V I R G I N I A:

At a meeting of the Washington County Board of Supervisors held Tuesday, July 27, 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
Cliff Walsh, County Attorney
Mark W. Seamon, Director of Accounting
Rebecca K. Patrick, Personnel Administrator

Absent
Sandra Hatfield, CPS

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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 - James T. Osborne

Mr. Osborne gave the Invocation and Pledge of Allegiance.

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3. Approval of Agenda

Mr. Patrick Mannix and Mr. Tom Whittaker addressed the Chairman stating they had asked to be on the Agenda, and the County Administrator refused their request.

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

17.c Gas Detection Probe Wells at County Landfill

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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4. Approval of Minutes

The following action was taken on approval of the Minutes:

:: Regular Meeting of June 22, 1993

On motion of Mr. Mathews, second by Mr. Barker, it was resolved to approve the Minutes of June 22, 1993, as presented.

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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:: Regular Meeting of July 13, 1993

Mr. Barker requested the Minutes reflect his absence from the July 13, 1993 Board meeting was due to military service.

On motion of Mr. Osborne, second by Mr. Mathews, it was resolved to approve the Minutes of July 13, 1993, with the addition requested by Mr. Barker.

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. Simcox	Aye
Mr. Barker	Abstain				

Mr. Barker abstained because he was not present at the meeting.

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5. Dog Damage Claim

a. Mike Johnson, $200.00

This item was postponed until later in the meeting because Mr. Johnson had not arrived. (For action on this item, see Page 6763.)

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b. Kenneth Reynolds, $1,200.00.

Mr. R.R. Reynolds, father of Kenneth Reynolds, addressed the Board on behalf of Kenneth Reynolds.

Mr. Mathews inquired as to the number of Dog Damage Claims submitted by Mr. Reynolds.

On motion of Mr. Litton, second by Mr. Parris, it was resolved to pay Mr. Kenneth O. Reynolds in the amount of $1185.00 for sheep killed by dogs.

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				

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6. Mr. Litton's Reports and Comments

A motion was made by Mr. Litton, with no second, that the Board move the Citizen's Comments back to the first of the meeting at approximately 7:20 p.m. for any citizen who wants to talk to the Board concerning County Business.

The vote on this motion was as follows (3-4):

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

Mr. Litton made a motion, with no second, that any citizen of Washington County, landowner of Washington County, or taxpayer asking to be on the Agenda be allowed to discuss County business or County problems.

Discussion ensued as to the difference of the motions made by Mr. Litton at the Board meeting held on June 22, 1993.

The vote on this motion was as follows (3-4):

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

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7. Request to Declare Surplus a 1988 Chevrolet Caprice, Serial No. 1G1J7511OJ7165399, Department of Social Services

On motion of Mr. Barker, second by Mr. Osborne, it was resolved to honor the request to declare surplus a 1988 Chevrolet Caprice, Serial No. 1G1J7511OJ7165399, Department of Social Services.

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. Osborne, it was resolved to allow Green Springs Fire Department have first option of receiving said vehicle. If they do not wish to take the 1988 Chevrolet Caprice, then it would be advertised for sealed bids.

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. Request to Carry Over Funds into FY 93-94 Budget (Sheriff Mitchell

Sheriff Joe Mitchell addressed the Board requesting they consider carrying surplus funds from the FY 1992-93 budget, line item 7040, to the FY 1993-94 budget, in anticipation of their car needs expected this fiscal year.

Mr. Bentley indicated money would have to be appropriated from reserve for contingencies, since the line item has already been closed.

On motion of Mr. Barker, with no second, it was resolved to transfer $18,002.96 from reserves for contingency to the Washington County Sheriff's Department, line item 7040.

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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9. Delinquent Tax List - 1992 (Fred Parker)

Mr. Fred Parker addressed the Board regarding 1992 delinquent taxes as required by Virginia Code 58.1-3922 and 3924.

On motion of Mr. Parris, second by Mr. Osborne, it was resolved to publish the 1992 delinquent tax list in the appropriate low bidding newspaper in the same format as in preceding years.

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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10. Consideration of Resolution of Participation in Virginia Community Recertification Program

On motion of Mr. Mathews, second by Mr. Barker, it was resolved to adopt the following resolution of Participation in Virginia Community Recertification Program:

WHEREAS, the Community Washington County successfully met the standards of the Virginia Community Certification Program; and

WHEREAS, the community was duly recognized for this achievement by the Governor of the Commonwealth of Virginia on the 15th Day of September, 1990; and

WHEREAS, participation in this program has positioned the community to enhance and expand its economic base, and

WHEREAS, the governing body of Washington County is interested in continuing its economic development effort.

