V I R G I N I A:

At a meeting of the Washington County Board of Supervisors held Wednesday, December 30, 1992, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

PRESENT:

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

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

ABSENT:

Cliff Walsh, County Attorney

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1. Call to Order

The meeting was called to order by Mr. Joe W. Derting, Chairman of the Board.

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2. Invocation and Pledge of Allegiance - Jackson Barker, Jr.

Mr. Jackson Barker, Jr. gave the Invocation and led in the Pledge of Allegiance.

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3. Approval of Agenda

On motion of Mr. Barker, second by Mr. Osborne, it was resolved to approve the Agenda as amended, with the following addition:

6.a Request for Special Use Permit, Bert and Kay Smith, to operate a livestock market in an existing building with a Veterinarian Office, Restaurant, feed store and consideration of future expansion for the cattle market on property located on the South side of State Route 670/794, in an A-2 (Agricultural, General) zone, Madison Magisterial District. EPA Phase I Completed.

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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4. Approval of Minutes:

The following action was taken on approval of the Minutes:

:: Regular Meeting of December 14, 1992

On motion of Mr. Osborne, second by Mr. Mathews, it was resolved to approve the Minutes of December 14, 1992 with the following corrections:

Item 14.c, Page 6391:

Correct the word "... ancillary ..." to read "... any other costs ..."

Item 14.d, Page 6392:

Include the following statement after the vote:

"Mr. Barker filed a statement disclosing he has a personal interest in certain aspects of the Washington County Budget related to appropriations to the Washington County School Board; that he is an employee of the Washington County School Board and appropriations to the Board could indirectly affect his position, salary, employment benefits, etc.; that he is a member of a group of employees which are affected by the amount of the appropriation to the Washington County School Board; that he can participate in this transaction fairly, objectively and in the public interest."

The vote on the motion to approve the Minutes of December 14, 1992 with noted corrections 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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:: Recessed Meeting of December 15, 1992

On motion of Mr. Barker, second by Mr. Osborne, it was resolved to adopt the Minutes of December 15, 1992 as presented.

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

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

Mr. Mathews abstained from voting on the basis he was not present at the December 15, 1992 meeting.

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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.

Thomas Whittaker addressed the Supervisors raising the question of expending unauthorized General Fund monies to purchase a bus.

Mr. Bentley explained at length the events leading to Mrs. Fraysier's purchase of the bus in a surplus sale held in Smyth County for use by Emergency Services as a command post, his discovery that an unauthorized purchase was made, and the steps he took to remedy the unauthorized expenditure. Mr. Bentley stated the vehicle was purchased with Mr. Simcox' awareness, however, because of his illness and absence from the meetings, Mr. Simcox was unable to bring the matter before the Supervisors for their ratification. Mr. Bentley commented that the bus is presently parked at the School Board parking garage and is not being used. Further, he stated the vehicle has not been insured for use.

Mr. Whittaker asked the Board of Supervisors to take action against all personnel responsible for the unauthorized expenditure of General Fund monies.

Mr. Bentley responded to Mr. Whittaker's request to explain what actions he has taken against personnel responsible for using the County truck on Thanksgiving Day, after which Mr. Whittaker asked Mr. Bentley to pay the rental fee for the truck use as well as pay for the gasoline.

Mr. Whittaker asked the Board of Supervisors to proceed with obtaining a State audit of public accounts for Washington County.

Patrick Mannix addressed the Supervisors repeating previous requests that the Board of Supervisors investigate his allegations against the Sheriff's Department and Commonwealth Attorney by filing his complaints with the Federal Bureau of Investigation.

Sonny Wright addressed the Supervisors inquiring about what efforts the County has made to relieve him from paying the road assessment levied on his property in the Whitetop I Subdivision. Mr. Derting referred to Mr. Walsh's comments to Mr. Wright on December 14, 1992 reiterating the Code has been researched and there are no sections the County Attorney could

find which would authorize the Supervisors to provide the relief Mr. Wright is requesting.

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6. Mr. Litton's Reports and Comments

Mr. Litton had no reports and comments.

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(a) Request for Special Use Permit, Bert and Kay Smith, to operate a livestock market in an existing building with a Veterinarian Office, Restaurant, feed store and consideration of future expansion for the cattle market on property located on the South side of State Route 670/794, in an A-2 (Agricultural, General) zone, Madison Magisterial District. EPA Phase I Completed.

