provide solid waste collection in Washington County. Mr. Elliott addressed the legal issue stating the County Code allows for either a permit or franchise. He asked that the Supervisors honor the non-exclusive franchise agreement entered into in June of 1988 with Waste Management and deny Browning Ferris Industries request for a waste transporting license.

Mr. Mathews made a motion, second by Mr. Barker, to honor agreement with Waste Management of Tri Cities for solid waste collection in Washington County.

<u>Phil Boutwell</u>, expressed concern over monopolies and there being no competition for solid waste collection service in Washington County. He

pleaded with the Supervisors to be careful when they sign other contracts for services that contain clauses on exclusivity or monopolies.

Joe Duncan, District Manager, Browning Ferris Industries, asked the Supervisors to approve their request for a waste transporting licence.

Mr. Simcox made a substitute motion, with no second, to table the Browning Ferris Industries request for a waste transporting license to operate in Washington County.

The vote on Mr. Simcox motion was as follows (3-4):

Mr.	Mathews	Nay	Mr.	Litton	Nay	Mr.	Derting	Aye
	- 1	Aye Aye	Mr.	Parris	Nay	Mr.	Barker	Nay

The vote on Mr. Mr. Mathews' motion was as follows (4-3):

Mr.	Mathews	Aye	Mr.	Litton	Aye	Mr.	Derting	Nay
	Osborne Simcox	Nay Nay	Mr.	Parris	Aye	Mr.	Barker	Aye

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# Solid Waste Collection and Disposal Agreement (Larry Burris, Waste Management of Tri-Cities, Inc.)

For action on this item, see No. 7 above.

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#### 9. Highlands Rescue Squad Operations (Mary Fraysier)

Mrs. Mary Fraysier, Emergency Services Coordinator, presented a status report of highlands Rescue Squad finances and operations.

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#### Washington County Public Schools: 10.

The following action was taken on Washington County Public School matters:

#### Adopt Bond Resolution for renovation and roof repairs ::

Mrs. Shirley Landreth, Clerk of the Washington County School Board, was present to respond to questions from the Supervisors. Mrs. Landreth explained the School Board is applying to the Virginia Public School Authority for bonds in order to implement the second phase financing for roof renovations of school buildings.

On motion of Mr. Parris, second by Mr. Mathews, it was resolved to approve:

- (1) Application for Virginia Public School Authority funds in the amount of \$308,568 to complete roof replacement projects at Patrick Henry High School, High Point Elementary School and Valley Institute School;
- (2) Resolution Authorizing Application for the Virginia Public School Authority 1992 Series A Bond Sale, as follows:

RESOLUTION AUTHORIZING THE EXECUTION OF A BOND SALES
AGREEMENT WITH THE VIRGINIA PUBLIC SCHOOL AUTHORITY

WHEREAS, the Board of Supervisors (the "Board") and the School Board of Washington County, Virginia (the "County") have determined that it is in the best interests of the County to apply to the Virginia Public School Authority to participate in the 1992 Series A bond sale to be conducted by the VPSA for the purpose of funding certain school capital projects; and

WHEREAS, the Board intends to hold a public hearing regarding the issuance of such bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WASHINGTON, VIRGINIA:

- 1. The appropriate officers of the County are hereby authorized and directed to enter into a bond sale agreement with the VPSA, such bond sale being contingent upon authorization of the issuance of said bonds by the Board after the requisite public hearing.
- 2. This resolution is to take place immediately.
- (3) Intent to include \$308,568 in the 1992-93 school board budget for the roof replacements on Patrick Henry High School, High Point Elementary School and Valley Institute.

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

Mr.	Mathews	Aye	Mr.	Litton	Aye	Mr.	Derting	Aye
	Osborne Simcox	Aye Ave	Mr.	Parris	Aye	Mr.	Barker	Abstain

In voting to abstain on the Application and Resolution above, Mr. Barker filed an affidavit of disclosure explaining he is employed by the Washington County School Board and, therefore, has a personal interest in certain aspects of the Washington County budget.

