

VIRGINIA:

At a meeting of the Washington County Board of Supervisors held Tuesday, August 13, 1996, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

PRESENT:

Joe W. Derting, Chairman
 Bobby D. Ingle, Vice Chairman
 Kenneth G. Mathews
 James T. Osborne
 Maurice H. Parris
 Jackson Barker
 Dulcie M. Mumpower

Mark K. Reeter, County Administrator
 Joseph B. Lyle, County Attorney
 Mark W. Seamon, Accounting/Purchasing Manager
 Christianne E. Parker, Assistant County Administrator

ABSENT:

Sandra M. Hatfield, CPS, Administrative Assistant

1 **Call to Order**

The meeting was called to order by Mr. Joe W. Derting, Chairman of the Board who welcomed everyone in attendance.

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2 **Invocation and Pledge of Allegiance - Bobby D. Ingle**

Mr. Ingle gave the Invocation and led in the Pledge of Allegiance.

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3 **Approval of the Agenda**

On motion of Mr. Mathews, second by Mrs. Mumpower, it was resolved to approve the Agenda with the following additions:

9. Consideration of Possible Amendment to Chapter 5 of Washington County Code Exempting Churches and Related Facilities from Building Permit Fees
12. Consideration of Permitting Participation by Permanent/Part-time Employees in County Health Insurance Program
20. Approval of Lease & Facilities Management Agreements, Washington County Community Services Building (sublease to Highlands Juvenile Detention Center Commission)

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

4 Approval of Minutes of July 23, 1996:

On motion of Mr. Osborne, second by Mr. Parris, it was resolved to approve the Minutes of July 23, 1996 meeting with the following correction:

Page 8204, Agenda Item 14.a, Paragraph 1

Correct to reflect the following vote:

The vote on this motion was as follows: (5-0-1)

Mr. Derting	Aye	Mr. Ingle	Abstain	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye

Mr. Ingle abstained from voting for the reason he is listed as a member of the Washington County Chamber of Commerce Information Technology Committee.

The vote on the motion to approve the Minutes of August 13, 1996 with a correction was as follows: (7-0)

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

5 Presentation of Certificate of Appreciation to Washington County Public Library's Relay for Life Team

Mr. Derting called upon Mrs. Barbara Chavatel, Vice Chairman, Washington County Public Library Board of Trustees, to come forward to receive a Certificate of Appreciation from the Board of Supervisors for the dedicated community service and commitment of the Library staff who participated as members of the Relay for Life Team raising \$1,650 in contributions for the Washington County Chapter of the American Cancer Society 1996 Relay for Life.

6 Presentation of Service Pins to County Employee:
Five Year Anniversary, Maria Bralley (August 22, 1991)

On behalf of the Board of Supervisors, Mr. Reeter presented Maria Bralley with a five year service pin offering congratulations and appreciation for her service to the citizens of Washington County.

7 **Continuation of Carol P. Hagy Public Hearing Re Revocation of Special Use Permit (from July 23, 1996)**

Mr. Derting declared the public hearing open to receive comments relative to revocation of the Carol P. Hagy special use permit.

Mr. Dan Reed appeared before the Board of Supervisors reporting on the arbitration meeting he attended on July 16, 1996 with the County Attorney, Zoning/Subdivision Official, Attorney Randall Eades representing Mr. Hagy, and Assistant County Administrator. He stated basic agreement was negotiated by the parties in attendance, however, Mr. Eades recently reported that his client, Mr. Hagy, to date has not accepted the terms. Mr. Reed spoke of the many efforts he and his clients, the Densmores, have made to resolve the issue of Mr. Hagy's special use permit violations, and stated his clients have agreed to continue the public hearing from the July Board of Supervisors meeting in order to allow for possible resolution. He concluded that Mr. Hagy has not accepted of the terms of the agreement at this time, and there is an impasse.

Noting that this item was discussed earlier than scheduled on the Agenda, Mr. Derting stated he will return to this Agenda Item, thus allowing Mr. Eades the benefit of appearing before the Supervisors to present his response.

8 **Dog Damage Claims:**

Action on dog damage claims was delayed.