Bert Smith and Counsel John Bundy (representing Mr. Smith) presented the Environmental Assessment for the Smith Property prepared by Bob Taylor, P.E. of Jonesborough, Tennessee. Mr. Bundy introduced Mr. Taylor who highlighted the conclusions of his study and responded to questions from the Supervisors. Mr. Taylor stated the environmental considerations of his study included air quality, water quality, noise pollution, and the effect of the operation on the transportation network, and addressed his conclusions on each point. Mr. Taylor concluded that all adverse effects from the proposed operation will be slight and short-term in nature, that with the proper coordination for site development with the State Water Control Board and Virginia Department of Transportation, no long-term impacts on the environment will be realized.

Mr. Bundy asked the Board of Supervisors to approve Mr. Smith's request for a special use permit.

Following discussion and careful consideration of Mr. Bundy's request, Supervisors expressed their interest in deliberating the matter further after they have sufficient time to study Mr. Taylor's Environmental Assessment and after proper public notification that the Special Use Permit will be considered.

On motion of Mr. Litton, second by Mr. Mathews, it was resolved to advertise a public hearing on January 11, 1993, if appropriate advertising can be done, to hear request for Special Use Permit, Bert and Kay Smith, to operate a livestock market in an existing building with a Veterinarian Office, Restaurant, feed store and consideration of future expansion for the cattle market on property located on the South side of State Route 670/794, in an A-2 (Agricultural, General) zone, Madison Magisterial District. EPA Phase I Completed.

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				

(Note: Research of the legal requirements for advertising this meeting revealed there is insufficient time between the last day of advertising in the newspaper and the date the request was scheduled to be heard by the Board of Supervisors. Therefore, this public hearing will not be held on January 11, 1993 but rather will be on January 28, 1993, at 7:00 p.m.)

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7. Contract Between Washington County and Little B Enterprises, Inc. for Exit 19 Sewer Project (Clyde King, Omer Kolling, Ed McClure)

Present to speak in support of proceeding with the Exit 19 Sewer Project were Omer Kolling, Ed McClure, and Clyde King, members of the Exit 19 Sewer Committee, who emphasized the importance of this project to businesses at the Exit 19 area.

Mr. King reported to the Supervisors that citizens have signed pledges amounting to $65,000 which will require the money due upon award of the contract to install the sewer.

Also speaking was Sonny Wright who stated he is not opposed to the sewer project, however, he is opposed to the proposed location of the sewer line which will go through a portion of his property that he has plans for its future development, stating it will destroy approximately 2.5 acres of his land. Mr. Wright suggested the sewer line be relocated to another section of his property.

Mr. Wright raised questions about the status of surveying elevations on and near his property and that of eminent domain. Mr. Bentley advised him to confer with Mr. Wayne Austin who is representing Washington County in the matter of condemnation proceedings. Mr. Mathews requested Mr. Bentley advise Mr. Austin to contact Mr. Wright as soon as possible.

In his comments, Mr. Mathews urged members of the Exit 19 Sewer Committee to make every effort to follow up on the pledges for the project and not to give up on the pledges if the Board of Supervisors approves the construction contracts.

On motion of Mr. Mathews, second by Mr. Osborne, it was resolved to appropriate $107,000 from Reserves for Contingencies to the Exit 19 Sewer Project Sinking Fund to be deposited on January 4, 1993.

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				

On motion of Mr. Mathews, second by Mr. Osborne, it was resolved to award Exit 19 Sewer Project construction contracts to Little B Enterprises, Inc. of Castlewood, Virginia for Division I at a bid price of $888,590.84, and Division II at a bid price of $80,393.00.

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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11. Recess

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

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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8. Washington County Transfer Station Amendment to Engineering Contract, T&L Project 5127-00

On motion of Mr. Osborne, second by Mr. Mathews, it was resolved to authorize the County Administrator to sign Memorandum of Understanding to Engineering Agreement with Thompson & Litton, Incorporated to provide engineering design, surveying, geotechnical evaluations, permitting, and construction management services for the solid waste transfer station in Washington County.

The vote on this motion was as follows (5-2):

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

Both Messrs. Parris and Litton expressed their opposition that the transfer station is not in the best central location in Washington County. Further, they both are skeptical that the transfer station property will be annexed to the City of Bristol in a few years.

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9. Bids on Washington County Allocation Plan Preparation (Mark Seamon)

On motion of Mr. Parris, second by Mr. Osborne, it was resolved to accept the bid of David M. Griffith & Associates in the amount of $3,600 per year to prepare detailed cost allocation plans for fiscal years ending June 30, 1992, 1993, and 1994, and further authorize the County Administrator to sign a three year contract.

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

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

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10. Bids for 911 Sign Blanks

On motion of Mr. Parris, second by Mr. Osborne, it was resolved to accept the low bid submitted by Vulcan Sign Company of Folley, Alabama for E-911 Sign Blanks with green reflective material in the amount of $29,793.01.