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# :: Adopt resolution requesting Virginia Department of Highways to make road improvements on Route 80

On motion of Mr. Litton, second by Mr. Osborne, it was resolved to adopt the following resolution requesting the Virginia Department of Transportation to make road improvements on Route 80, in Meadowview:

WHEREAS, the Washington County Board of Supervisors believes that it is the responsibility of the Commonwealth of Virginia to provide safe roads upon which to transport all students of the Commonwealth; and,

WHEREAS, Route 80 between Meadowview, Virginia and Snavely's Store is a narrow, crooked, heavily, travelled road with no guard rails, no shoulders, limited-sight distance, and steep embankments; and,

WHEREAS, accidents have occurred on this route due to the hazardous road conditions (an example is a recent accident involving a log truck overturning because of the lack of shoulders); and,

WHEREAS, busses must traverse this route to accommodate the students living in this area; and,

WHEREAS, the students who live in the Hayter's Gap community and in the area between Meadowview, Virginia and Snavely's Store are subjected to these hazardous conditions; and,

WHEREAS, this route is a primary road;

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Supervisors requests the Commonwealth of Virginia to make the needed improvements to this section of Route 80; and,

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Virginia Department of Transportation.

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

Mr.	Mathews	Aye	Mr.	Litton	Aye	Mr.	Derting	Aye
		Aye Aye	Mr.	Parris	Aye	Mr.	Barker	Aye

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#### 11. Recess

On motion of Mr. Parris, second by Mr. Osborne, it was resolved to take a brief recess.

Mr.	Mathews	Aye	Mr.	Litton	Aye	Mr.	Derting	Aye
		Aye Aye	Mr.	Parris	Aye	Mr.	Barker	Aye

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# 12. Proposed Issuance by Industrial Development Authority of Washington County of \$9,500,000 Hospital Facility First Mortgage Revenue Bonds (Johnston Memorial Hospital Project)

Mr. Clark R. Beil, Chief Executive Officer at Johnston Memorial Hospital, Inc., addressed the Supervisors requesting they table action on resolution of the Washington County Board of Supervisors approving hospital facility first mortgage revenue bonds. Mr. Beil stated the Board of Directors of the Johnston Memorial Hospital, Inc. will be discussing it further.

On motion of Mr. Osborne, second by Mr. Simcox, it was resolved to table action on proposed issuance by Industrial Development Authority of Washington County of \$9,500,000 Hospital Facility First Mortgage Revenue Bonds (Johnston Memorial Hospital Project).

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

Mr.	Mathews	Aye	Mr.	Litton	Aye	Mr.	Derting	Aye
Mr.	Osborne	Aye	Mr.	Parris	Abstain	Mr.	Barker	Aye
Mr.	Simcox	Aye						

In voting to abstain on the hospital facility first mortgage revenue bonds, Mr. Parris filed an affidavit of disclosure explaining he is employed by the Johnston Memorial Hospital and, therefore, has a personal interest in certain aspects of the Washington County budget.

Mr. Mathews commented he would like for the Board to keep in consideration the possibility of a bill sponsored by Representative Quillen, passing the General Assembly that would allow counties to borrow money up to 5% of the County's assessed value. He stated his concern that the County not be placed in a position that limits its ability to issue bank qualified tax exempt bonds.

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### 13. Consideration of Appointments:

The following actions were taken on consideration of appointments:

- :: Board of Supervisor Representatives to Agencies
- a. Director of Emergency Services (1991: Cecil K. Simcox)

On motion of Mr. Litton, with no second, the name of Maurice H. Parris was placed in nomination for Director of Emergency Services for 1992.

Mr. Barker introduced a substitute motion, with no second, to nominate Cecil K. Simcox as Director of Emergency Services for 1992.

The vote on Mr. Barker's motion was as follows (5-1-1):

Mr. Mathews Aye Mr. Litton Nay Mr. Derting Aye
Mr. Osborne Aye Mr. Parris Abstain Mr. Barker Aye
Mr. Simcox Aye

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# b. Senior Services, Inc. (1991: James P. Litton)

A brief discussion ensued on the nomination to Senior Services, Inc. Mr. Litton stated he will not accept the nomination.