5. **Presentation of Certificate of Appreciation to Washington County Public Library's Relay for Life Team**

Mr. Derting called Mrs. Barbara Chavatel back to the podium requesting that she return to the August 27, 1996 Board of Supervisors meeting to receive the actual certificate.

7. **Continuation of Carol P. Hagy Public Hearing Re Revocation of Special Use Permit (from July 23, 1996)**

Mr. Derting declared the public hearing open to receive comments relative to revocation of the Carol P. Hagy special use permit.

Mr. Randall Eades, representing Mr. Terry Hagy, appeared before the Supervisors.

Mr. Derting commented on his understanding that counsel for the Hagy's and Densmore's are appearing with a recommendation.

Mr. Dan Reed, representing Mr. Hutton and Mr. & Mrs. Densmore, adjacent property owners, addressed the Board of Supervisors expressing regrets that he and his clients have been unsuccessful in their attempts to contact Mr. Hagy, and the difficulty in coming to agreement on the proposed terms of agreement. He concluded agreement has not been reached.

Mr. Randall Eades commented on the July 16, 1996 arbitration meeting and the efforts to resolve the matter of revocation of the Carol P. Hagy special use permit, however, he stated there are provisions in the proposed agreement that Mr. Hagy cannot agree to for the operation of his business and garage. Mr. Eades explained that based on the Board of Supervisor's approving a special use permit, Mr. Hagy expended money to develop the property, according to the usage he was given, and that if the permit is revoked they see it as taking away his

property in violation of the 5th Amendment, without just compensation. He stated there is a mutual dislike between Mr. Densmore and Mr. Hagy and the controversy has caused the Board of Supervisors to become involved in an attempt to settle a neighbor dispute. He stated Mr. Hagy does not want the special use permit to be revoked to where the property cannot be used for its highest and best use. He pointed out that the dispute should be remedied through the court system and not by the Board of Supervisors. Mr. Eades expressed Mr. Hagy's attempts to abide by the County regulations and his intent to protect his property. He requested the Board of Supervisors to honor Mr. Hagy's position and to revoke the special use permit.

In response to Mr. Derting's inquiry on the status of a proposed agreement, Mr. Eades commented his client was unable to agree to all points of the agreement.

County Attorney, Joseph Lyle, commenting that because agreement cannot be reached at this point, he proposed the Board allow him the opportunity to review the issues of law raised by counsel, and make a recommendation before the Supervisors rule in the matter of the permit.

Mr. Mathews expressed his regrets that the Board of Supervisors was placed in a position of being threatened by Mr. Hagy's counsel, and that it was an improper way to address the governing body. He stated he is in agreement to the County Attorney's recommendation.

On motion of Mr. Osborne, second by Mrs. Mumpower, it was resolved to delay taking action on revocation of special use permit issued to Mrs. Carol Hagy until August 27, 1996.

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

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

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

8. **Dog Damage Claims:**

The following action was taken on dog damage claims:

:: **Mike Johnson, \$100.00**

Mike Johnson was present and responded to questions from the Board relative to his claim.

On motion of Mr. Parris, second by Mr. Osborne, it was resolved to pay dog damage claim in the amount of \$100.00 for one Ewe lamb owned by Mike Johnson that was reported to be killed by dogs.

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

:: Marvin Long, \$ 95.00

Mr. Bobby Ingle, acknowledging the Board's policy of requiring the person filing a claim to appear before the Board of Supervisors, requested consideration in proceeding with Mr. Marvin Long's claim in difference to his absence.

On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved to pay dog damage claim in the amount of \$35.00 for one male goat and \$60.00 for one female goat owned by Marvin Long that was reported to be killed by dogs.

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

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9 Consideration of Possible Amendment to Chapter 5 of Washington County Code Exempting Churches and Related Facilities from Building Permit Fees

Mr. Mark Reeter advised the Board of Supervisors that in past practice an exception or waiver to Chapter 5 of the County Code has been allowed for churches and related facilities from building permit fees, and recommended that the Board amend the current code to reflect this exemption.

Mr. Mathews asked the County Attorney to research the consumer use tax ordinance and other County ordinances so that when the Board considers amending Chapter 5 of the County Code, exemptions to all taxes can be considered at the same time.