NOW, THEREFORE, BE IT RESOLVED by the Washington County Board of Supervisors that our community wishes to maintain its status as one of Virginia's CERTIFIED COMMUNITIES, and THEREFORE, wishes to participate in the Virginia Community Recertification Program, and

BE IT FURTHER RESOLVED, that the leadership of this community fully realizes this program requires dedicated effort, and

BE IT FURTHER RESOLVED, that by making entry into this program, we are pledging our honest efforts to continue our designation as a "Certified" community, and

BE IT FURTHER RESOLVED, that the program requires the existence of formation of a local Economic Development Organization, and this governing body designates the Washington County Chamber of Commerce as requesting our community for the purpose of participating in this program.

This resolution is in full effect upon its adoption.

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. Consideration of Resolution Regarding Dry Hydrants

On motion of Mr. Parris, second by Mr. Osborne, it was resolved to adopt the following resolution regarding dry fire hydrants.

WHEREAS, a dry hydrant is a nonpressurized pipe system that is installed in an existing lake, pond, or stream to provide an easily accessible source of year-round water for firefighting; and

WHEREAS, with installation of dry fire hydrants, homeowners and property owners would receive improved fire protection that would reduce loss of life and property; and

WHEREAS, by promoting security and safety in rural areas economic development is encouraged; and

WHEREAS, dry hydrants save fuel and time during firefighting; and

WHEREAS, water conservation is increased by Fire Departments utilizing dry hydrants which reduces the volume of pressurized and purified town water that is used; and

WHEREAS, the Virginia Department of Forestry completed an inventory that documented the need for 3,678 dry hydrant installations at an estimated cost of $7.3 million; and

WHEREAS, the state appropriated funds to be sent in FY 1993 and FY 1994 to initiate a demonstration program which provided cost share monies to fire departments to install dry hydrants;

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Supervisors supports the continued state funding of programs which encourage and enable fire departments to install dry hydrants.

BE IT FURTHER RESOLVED that the Washington County, Virginia Board of Supervisors requests the Virginia Association of Counties add to their 1994 legislative agenda a resolution of support for state funding of programs that enable and encourage fire departments to accelerate the installation of dry hydrants.

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. Consideration of Pre-Authorization To Incur Cost Letter and Resolutions Concerning Community Development Block Grant Applications, Emory/Meadowview Sewer Project and People Incorporated Microenterprise Development Project

(a) County of Washington HUD Section 504 Grievance Procedure

(b) County of Washington Local Business and Employment Plan

(c) County of Washington Residential Anti-Displacement and Relocation Assistance Plan

(d) Fair Housing Certification

Mr. Bentley addressed the Board informing them that they need to send a letter to the Housing Development Office requesting pre-authorization to incur costs prior to the contract agreement, and that four adopted resolutions are also required.

On motion of Mr. Osborne, second by Mr. Mathews, it was resolved to submit a letter to Department of Housing and Community Development requesting au thorization to incur costs in the amount of $3,500.00 in connection with the Emory/Meadowview Sewer Improvement Project prior to execution of the Community Improvement Grant contract, and further, it was resolved to adopt the following resolutions:

COUNTY OF WASHINGTON
HUD SECTION 504 GRIEVANCE PROCEDURE

The following grievance procedure has been adapted from a sample grievance procedure developed by the U. S. Treasury, Office of Revenue based on material prepared by the U. S. Department of Health and Human Services, Office of Civil Rights, Regional Technical Assistant Staff. This procedure is intended to satisfy the requirements of the Department of Housing and Urban Development's (HUD) Section 504 regulations (24 CFR Part 8.53 (b).

* * *

The Washington County Virginia Board of Supervisors has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Department of Housing and Urban Development's (HUD) (24 CFR 8.53 (b) implementing Section 504 of the

Rehabilitation Act of 1973, as amended (29 USC 794). Section 504 states, in part, that "no otherwise qualified handicapped individual . . . shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. . . ."

Complaints should be addressed to: County Administrator, County of Washington, 205 Academy Drive, Abingdon, Virginia 24210 (703) 676-6202 who has been designated to coordinate Section 504 compliance efforts.