On motion of Mr. Simcox, second by Mr. Mathews, it was resolved to appoint James T. Osborne to represent Washington County on the Board of Senior Services, Inc. for a one year term of office.

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

Mr. Mathews Aye Mr. Litton Aye Mr. Derting Aye
Mr. Osborne Nay Mr. Parris Aye Mr. Barker Aye
Mr. Simcox Aye

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# c. <u>Abingdon-Washington County Community Services Center, Inc.</u> (1991: Cecil K. Simcox)

Mr. Simcox nominated Mr. Jackson Barker, Jr. to serve on the Board of Directors of Abingdon-Washington County Community Services Center, Inc. for a one year term of office. The nomination was second by Mr. Mathews.

On motion of Mr. Parris, with no second, it was resolved that nominations be closed and that Mr. Barker be appointed by acclamation to represent the Board of Supervisors on the Board of Directors of Abingdon-Washington County Community Services Center, Inc. and that the term of office will be one year.

Mr.	Mathews	Aye	Mr.	Litton	Aye	Mr.	Derting	Aye
Mr.	Osborne	Aye	Mr.	Parris	Aye	Mr.	Barker	Nay
Mr.	Simcox	Aye						

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# d. People, Inc. (1991: Thomas Whittaker)

On motion of Mr. Simcox, second by Mr. Mathews, it was resolved to appoint Jackson Barker, Jr. to represent the Board of Supervisors on the Board of Directors of People Incorporated for a one year term of office.

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

Mr.	Mathews	Aye	Mr.	Litton	Aye	Mr.	Derting	Aye
	Osborne Simcox	Aye Aye	Mr.	Parris	Aye	Mr.	Barker	Aye

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# e. District III Governmental Cooperative (1991: Aubrey Brown)

On motion of Mr. Mathews, second by Mr. Parris, it was resolved to appoint Jackson Barker, Jr. to represent the Board of Supervisors on the Board of Directors of District III Governmental Cooperative for a one year term.

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

Mr.	Mathews	Aye	Mr.	Litton	Aye	Mr.	Derting	Aye
Mr.	Osborne	Aye	Mr.	Parris	Aye	Mr.	Barker	Aye
Mr.	Simcox	Aye						

# :: Board of Supervisor Representatives to County Committees

# a. School Board/Board of Supervisor Joint Budget Committee;

A brief discussion on the membership of the Joint Budget Committee resulted in the Supervisors taking the following actions:

On motion of Mr. Osborne, second by Mr. Mathews, it was resolved to appoint two Supervisors to the School Board/Board of Supervisor Joint Budget Committee.

Mr.	Mathews	Aye	Mr.	Litton	Aye	Mr.	Derting	Aye
	Osborne Simcox	Aye Aye	Mr.	Parris	Aye	Mr.	Barker	Aye

On motion of Mr. Parris, second by Mr. Mathews, it was resolved to appoint Joe W. Derting and Cecil K. Simcox to serve on the School Board/Board of Supervisors Joint Budget Committee for FY 1992-93 budget discussions.

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

M:	r. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
M	r. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye
M:	r. Simcox	Aye				

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# Board of Supervisor/Service Authority Joint Sewer Committee;

On motion of Mr. Parris, with no second, it was resolved to strike Board of Supervisors/Service Authority Joint Sewer Committee.

(No vote was recorded.)

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# b. <u>Emory/Meadowview Sewer Committee</u>;

On motion of Mr. Litton, second by Mr. Mathews, it was resolved to appoint James T. Osborne and Cecil K. Simcox to serve on the  ${\sf Emory/Meadowview}$  Sewer Committee.

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

Mr.	Mathews	Aye	Mr.	Litton	Aye	Mr.	Derting	Aye
		Aye Aye	Mr.	Parris	Aye	Mr.	Barker	Aye

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# c. Exit 9 Sewer Committee;

On motion of Mr. Osborne, second by Mr. Simcox, it was resolved to appoint Kenneth G. Mathews to serve on the Exit 9 Sewer Committee.