On motion of Mrs. Mumpower, second by Mr. Barker, it was resolved to advertise an amendment to the language of Chapter 5 of the Washington County Code exempting churches from building permit fees.

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

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10 Consideration of Resolution, No. 96-32, Establishing National Association of Counties Deferred Compensation Program (Tom Nasta, Area Director)

Tom Nasta, Area Director, PEBSO, was present to inform the Board of Supervisors of a deferred compensation program which is available to County and City employees through National Association of Counties. He explained the program allows county and city employees to supplement their retirement program, on a voluntary basis, through a pay-roll deduction plan. Mr. Nasta explained the benefits to employees through their participation, and responded to questions from the Board.

On motion of Mr. Ingle, second by Mr. Barker, it was resolved to support the following Resolution No. 96-31 establishing National Association of Counties Deferred Compensation Program effective September 1, 1996:

**Resolution No. 96-31
The National Association of Counties (NACo)
Deferred Compensation Program**

**IN THE MATTER OF ESTABLISHING A DEFERRED COMPENSATION PLAN FOR THE
COUNTY OF WASHINGTON**

WHEREAS, the County has considered the establishment of a Deferred Compensation Plan to be made available to all eligible County employees, elected officials, and independent contractors pursuant to Section 457 of the Internal Revenue Code permitting such Plans; and

WHEREAS, certain tax benefits could accrue to employees, elected officials and independent contractors participating in said Deferred Compensation Plans; and

WHEREAS, such benefits will act as incentives to County employees to voluntarily set aside and invest portions of their current income to meet their future financial requirements and supplement their County retirement and Social Security; and

WHEREAS, the National Association of Counties has established a Master Deferred Compensation Program for its member Counties, permitting its member Counties and their employees to enjoy the advantages of this Program; and

WHEREAS, by adoption of the NACo Program, all regulatory, operational, administrative and fiduciary responsibilities are hereby assumed by NACo on behalf of the County; and

WHEREAS, NACo, as Plan Administrator, agrees to hold harmless and indemnify the County, its appointed and elected officers and participating employees from any loss resulting from NACo or its Agent's failure to perform its duties and services pursuant to the NACo Program;

**NOW, THEREFORE, THE COUNTY GOVERNING BODY DOES HEREBY RESOLVE AS
FOLLOWS:**

The County governing body, meeting in regular session, this 13th day of August, 1996, hereby adopts the National Association of Counties Deferred Compensation Program and hereby establishes the County of Washington Deferred Compensation Plan for the voluntary participation of all eligible County employees elected officials and independent contractors.

The County Administrator is hereby authorized to execute for the County, individual participation agreements with each said employee requesting same, and to act as the Administrator of the Plan representing the County, and to execute such agreements and contracts as are necessary to implement the program. It is implicitly understood that, other than the incidental expenses of collecting and disbursing of the employees' deferrals and other minor administrative matters, there is to be no cost to the County for the program.

IT IS HEREBY FURTHER ORDERED, that a true copy of this Court Order/Resolution be spread upon the Court's record of this date.

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

11 **Request for Permission to Extend Sanitary Sewer Line to Clear Creek Development by City of Bristol, Virginia (Tom Adams, General Manager, Bristol VA Utilities Board)**

Mr. ***Jim Bowie***, appearing before the Board of Supervisors, requested consideration in extending the Clear Creek Sewer Line along Clear Creek from its intersection with Lee Highway in Bristol, VA, through the Wallace community to the Clear Creek development project, a distance of approximately 14,000 linear feet, approximately paralleling portions of Virginia State Routes 659, 645, and 625. Mr. Bowie stated a 10 inch and 12 inch line will serve the entire Clear Creek watershed, an area totaling about 4800 acres.