1. A complaint should be filed in writing or verbally contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.

2. A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged violation. (Processing of allegations of discriminations occurring before this grievance procedure was in place will be considered on a case-by-case basis.)

3. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the County Administrator. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under 24 CFR 8.53 (b), the County of Washington need not process complaints from applicants for employment or from applicants for admission to housing.

4. A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the County Administrator and a copy forwarded to the complainant no later than sixty (60) days after its filing.

5. The Section 504 coordinator shall maintain the files and records of the County of Washington relating to the complaints filed.

6. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within thirty (30) days to the Office of County Attorney, County of Washington, 205 Academy Drive, Abingdon, Virginia 24210.

7. The right of a person to a prompt an equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

8. These rules shall be construed to protect the substantive rights of the interested persons, to meet appropriate due process standards and to assure that the County of Washington complies with Section 504 and the HUD regulations.

COUNTY OF WASHINGTON

LOCAL BUSINESS AND EMPLOYMENT PLAN

1. The Washington County Board of Supervisors designates as its Local Business and Employment Project Area the boundaries of Washington County, Virginia.

2. The Washington County Board of Supervisors, its contractors, and designated third parties shall in utilizing Community Improvement Grant funds utilize businesses and lower income residents of the Project Area in carrying out all activities, to the greatest extent feasible.

3. In awarding contracts for work and for procurement of materials, equipment or services, the Washington County Board of Supervisors, its contractors, and designated third parties shall take the following steps to utilize businesses which are located in or owned in substantial part by persons residing in the Project Area:

   (a) The Washington County Board of Supervisors shall ascertain what work and procurements are likely to take place through the Community Improvement Grant Funds.

   (b) The Washington County Board of Supervisors shall ascertain though various and appropriate sources including the Bristol Herald Courier, Washington County News, and/or Abingdon Virginian newspapers concerns within the Project Area which are likely to provide materials, equipment and services which will be utilized in the activities funded through the Community Improvement Grant (CIG).

   (c) The identified business concerns shall be apprised of opportunities to submit bids, quotes or proposals for work or procurement contracts which utilize CIG funds.

   (d) To the greatest extent feasible the identified business and any other project area business concerns shall be utilized in activities which are funded with CIG's.

4. In the utilization for trainees or employees for activities funded through CIG's the Washington County Board of Supervisors, its contractors and designate third parties shall take the following steps to utilize lower income persons residing in the Project Area:

   (a) The Washington County Board of Supervisors in consultation with its contractors (including design professionals) shall ascertain the types and number of positions for both trainees and employees which are likely to be utilized during the project funded by CIG's.

   (b) The Washington County Board of Supervisors shall advertise through the Bristol Herald-Courier, the Washington County News and/or Abingdon Virginian newspapers the availability of such positions with the information on how to apply.

(c) The Washington County Board of Supervisors, its contractors, and designated third parties shall be required to maintain a record of inquiries and application by project area residents who respond to advertisements, and shall maintain a record of the status of such inquiries and applications.

(d) To the greatest extent feasible, the Washington County Board of Supervisors, its contractors, and designated third parties shall utilize lower income project area residents in filling training and employment positions necessary for implementing activities funded by CIG's.

5. In order to ascertain substantial compliance with the above affirmative actions and Section 3 of the Housing and Community Development Act of 1968, the Washington County Board of Supervisors shall keep, and require to be kept by contractors and designated third parties, listings of all persons employed and all procurements made through the implementation of activities funded by CIG's. Such listings shall be completed and shall be verified by site visits and interviews, cross-checking of payroll reports and invoices, and through audits if necessary.

WASHINGTON COUNTY

FAIR HOUSING CERTIFICATION

WHEREAS, the County of Washington has been offered and intends to accept federal funds authorized under the Housing and Community Development Act of 1974, as amended, and

WHEREAS, recipients of funding under the Act are required to take action to affirmatively further fair housing;

THEREFORE, the County of Washington agrees to take at least one action to affirmatively further fair housing each grant year, during the life of its project funded with Community Development Block Grant funds. The action taken will be selected from a list provided by the Virginia Department of Housing and Community Development.

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. Recess

On motion of Mr. Parris, second by Mr. Mathews, 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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14. Consideration of Resolution Concerning sewer and Water Mandatory Hookup Ordinance, WCSA

Mr. Walsh informed the Board that the information relative to a sewer and water mandatory hookup ordinance has been sent to both Abingdon and the City of Bristol but he has not received responses. Discussion ensued regarding the Washington County Service Authority's suggested resolution requiring hookup to water main or sanitary sewer.