Mr.	Mathews	Aye	Mr.	Litton	Aye	Mr.	Derting	Aye
		Aye Aye	Mr.	Parris	Aye	Mr.	Barker	Aye

On motion of Mr. Simcox, second by Mr. Osborne, it was resolved to appoint Joe W. Derting to serve on the Exit 9 Sewer Committee.

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

Mr.	Mathews	Aye	Mr.	Litton	Aye	Mr.	Derting	Aye
		Aye Aye	Mr.	Parris	Aye	Mr.	Barker	Aye

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# d. Solid Waste Committee;

On motion of Mr. Osborne, second by Mr. Parris, it was resolved to appoint James P. Litton to serve on the Solid Waste Committee.

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

Mr	. Mathews	Aye	Mr.	Litton	Abstain	Mr.	Derting	Aye
		Aye	Mr.	Parris	Aye	Mr.	Barker	Aye
Mr	. Simcox	Aye						

On motion of Mr. Parris, second by Mr. Barker, it was resolved to appoint James T. Osborne to serve on the Solid Waste Committee.

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

Mr.	Mathews	Aye	Mr.	Litton	Aye	Mr.	Derting	Aye
	Osborne Simcox	Abstain Aye	Mr.	Parris	Aye	Mr.	Barker	Aye

\*\*\*\*

# e. Board of Supervisor/City of Bristol Joint Sewer Committee

On motion of Mr. Barker, second by Mr. Mathews, it was resolved to appoint Cecil K. Simcox to serve on the Board of Supervisor/City of Bristol Joint Sewer Committee.

Mr. Mathews Aye Mr. Litton Aye Mr. Derting Aye
Mr. Osborne Aye Mr. Parris Aye Mr. Barker Aye
Mr. Simcox Aye

Mr. Parris nominated Mr. Barker to serve on the Joint Sewer Committee, however, Mr. Barker declined to accept the nomination.

On motion of Mr. Osborne, second by Mr. Parris, it was resolved to appoint Joe W. Derting to serve on the Board of Supervisor/City of Bristol Joint Sewer Committee.

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

Mr. Mathews Aye Mr. Litton Aye Mr. Derting Aye
Mr. Osborne Aye Mr. Parris Aye Mr. Barker Aye
Mr. Simcox Aye

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- :: Citizen Appointments by Board of Supervisors:
- a. Industrial Development Authority:

:: Raymond Witherspoon, term expires 1-10-92, Harrison Dis-

trict

On motion of Mr. Mathews, second by Mr. Parris, it was resolved to reappoint Raymond Witherspoon to the Washington County Industrial Development Authority effective

January 10, 1992 for a four year term representing Harrison District.

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

Mr. Mathews Aye Mr. Litton Aye Mr. Derting Aye
Mr. Osborne Aye Mr. Parris Aye Mr. Barker Aye
Mr. Simcox Aye

:: Frank M. Buchanan, term expires 2-28-92, Monroe District

Mr. Osborne requested the Monroe District appointment to the Washington County Industrial Development Authority be delayed until January 30, 1992;

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# b. Department of Social Services

:: Marvin Slaughter, term expires 1-24-92, Tyler District

On motion of Mr. Barker, second by Mr. Mathews, it was resolved to reappoint Marvin Slaughter to the Board of Social Services effective January 24, 1992 for a four year term representing Tyler District.

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

Mr.	Mathews	Aye	Mr.	Litton	Aye	Mr.	Derting	Aye
	Osborne Simcox	Aye Aye	Mr.	Parris	Aye	Mr.	Barker	Aye

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# 14. <u>Consideration of Member-at-Large Appointment to represent</u> Planning District 3, New River-Mount Rogers PIC

On motion of Mr. Mathews, second by Mr. Simcox, it was resolved to accept recommendation of New River-Mount Rogers Private Industry Council, Inc. and approve the appointment of Mrs. Dot Cooper of Abingdon Travel, Inc. to serve as a Member-at-Large representing Planning District 3, for a one year term.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne Mr. Simcox	Aye Aye	Mr. Parris	Aye	Mr. Barker	Aye

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# 15. <u>County Administrator Comments:</u>

The following action was taken on County Administrator comments:

a. <u>CaMac Corporation request for Air Pollution Control Permit to</u> modify and operate a base fiber manufacturing facility

On motion of Mr. Osborne, second by Mr. Mathews, it was resolved by the Board of Supervisors that the proposed modification of fiber manufacturing is consistent and in conformance with all ordinances adopted by the Washington County Board of Supervisors pursuant to Chapter 11 (Section 15.1-427 et seq.) of Title 15.1 of the Code of Virginia.