On motion of Mr. Osborne, second by Mrs. Mumpower, it was resolved to approve the following Resolution:

Resolution No. 96-33

WHEREAS, pursuant to Section 15.1-326 of the 1950 Code of Virginia as amended, the City of Bristol, Virginia (the City) through the Bristol Virginia Utilities Board has served written notice to the County of Washington, Virginia and has appeared in person at the August 13, 1996 meeting of the Washington County Board of Supervisors that it proposes to construct a sanitary sewer pipeline extending from the existing sanitary sewer system of the City into, across and through a portion of the County of Washington; and

WHEREAS, the proposed sanitary sewer pipeline will consist of a single pipeline generally following Clear Creek from its intersection with Lee Highway (U. S. Highway 11) for a distance of approximately 14,000 linear feet paralleling portions of Virginia State secondary Routes 659, 645 and 625 to a terminus within the City's Clear Creek Golf Course and residential subdivision development; and

WHEREAS, the County of Washington, Virginia, through the Washington County Service Authority is financially participating in the construction of this same sanitary sewer pipeline, with obligations and rights to same secured through an agreement entered into by and between all parties named herein this Resolution dated July 31, 1996; and

WHEREAS, it appears that the sanitary sewer pipeline to be constructed is capable of serving the proposed number of connections and is adequate to render the proposed service, and

WHEREAS, approval of said sanitary sewer pipeline is in the best interests of the citizens of Washington County, Virginia;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that it hereby approves the City's request and grants permission for this extension.

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

12 **Consideration of Permitting Participation by Permanent/Part-time Employees in County Health Insurance Program**

County Administrator called attention to a conflict between the Board approved personnel manual and the recently adopted health insurance program. He stated there is a provision in the Washington County Personnel Manual, Health Insurance Program Benefits, which allows for permanent/part-time employees within the Administrative Division of the County government to participate

in County provided health insurance at 100% their cost. He reported that the contract the County entered into with Trigon Blue Cross-Blue Shield Local Choice Program includes the provision requiring the County to put a minimum of 40% of the monthly premium toward the employee-s participation if the County wishes for part-time employees to participate. Mr. Reeter commented there are a few part-time employees who have expressed their interest in participation, and the County-s responsibility would be approximately \$58.00 per month per employee with the employee-s share approximately \$88.00 per month.

Mr. Barker expressed his views on offering this benefit to part-time employees, and to extend an invitation to Constitutional Officers and other policy boards to survey their part-time employees to determine interest in their participation in health insurance program benefits.

In response to Mr. Osborne-s inquiry about the County-s expense for participation, Mr. Reeter stated it would be approximately \$705.00 per employee for 12 months.

On motion of Mr. Barker, second by Mrs. Mumpower, it was resolved to request the County Administrator and County Attorney to survey Administrative Division permanent/part-time employees to determine their interest in participating in the health insurance program currently provided by Blue Cross-Blue Shield Local Choice Program, and submit a recommendation to the Board of Supervisors for their review and consideration.

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				



13 Recess

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

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Nay	Mr. Parris	Aye
Mr. Barker	Aye				



14 County Employee Participation Leadership Development (Jackson Barker)

On motion of Mrs. Mumpower, second by Mr. Osborne, it was resolved to authorize the enrollment of Linda Jackson and Jean McCall in the Fall session of the Washington County Chamber of Commerce Leadership Development Program, and further it was resolved to approve the tuition fee of \$300.00 per employee.

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				



15 **Mount Rogers Planning Commission**

The following action was taken on matters of the Mount Rogers Planning District Commission:

- a. **Consideration of Appointments to Mount Rogers Planning District Commission (Terms expired June 30, 1996)**

:: **Town of Damascus**

On motion of Mr. Parris, second by Mr. Ingle, it was resolved to reappoint Mrs. Elizabeth McKee to the Mount Rogers Planning District Commission for a two year appointment effective July 1, 1996 to June 30, 1998 representing the Town

of Damascus.

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

:: **Town of Glade Spring**

On motion of Mr. Osborne, second by Mr. Barker, it was resolved to reappoint Mr. Roy Miller to the Mount Rogers Planning District for a two year appointment effective July 1, 1996 to June 30,1998, representing the Town of

Glade Spring.

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

- b. **Consideration of Resolutions** (Tom Taylor, Executive Director)

Mr. Tom Taylor, Executive Director, Mount Rogers Planning District Commission was present to request the Board of Supervisor-s action on the following resolutions:

:: **No. 96-29, In support of Nomination of the Parkway as an All-American Road**

On motion of Mr. Osborne, second by Mr. Ingle, it was resolved to support the following Resolution:

**Resolution No. 96-29
In Support of the
Nomination of the Parkway as an
All American Road**

WHEREAS, the Parkway that began construction in 1935 is recognized throughout the world as a significant landscape, architectural, and engineering achievement, and is considered the ~~AV~~ardstick@for development of a scenic byway; and

WHEREAS, that stretch of the Parkway that traverses the Mount Rogers Planning District Commission is representative of the viewsheds and indigenous culture of this unique area and its peoples; and

WHEREAS, the Parkway is a showcase for these virtues to peoples from across this nation and for visitors from other nations.