On motion of Mr. Osborne, second by Mr. Mathews, it was resolved to advertise the proposed mandatory sewer and water hook-up ordinance for public hearing at the second meeting in August after Mr. Walsh has received a response from the Town of Abingdon and the City of Bristol, Virginia.

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

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

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15. Consideration of Appointment to Washington County Public Library Board of Trustees, Term Expired June 30, 1993:

:: Cathy Posey, Wilson District

On motion of Mr. Simcox, second by Mr. Barker, it was resolved to appoint Linda Cox to the Washington County Public Library Board of Trustees representing the Wilson Magisterial District for a four year term effective immediately to June 30, 1997.

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. Compensatory and Overtime Pay For County Employees

Mr. Bentley addressed the Supervisors concerning compensatory and overtime pay for County employees.

Discussion ensued regarding compensatory time not used within twelve months or lose it policy.

Mr. Mannix addressed the Board stating he attempted to contact four County employees the afternoon of July 27, 1993 and learned they had taken time off.

On motion by Mr. Litton, second by Mr. Barker, it was resolved to grant Landfill people overtime pay until the landfill closure is complete; further, all other County employees should not be paid overtime but be granted compensatory time, hour for hour for department heads, for time worked over forty hours; further still, compensatory time must be taken within twelve months of generation or the employee will loose it.

Mr. Litton requested Mr. Bentley provide him with a copy of all overtime turned in since June 9, 1993.

Discussion ensued.

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				

Mr. Litton requested that the record show he made this motion and voted for it because it has caused a lot of problems between County employees and indications are that some employees were not treated fairly.

Mr. Derting emphasized that is why the County Administrator had it on the Agenda.

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17. <u>County Administrator's Comments</u>

The following action was taken on County Administrator's Comments:

a. <u>Resolution - Rt. 58 "Talking Highway"</u>

On motion of Mr. Osborne, second by Mr. Parris, it was resolved to approve the following Commonwealth Transportation Board Project Endorsement Resolution:

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program approve the Route 58 Highway Interpretive Program in Washington County.

NOW, THEREFORE, BE IT RESOLVED, that Washington County, requests the Commonwealth Transportation Board to establish a project for the Route 58 Highway Interpretive Program.

BE IT FURTHER RESOLVED, that the Virginia Museum of Natural History, the Department of Game and Inland Fisheries, the Department of Conservation and Recreation, and the Department of Historic Resources agree to pay 20 percent of the total cost for planning and design, right of way, and construction of this project, and that, if the agencies participating in the project subsequently elect to cancel this project, the said agencies hereby agree to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 16th day of July, 1993
Abingdon, 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. Water and Waste Water Systems Monies - Congressmen Boucher

Mr. Bentley addressed the Board regarding letter Mr. Reeter received from Congressman Boucher's Office regarding monies available to build water and waste water systems.

Mr. Osborne proposed a group meeting with Congressman Boucher.

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c. Communications

The following communications were received:

Federal, State, and Local representatives:

:: Department of Health, Robert B. Stroube, M.D., M.P.H., concerning Damascus Volunteer Rescue Squad, Inc. receiving a $25,360.00 award from the Rescue Squad Assistance Fund Program.
:: Department of Transportation, Richard C. Lockwood, Transportation Planning Engineer, concerning public information meetings that have been cancelled.
:: Department of Health, Office of Water Programs, Division of Wastewater Engineering, notice of public meetings on the proposed sewage collection and treatment (SCAT) regulations.
:: Department of Health, Allen R. Hammer, Director, Division of Water Supply Engineering, concerning plans and specifications for improve-

ments to the Washington County Service Authority Water Treatment Plant at Route 58.

:: Commonwealth of Virginia, House of Delegates, concerning a Joint Subcommittee Studying Ways to Improve the Registration and Electoral Process and Encourage Voter Participation meeting scheduled for Thursday, August 5, 1993, at Virginia Highlands Community College.

:: Department of Health, Office of Water Programs, G.W. Peaks, P.E., Engineering Field Director, concerning the approval of the Plans and Specifications as prepared by the Washington County Service Authority for waterline extension at Widener Valley located in Washington County.

Interoffice Correspondence

:: Joe W. Derting, Chairman, Washington County Board of Supervisors, requesting the City of Bristol to join with the County in a long-term, continuing effort to enhance the relationship between the two communities.