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

Mr.	Mathews	Aye	Mr.	Litton	Aye	Mr.	Derting	Aye
Mr.	Osborne	Aye	Mr.	Parris	Aye	Mr.	Barker	Aye
Mr.	Simcox	Aye						

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# b. Communications

The following communications were received:

- :: Congressman Rick Boucher, concerning legislation reducing rates for satellite superstation and network programming;
- :: Department of Health, Office of Water Programs, concerning:
  - :: Exit 9 Sewer System;
  - :: Hayter's Gap waterline extension project.
- :: State Water Control Board, concerning Virginia Revolving Loan Fund Approval for the Town of Abingdon;
- :: Letter to Industrial Development Authority concerning payment to Virginia Department of Transportation for Access Road;
- :: Letter from Goodson Kinderhook Volunteer Fire Department concerning territorial boundaries in Washington County;
- :: Memorandum from Mount Rogers Development Partnership Inc. of Virginia;
- :: Letter from Thompson & Litton, Incorporated concerning solid waste transfer station;
- :: Virginia Association of Counties:
  - :: Alert concerning public hearings on state budget;
  - :: Committee Interest Survey;
- :: Virginia Cooperative Extension Service announcement of appointment to position of Acting Unit Director;
- :: Letter from Sheriff Joe D. Mitchell, Sr. responding to documents related to Mr. Patrick Mannix' complaints;
- :: Proposal from Sinking Creek Pipe Line Association concerning Preston Springs;
- :: Article, Roanoke Times & World News, December 15, 1991, "Landfill, a financial blessing for rural county."

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# c. Reminders

Supervisors were given reminders of meetings.

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# 16. County Attorney's Reports

The following action was taken on County Attorney's reports:

# a. Cafeteria Plan

Mr. Cliff Walsh, County Attorney, presented information on the Cafeteria Plan for the Supervisors to consider. Mr. Walsh highlighted the Plan and responded to questions.

On motion of Mr. Osborne, second by Mr. Barker, it was resolved to authorize Cliff Walsh to arrange for County employees to attend an information meeting on the Cafeteria Plan, and further allow participation in the Cafeteria Plan program.

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

Mr. Mathews Aye Mr. Litton Aye Mr. Derting Aye
Mr. Osborne Aye Mr. Parris Aye Mr. Barker Aye

Mr. Simcox Abstain

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# b. Drug Free Work Place

Mr. Walsh proposed the Supervisors adopt a policy related to a drug free work place.

Discussion ensued on the enforcement of the policy. On motion of Mr. Mathews, second by Mr. Osborne, it was resolved to adopt the following policy to be effective immediately:

# DRUG FREE WORK PLACE

Washington County hereby notifies its employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the work place or during the conduct of County business. The County intends to maintain a drug-free work place and expects all employees to cooperate and foster a drug-free work place. Drug related violations occurring in the work place will be handled in the manner described in Chapter 6 of the County Personnel Manual. Each employee must notify the County Administrator in writing of his or her conviction for a violation of a criminal drug statute occurring in the work place no later than five calendar days after such conviction. Within 30 calendar days of the receipt of such notice from any employee, the County Administrator will take appropriate personnel actions up to and including termination, and shall require, as appropriate, such employee to participate satisfactorily in an approved drug abuse assistance or rehabilitation program.

The County encourages on-going drug-free awareness among employees about:

- (a) the danger of drug abuse in the work place;
- (b) the County's policy of maintaining a drug-free work place;
- (c) any available drug counseling, rehabilitation programs; and
- (d) the penalties that may be imposed upon employees for drug abuse and violations occurring in the work place.

All current employees and all future employees will be provided a copy of this policy.