NOW, THEREFORE, BE IT RESOLVED, that the Mount Rogers Planning District Commission fully supports the nomination of the Parkway as an All American Road to be so designated by the United States Department of the Interior: National Park Service.

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

:: No. 96-30, Recognizing the County of Washington as a Regional Partnership Under Regional Competitiveness Act;

On motion of Mr. Ingle, second by Mr. Osborne, it was resolved to endorse the following Resolution:

Resolution 96-30

Recognizing the County of Washington as a Regional Partnership Under the Regional Competitiveness Act

WHEREAS, Chapter 26.3 of Title 15.1 of the Code of Virginia (the Regional Competitiveness Act of 1996) calls for the creation of regional partnerships; and

WHEREAS, the regional partnerships created by the Regional Competitiveness Act are to be based on planning district boundaries; and

WHEREAS, each regional partnership is to develop a regional strategic economic development plan that identifies the critical issues of economic competitiveness for its region; and

WHEREAS, each regional partnership shall issue an annual report describing a region's progress with respect to median family income and job creation and its progress in addressing the critical issues of economic competitiveness identified in the regional strategic economic development plan; and

WHEREAS, each regional partnership shall identify existing and proposed joint activities between and among the governments of a region; and

WHEREAS, the Mount Rogers Planning District Commission is a political subdivision whose members are the Counties of Bland, Carroll, Grayson, Smyth, Washington, and Wythe; the Cities of Bristol and Galax; and the Towns of Abingdon, Chilhowie, Damascus, Fries, Glade Spring, Hillsville, Independence, Marion, Rural Retreat, Saltville, Troutdale, and Wytheville; and

WHEREAS, the Mount Rogers Planning District Commission has for over a quarter century encouraged the Counties, Cities, and Towns of the Mount Rogers Planning District Commission to work together for their mutual benefit and the benefit of the Commonwealth; and

WHEREAS, the Mount Rogers Planning District Commission has long carried out a variety of programs to improve the economic competitiveness of the region including the preparation of regional strategic economic development plans; and

WHEREAS, the Mount Rogers Planning District Commission monitors and reports on major trends and conditions within the region and maintains a familiarity with existing and proposed joint activities within the region; and

WHEREAS, the Mount Rogers Planning District Commission has a diverse membership that includes a broad representation of local government, elementary and secondary education, higher education, the business community, and civic groups; and

WHEREAS, the regional partnerships created by the Regional Competitiveness Act are to be approved by the local governing bodies of the region;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors for the County of Washington hereby approves the designation of the Mount Rogers Planning District Commission as the regional partnership for the region comprising Planning District #3.

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				



16 **Request for Assistance with Paving Costs, Mendota Community Center**

Mr. Barker provided photographs of the parking area of the Mendota Community Center for Supervisors to see the deteriorated condition, and proposed a three way agreement between the County, the Library and People Incorporated for the Board to consider in sharing the cost for repair.

Mr. Frank Canter, General Services Manager, provided a diagram of a 22' x 300' section of parking area to be repaired and estimates from two bidders. He recommended the Supervisors accept the low bid of R. T. Paving in the amount \$5,850 and that the amount be divided three ways with each share being \$1,950.

Mr. Barker commented that People Incorporated has agreed to this proposal and has already submitted their share of the cost, and that the Library Board of Trustees will consider this at their next meeting.

On motion of Mr. Barker, second by Mrs. Mumpower, it was resolved to appropriate \$1,950 from Reserves for Contingency toward the Mendota Community Center paving repair project contingent upon the participation of People Incorporated and the Library Board of Trustees in this project, and further it was resolved to approve the low bid of R/L Paving in the amount of \$5,850 to repave a 22' x 300' section of the parking area.