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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12. Appointments to Youth Services Citizen Board (Buckey Boone)

On motion Mr. Barker, second by Mr. Osborne, it was resolved to appoint the following student representatives to serve on the Youth Services Citizen Board effective January 1, 1993 to January 1, 1994:

Jonathan Bailey, William Neff Vocational Center
Rick Sweeney, Washington County Technical School

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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13. County Administrator Comments:

The following action was taken on County Administrator Comments:

a. Invitation to Supervisors and Guest from Damascus Volunteer Fire Department

Received invitation from the Damascus Volunteer Fire Department to a social and dinner meeting on Saturday, January 9, 1993, 6:30 p.m., Glenrochie Country Club. Mr. Bentley polled the Supervisors to determine the number of attendees.

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b. Communications The following communications were received:

Interoffice Communications:

:: Washington County Public Schools:
:: to Department of Education, documenting reduced operating costs, and local expenditures for education in Washington county for the years 1989-90 to 1992-93; letter from Department of Education concerning local effort for public education;

:: Washington County Public Schools (continued)
:: to Southwest VA Water Control Board notifying the transfer owner ship of Hamilton Elementary School and Hayter's Gap Elementary School to Washington County;

Federal, State, Local Representatives:

:: United States Department of Agriculture, Farmers Home Administration, concerning application from W. C. Service Authority in the amount of $2,597,200 to develop a sewer system for the communities of Meadowview, Emory, and Emory and Henry College; Office of the Governor concerning request for funds required to develop sewer service in the Emory/Meadowview area;

:: Department of Health, Office of Water Programs concerning:
   :: PER by U. S. Forest Service for waterworks improvements at Beartree Recreational Areas #1, #2, and #3;
   :: PER BY Draper Aden for various improvements to Washington County Service Authority waterworks;

:: Department of Rail and Public Transportation concerning Public Transportation Funding for Fiscal Year 1994;

General Correspondence:
:: Virginia Association of Counties Resolution on Financial Assurance for Waste Management Facilities;

Discussion resulted in a motion made by Mr. Osborne, second by Mr. Barker to adopt the following resolution:

WHEREAS, on October 9, 1991, the U. S. Environmental Protection Agency promulgated new regulations pursuant to Subtitle D of the federal Resource Conservation and Recovery Act which establish stringent standards for the location, design and operation of solid waste landfills; and

WHEREAS, most of the federal Subtitle D regulations, which were developed over a period of seven years, become effective on October 9, 1993; and

WHEREAS, these regulations will remove the exemption which now applies to local governments in being required to demonstrate financial assurance; and

WHEREAS, financial assurance requirements will require local governments to demonstrate the ability to meet the financial costs of closure, 30 year post-closure monitoring, and corrective action; and

WHEREAS, financial assurance requirements are expected to impose upon local governments extreme, and unnecessary financial burdens; and

WHEREAS, local governments will require additional time to develop strategies for meeting financial assurance requirements;

NOW, THEREFORE, BE IT RESOLVED, that Washington County Virginia Board of Supervisors urges Congress to direct the United States Environmental Protection Agency to restore the exemption to local governments in demonstrating financial assurance.

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				

:: Virginia Highlands Cable Company, notification of rate increase effective February 1, 1993;

Mr. Osborne requested a report on cable television franchise renewals be placed on the January 11, 1993 Board of Supervisors Agenda.

:: Virginia Tech, Institute for Leadership and Volunteer Development, Research Report - Staffing Volunteer Rescue Squads in the '90s;

:: Woods, Rogers & Hazlegrove concerning application of Appalachian Power Company for Approval of Experimental Demand Side Management Programs and Residential Rate Design Experiment; Case No. PUE920072.

:: Request to access public records, without charge, of the current members of the Board of Supervisors for the entire time period each has served on the board by Patrick J. Mannix, Sr.; copy of Code of Virginia, Section 15.1-531; letter to Mr. Mannix allowing access to records, stipulating conditions, and specific dates and times.

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c. Reminders of meetings were received.

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Mr. Bentley prefaced action authorizing early release of December 1992 pay warrants by explaining that this item failed to be placed on the December 14, 1992 Board of Supervisors Agenda. He stated that when the omission was discovered, he polled the Supervisors by telephone and received verbal authorization from four Supervisors to release pay warrants on December 23, 1992.

On motion of Mr. Parris, second by Mr. Osborne, it was resolved to ratify the action to release December 1992 pay warrants on December 23, 1992.