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

Mr.	Mathews	Aye	Mr.	Litton	Aye	Mr.	Derting	Aye
Mr.	Osborne	Aye	Mr.	Parris	Aye	Mr.	Barker	Aye
Mr.	Simcox	Aye						

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# 17. Consent Agenda:

On motion of Mr. Parris, second by Mr. Osborne, it was resolved to adopt the following consent agenda items:

- a. Payment of Bills for the month of December 1991;
- b. Building Permit Refund, Garland Parks, \$25.00
- c. Electrical Permit Refunds, Barry Latham, \$20.00
- d. <u>Transfer from Reserve for Contingencies</u> in the amount of \$400.00 for record drawings for the Industrial Park prepared by Dewberry and Davis.

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

M	ſ٢.	Mathews	Aye	Mr.	Litton	Aye	Mr.	Derting	Aye
			Aye Aye	Mr.	Parris	Aye	Mr.	Barker	Aye

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### 18. Board Member Reports

The following Board Member reports were given:

Mr. Barker distributed information comparing the basic 911 system in Russell County and the enhanced 911 system in Johnson City/Washington County, Tennessee to the proposed system in Washington County, Virginia. He asked the Supervisors to review the material and consider the factors.

Mr. Barker announced he is holding public meetings in his district on January 14 and 15, 1992, and encouraged his constituents' active participation in these meetings.

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On motion of Mr. Litton, second by Mr. Parris, it was resolved to request the Virginia Department of Transportation to conduct a speed study on Route 611 at Tooles Creek Bridge for two miles going toward Route 80, and further, that the Department of Transportation consider reducing the speed limit from 55 MPH to 35 MPH.

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

M	r.	Mathews	Aye	Mr.	Litton	Aye	Mr.	Derting	Aye
			Aye Aye	Mr.	Parris	Aye	Mr.	Barker	Aye

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19. Executive Session Pursuant to Section 2.1-344(A)(2) of the 1950 Code of Virginia, as amended, in order to discuss property use and acquisition, specifically Goodson Water Company property;

On motion of Mr. Mathews, second by Mr. Simcox, it was resolved to go into executive session pursuant to Section 2.1-344(A)(2) of the 1950 Code of Virginia, as amended, in order to discuss property use and acquisition, specifically Goodson Water Company property.

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

Mr.	Mathews	Aye	Mr.	Litton	Aye	Mr.	Derting	Aye
	- 1	Aye Aye	Mr.	Parris	Aye	Mr.	Barker	Aye

Mr. Litton left the meeting due to sickness.

On motion of Mr. Osborne, second by Mr. Simcox, it was resolved to come out of executive session and proceed with business at hand in public.

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

Mr.	Mathews	Aye	Mr.	Derting	Aye	Mr.	Osborne	Aye
Mr.	Parris	Aye	Mr.	Barker	Aye	Mr.	Simcox	Aye

On motion of Mr. Barker, second by Mr. Mathews, it was resolved to adopt the following certification:

WHEREAS, the Washington County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and

in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, 2.1-344.1 of the Code of Virginia requires a certification by the Washington County Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion of convening the executive meeting were heard, discussed or considered by the Washington County Board of Supervisors.

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

Mr. Mathews Aye Mr. Derting Aye Mr. Osborne Aye
Mr. Parris Aye Mr. Barker Aye Mr. Simcox Aye

On motion of Mr. Simcox, second by Mr. Mathews, it was resolved that Washington County not to participate in the receipts of the assets and liabilities of the Goodson Water Company property and that Washington County recommend the City of Bristol, Tennessee pursue a resolution of this matter between the Sinking Creek Pipe Line Association and Mr. Don Nicewonder such that it can be quit claimed to the Sinking Creek Pipeline Association.

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

Mr. Mathews Aye Mr. Derting Aye Mr. Osborne Aye Mr. Parris Aye Mr. Barker Aye Mr. Simcox Aye

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# 20. Adjournment

On motion of Mr. Parris, second by Mr. Osborne, it was resolved to adjourn the meeting.

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

Mr. Mathews Aye Mr. Derting Aye Mr. Osborne Aye
Mr. Parris Aye Mr. Barker Aye Mr. Simcox Aye

Joe W. Derting, Chairman