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				



17 **Consideration of Resolution of Appreciation, No. 96-32, to Mark Bolton, Administrator of State & Federal Surplus Property**

On motion of Mr. Parris, second by Mr. Osborne, it was resolved to approve the following Resolution:

Resolution No. 96-32

WHEREAS, through a cooperative project with the Washington County Industrial Development Authority, the Washington County Board of Supervisors has secured a modern, adequate and attractive office building for the Washington County Departments of Social Services and Health, and

WHEREAS, Mr. Mark Bolton, Administrator of State and Federal Surplus Property was contacted by Washington County officials with a request for partition work stations to equip the newly-acquired office building, and

WHEREAS, Mr. Bolton expediently located, secured and made available work stations in sufficient quantity and quality meeting the needs of the County, and

WHEREAS, in doing so, Mr. Bolton more than met the mission of his agency by his prompt, professional response to the County's request; by making available to the County this valuable and much-needed surplus property; by saving the taxpayers of Washington County many thousands of dollars in the purchase of this property, and by extending the life of publicly-purchased surplus property by many years;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia, that it extends its most sincere appreciation and thanks to Mr. Mark Bolton for his service to Washington County and the Commonwealth of Virginia.

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

Mrs. Mumpower expressed her appreciation to Frank Canter for his assistance in facilitating the contact with Mr. Bolton.



18 Award of Contract to Call Brothers, Inc., Emory/Meadowview Sewer Connections

On motion of Mr. Osborne, second by Mr. Parris, it was resolved to award bid for Contract #4 for Emory-Meadowview LMI sewer lateral/connection work to Call Brothers, Inc. In the amount of \$38,000, and further that the construction bids for H & P Construction Co., Inc. For Contracts # 1, #3 and #4.

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				



19 Treasurer of Washington County

Mr. Fred Parker, Treasurer, was present to address he following matters:

Mr. Parker requested the Board of Supervisors consider including in the code provisions that taxes for volunteer fire and rescue workers must be paid by the due date otherwise the volunteer loses their reduced tax status.

a. **Publication of Delinquent Tax List**

Mr. Parker reported that effective July 1, 1996, legislation was enacted to allow the County to put into code that before anyone applies for a special use permit, building permit, or rezoning permit, they must have paid all their taxes. He recommended that the Board of Supervisors consider amending the County Code to include this addition tax collecting tool.

On motion of Mr. Ingle, second by Mr. Osborne, in accordance with the provisions of Virginia State Code 58.139.24, it was resolved to publish the 1995 delinquent real estate and personal property taxes for Washington County and the Towns of Abingdon, Damascus and Glade Spring, identifying parcels of property sold during 1995 and noting that taxes are a lien on the property and not in the name assesses, and further, eliminating parcels of property from the published delinquent tax list whose owners are involved in bankruptcy proceedings..

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

It is noted that a list of the 1995 delinquent real estate and personal property taxes are on file in the County Administrator's office.

County Attorney, Joseph B. Lyle, will prepare a draft ordinance for the Supervisors to review that requires payment of all taxes prior to applying for a special use permit, a building permit or rezoning of property.

b. **Appointment of Supervisor to Bank Committee**

On motion of Mr. Osborne, second by Mr. Barker, it was resolved to appoint Mr. Mathews to represent the Board of Supervisors on the Banking Services RFP Evaluation Committee.

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Abstain
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

c. **Supplemental Appropriation, \$2,601.00**

Mr. Parker informed the Board of Supervisors that his present role as President of the Treasurer's Association involves being out of town and his work responsibility is assumed by the Chief Deputy Treasurer. Mr. Parker stated he has requested the Compensation Board's approval in granting a one-time, single year, increase in the salary of the Chief Deputy Treasurer in the amount of \$2,601.00 for FY 1996-97 to compensate for the extra workload. He requested the Board of Supervisors consideration in approving a one-time supplemental appropriation in the amount of \$2,601.00 for the Chief Deputy Treasurer for 1996-97 with the understanding that he will only use that portion of County funds that the Compensation Board does not approve.

On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved to approve a one time appropriation of \$2,601.00 for the FY 1996-97 for compensation of the Chief Deputy Treasurer from reserves for contingency with the understanding the Treasurer will use only that portion of County funds that the

Compensation Board does not approve..