:: Fred W. Parker, Treasurer, concerning the County's position regarding annexation.

:: Charlotte P. Lewis, Washington County Public Library, concerning library service in the Hayter's Gap area and a general overview of how the library system operates.

:: Fred W. Parker, Treasurer, delinquent landfill fees.

:: Joe D. Mitchell, Sheriff, concerning lawsuit filed by Ms. Shirley McGlamery in which a jury found that the political activities of Ms. McGlamery had nothing to do with her not being reappointed as Deputy Sheriff.

General Correspondence

:: Jim Wilhoit, United Telephone-Southeast, concerning reconciliation of actual Non-Recurring charges and a statement of Monthly Recurring charges applicable to Washington County/Bristol, Virginia's E9-1-1 system.

:: Jim Tilley, III, Director Small Business Development Center at Virginia Highlands Community College, concerning it's first quarter of operations.

:: William King Regional Arts Center will host a presentation on Sunday, August 1, 1993, which includes a slide show and they request the use of the Executive Board Meeting Room

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c. Gas Detection Probe Wells at Landfill

Coy Martin addressed the Board regarding W-L Construction's estimate of drilling 19 Gas Detection Probe wells. Extensive discussion ensued covering such topics as:

:: rejected bids
:: advertising for other quotations
:: cost savings by County performing closure
:: Emergency purchase situation
:: equipment advertised on hourly basis included in equipment necessary to conduct drilling
:: Procurement Ordinance
:: Liabilities if open after October 9, 1993

On motion by Mr. Osborne, second by Mr. Mathews, it was resolved that we declare this an urgently needed or emergency needed part of the closure of the Washington County Landfill which must be completed by October 9, 1993.

The vote on this motion was as follows (4-1-2):

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

Mr. Litton explained his reason for voting against this motion because well drilling equipment was not on the list for equipment needed when W-L Construction got bid for equipment to close the Landfill.

Mr. Seamon addressed the Board reading a portion of the procurement ordinance where the County serves as contractor on construction project. This portion of the Code indicates the County may contact three vendors, suppliers, or sub-contractors to obtain price, quotations or bids if available. Mr. Martin requested that the Purchasing Dept. make the contacts.

Mr. Walsh suggested someone contact Draper/Aden to see if this falls in their purview. Mr. Bentley indicated no one could be reached at Draper/Aden.

On motion by Mr. Mathews, second by Mr. Osborne, it was resolved to allow Mr. Walsh, Mr. Seamon or Mr. Bentley to contact Draper/Aden and get their opinion by Fax or letter as to the urgency of this project and put this on hold if there is any gray area and this item can be brought back to the Board for reconsideration. If we are legal then the Board has already voted 4-1-2 to proceed.

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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18. <u>County Attorney's Reports</u>

a. <u>Ownership of Convenience Stations</u>

Mr. Walsh addressed the Board about obtaining ownership of the property used for Convenience Stations. Mr. Walsh stated that the convenience stations represent a substantial investment in land, land improvements and equipment. He noted that the equipment is not mobile and stated that the County needs to control the Convenience Stations and that the County should gain control of the Convenience Centers now before it begins to purchase and install new equipment.

Mr. Mathews inquired about immanent domain.

Mr. Matthews made a motion, with no second, for the County Attorney to start the process of purchasing land for convenience stations.

Mr. Barker made a substitute motion, second by Mr. Litton, that the Board continue to make annual lease payments for the Convenience Station locations and not use immanent domain.

Extensive discussion ensued covering areas as listed:

:: moving the convenience station sites which the County could purchase
:: purchase at the end of the term of the lease
:: purchasing and attaching valuable equipment to land not owned by the County
:: Tumbling Creek property
:: Value of the property currently used for Convenience Stations as compared to the lease payments made for the property

Mr. Walsh explained that purchasing land for convenience stations was not just about money spent but was about control of facilities vital to the County.

The vote on Mr. Barker's substitute motion was as follows (3-3-1):

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

The vote on Mr. Mathews motion was as follows (3-2-2):

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

b. <u>Equipment Prices For Convenience Stations</u>.

Mr. Litton inquired as to the date the equipment will be installed at Tumbling Creek.

Discussion followed regarding purchasing equipment and the amount of time needed to complete purchase.

Mr. Walsh suggested the Board appoint a committee to review the equipment information and for that committee to make a recommendation to the Board.