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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14. County Attorney's Reports

The following action was taken on County Attorney's reports in Mr. Walsh's absence:

a. Decision of Circuit Court in the matter of the proposed convenience station site in Tumbling Creek

Received Decision of Charles H. Smith, Jr., Twenty-Eighth Judicial Circuit of Virginia, in the matter of Ernest F. Mutter and Edna Mutter v. Board of Supervisors of Washington County, et al Chancery No. 92-235 concerning Board's issuance of a special use permit to the Washington County Solid Waste Department for a solid waste convenience station at Tumbling Creek.

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15. Consent Agenda:

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

a. Approval for Payment-Burwil Construction Co., Inc, Application for Payment for Work on County Courthouse
b. Request for Refund, Robert B. Easterly, $75.91, Incorrect personal property assessment for 1992

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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16. Board Member Reports

The following Board Member Reports were given:

Mr. Barker reported reviewing trestles in his district in response to area residents who have complained that they are disintegrating and have become dangerous.

As a result of matters Mr. Barker brought before the Supervisors relative to Hamilton and Hayter's Gap Schools, the following actions were taken:

On motion of Mr. Barker, second by Mr. Litton, it was resolved to request the Washington County School Board to provide Washington County with certification that Hamilton and Hayter's Gap Schools are free of asbestos.

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				

On motion of Mr. Barker, second by Mr. Litton, it was resolved to request the Washington County School Board to make repairs to Hamilton and Hayter's Gap Schools prior to July 1, 1993, specifically there are bro

ken/loose tiles and outside doors are in need of repairs at Hamilton School.

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				

On motion of Mr. Barker, second by Mr. Litton, it was resolved to give Mr. Richard Gardner authorization to transfer six items of sculpture and five framed art prints presently located at the Hamilton School Building to be put in the care of the Mendota Branch of the Washington County Public Library for safekeeping until other proper use is found for them in the library system or other County agencies.

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				

On motion of Mr. Barker, second by Mr. Litton, it was resolved to allow Mr. Richard Gardner to use in his classroom at Greendale School an out-of-date set of encyclopaedias that are currently located in the Library at Hayter's Gap School.

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				

On motion of Mr. Parris, second by Mr. Mathews, it was resolved to move the offices of Planning & Zoning, Building Inspection, Recycling and Resource Management into the offices vacated by Juvenile & Domestic Relations Court, and further that the present Planning & Zoning/Building Inspection Office be made into a Conference Room, and that the Assistant County Administrator/Economic Development be housed in the present Conference Room of the County Administration Building.

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				

Mr. Bentley commented that he has been evaluating a proposal presented to him and would like to present a plan for the best utilization of space to the Board of Supervisors prior to the actual move.

On motion of Mr. Mathews, second by Mr. Parris, it was resolved to authorize appropriation of $2,500 from Reserves for Contingencies for the purpose of moving the Ham Radio Operations equipment to the new Emergency Services location in the Elliott Building.

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				

Mr. Mathews requested that Mr. Seamon contact Mr. Jim Cole, Ham Radio Operator, to assess the distribution of the funds.

Mr. Mathews requested that consideration of a plaque for the Courthouse Committee be placed on the Agenda for the January 28, 1993 meeting.

Mr. Derting requested clarification of Board policy for funding water or sewer projects. The response was that the larger number of citizens served get best consideration.

Mr. Bentley raised the question as to the disposition of the bus purchased by Emergency Services from a surplus sale in Smyth County.

Mr. Litton made a motion, with no second, to declare the bus as surplus equipment and put it up for public auction.

Mrs. Mary Fraysier, Emergency Services Coordinator, addressed the Supervisors commenting on the purchase of the vehicle, and addressed the concern of appropriation of General Funds with the authorization of only one Supervisor. Mrs. Fraysier explained she made a line-item transfer in her budget to purchase the vehicle, and assumed all responsibility for purchasing said bus.

Mr. Mathews made a substitute motion, second by Mr. Simcox, to properly authorize the purchase of a surplus bus from Smyth County by the Coordinator of Emergency Services to be used as a command post during emergencies, and further, to approve the appropriation of $1,260 which was the purchase price for the vehicle.

The vote on Mr. Mathews' substitute motion was as follows (6-1):

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

In his comments, Mr. Mathews stated that a technical error was made by purchasing the vehicle and he felt certain that Mr. Simcox' illness pre-

vented him from bringing the matter before the Supervisors for appropriate action prior to this time.

The vote on Mr. Litton's original motion to declare the vehicle surplus and put it up for auction was as follows (1-6):

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

Mrs. Fraysier commented on her efforts to secure a matching grant to equip the command post. There was consensus support to obtain funds to equip the command post with matching state funds. During discussion of provid ing matching funds for a grant, some Supervisors specifically expressed a higher priority to implement the E-911 service as soon as possible.

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17. Adjournment

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

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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Joe W. Derting, Chairman