Mr. Derting suggested the two Board members currently serving on the Landfill Committee meet with Mr. Martin, Mr. Walsh, and the County Administrator to make a decision relative to the purchase of equipment at the Washington County Convenience Centers.

Mr. Mathews yielded his position on said committee to Mr. Litton. Mr. Litton accepted responsibility for assisting in the selection of convenience station equipment.

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5. Dog Damage Claim

a. Mike Johnson, $200.00,

Mr. Mike Johnson appeared before the Board concerning a dog damage claim.

On motion of Mr. Parris, second by Mr. Osborne, it was resolved to reimburse Mike Johnson in the amount of $180.00 for dog damage to sheep and goats.

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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19. Consent Agenda

On motion of Mr. Parris, second by Mr. Osborne, it was resolved to approve the Consent Agenda in total.

a. Supplemental Appropriation, Sheriff's Office, DARE Program, $304.40.
b. Refund, Peter Gretz, $45.73, Personal Property Taxes
c. Supplemental Appropriation, Sheriff's Office, Underwater Recovery Team

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				

****

20. Board Member Report's

The following Board Member reports were given:

On motion of Mr. Simcox, with no second, it was resolved to upgrade the salary of Cynthia Wilson, Assistant Voter Registrar, from $14,674.00 to $17,000.00 effective July 1, 1993, with the funds coming from reserves for contingency.

The vote on this motion was as follows (4-3):

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

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Mr. Barker officially recognized Mr. Whittaker was able to attend this meeting.

Mr. Barker pointed out that he requested a road name change on June 22, 1993, before the cut-off date of July 15, 1993. Mr. Barker requested that County Administrator contact the Emergency Services Coordinator to remind her that Mr. Barker's request came in before the July 15, 1993 cut-off date. Mr. Litton indicated that the Emergency Services Coordinator had already decided on that name change.

Mr. Barker also informed the Board that Congressman Boucher and he will hold a joint Town Meeting at Valley Institute School on Saturday, August 7, 1993, at 2:00. Mr. Barker indicated that Congressman Boucher will be at Hamilton School at 11:30 a.m. that same day.

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Mr. Parris inquired about the progress with the easements for the water line at the Convenience Station at Damascus. Mr. Walsh indicated he had sent a draft easement to the Town but had received no response from them.

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21. Citizen's 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 concerning the evaluation of Mr. Bentley. Mr. Whittaker also addressed the Supervisors regarding a memo sent to the County Administrator from Mr. Coy Martin in which Mr. Whittaker indicates said memo is a Misdemeanor 3. Mr. Whittaker further addressed the Board regarding their duties in appropriating money. Mr. Whittaker referred to page 170 of the Supervisors Manual regarding expenditure of money. Mr. Whittaker requested Mr. Bentley provide him free access to records using the Freedom of Information Act as specified in the Virginia Code Section 15.1-531. Mr. Whittaker asked for any one of the Board members to make a motion to allow Mr. Whittaker free access to all records.

Mr. Litton made a motion that the County Administrator allow any citizen of Washington County to look at the records as indicated by the Virginia Code Section 15.1-531.

Mr. Walsh indicated that this request has been addressed by written letter to Mr. Mannix.

The vote on this motion was as follows (5-0-2):

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

Patrick Mannix addressed the Supervisors concerning proper procurement procedures. Mr. Mannix referred to the Procurement Ordinance 11.2-10, Unauthorized Purchases. Mr. Mannix also referred to Virginia Code Sections 15.1-547 and 15.1-549. Mr. Mannix referred to these two sections in defending his position on the gas well drilling and the purchase of a machine gun by the Sheriff's Department.

Bill Bish, Jr. addressed the Supervisors concerning the operating procedures of the Board regarding seconds on motions. Mr. Bish also inquired about the reimbursement from the Telephone Company of E9-1-1 funds, asking if any of the funds returned were interest. Mr. Bish also provided the Board with a Hazardous Waste Bag that was left on his door step with a note explaining that such waste would be traveling by rail through this area to the transfer station.

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22. Executive Session Pursuant to Section 2.1-344(A)(1) of the 1950 Code of Virginia, as amended, to discuss personnel matters, specifically Performance Evaluation of County Administrator

On request of Mr. Derting, it was decided to hold the County Administrator's evaluation over to the August 10, 1993, Board of Supervisors meeting.

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23. Adjournment

On motion of Mr. Mathews, second by Mr. Parris, 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