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				



20 Approval of Lease & Facilities Management Agreements, Washington County Community Services Building (sublease to Highlands Juvenile Detention Center Commission)

On motion of Mr. Parris, second by Mrs. Mumpower, it was resolved to approve lease and Facilities Management Agreements between Washington County Board of Supervisors and Highlands Juvenile Detention Center Commission for lease of space in the Community Services Building at \$8.65 per square foot.

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				



21 Citizen Comments

At this time, Vice Chairman Bobby D. Ingle read the rules for citizen comments.

Chairman Derting invited comments from citizens on items that do not appear on the Agenda.

Patrick Mannix addressed the Supervisors concerning agenda items related to taxes, the Mendota paving costs, Clear Creek sewer lines, and reporting and commenting on items in the newspaper .

Thomas Whittaker inquired about a form for citizens to complete for building permit fee refunds.

Pat Howard, resident of Bordwine Road, and speaking for 16 residences, addressed the Board relative to getting access to water lines. She explained that sewer lines are scheduled to be installed.

Mrs. Mumpower reported that this section of Bordwine Road has no water, the wells are condemned and the water is unsafe. She explained this project request is separate from and not a part of proposed projects included in the Capital Improvement Program Plan.

On motion of Mrs. Mumpower, second by Mr. Barker, it was resolved to approve transfer of funds from Capital Improvement - Water Projects - Other, Dept. 94560-8249, to be used toward the expenses of specific waterline projects, and in the following amounts: \$41,353.00 for a waterline on Bordwine Road (Wilson Magisterial District); \$38,794.00 to extend a waterline to approximately 20 families of Debtor Road; and, \$35,402.50 to extend a waterline to approximately 20 families residents of Mendota Road; further, it was resolved to appropriate these funds to the Washington County Service Authority requesting they consider sharing in the cost of these projects on a 50/50 cost split.

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

Mr. Derting	Nay	Mr. Ingle	Aye	Mr. Mathews	Nay
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

(Reference Note: With this transfer, the fund balance stands at \$84,450.50.)

Mr. Derting expressed his view that if the County is using public funds for these projects and prioritizing the water needs of County projects to serve as many people as we can with the available funds, we should delay this action until such time as the Capital Improvements Program planning process is completed. He emphasized he is not opposed to providing water to these areas.

Mr. Mathews expressed his view that the Board by taking this action is defeating the purpose of the Capital Improvements Program and the committee's planning process by taking premature action. He acknowledged the need to provide water to many areas of the County.

Mrs. Mumpower stated it is not her intent to remove Bordwine Road from the proposed projects in the CIP Plan, that Bordwine Road remains in the CIP for upgrading waterlines, however, this specific section of Bordwine Road is separated out because the residents do not have any water.

Mr. Ingle, in commenting after a vote was taken, expressed agreement with Mr. Mathews's support of the goals of the Capital Improvements Program and the objectives of the committee, and stated he does not favor the process the Board took with this action despite his affirmative vote. He, too, acknowledged the need to provide water to many areas of the County.



22 **County Administrator Comments**

The following action was taken on County Administrator comments:

a. **Report, Status of County Department of Animal Control**

Mr. Reeter advised the Supervisors of the extended leave of Chief Animal Control Officer Bobby Jessee. He stated he is scaling back the emergency operations of Animal Control in order to keep the basic day-time functions going. He stated he is attempting to seek additional part-time help for Animal Control.

b. **Request to Purchase Used Trucks from State/Federal Surplus**

Mr. Reeter advised the Supervisors of the limited availability of trucks in the County, and the need for additional vehicles to facilitate the Department of General Services for use at the Community Services Building and to replace the aging panel van used by the Maintenance Department.

On motion of Mr. Ingle, second by Mr. Barker, it was resolved to authorize the purchase of up to 2 vehicles from a local/state/federal surplus source not to exceed \$12,000.00 from the General Services Department's motor vehicle purchase line-item.

The vote on the motion to was as follows: (5-1-1)

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Abstain
Mr. Osborne	Nay	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

c. **Claim for \$125.00 in Court Costs by Patrick J. Mannix, Sr.**

Mr. Reeter presented a claim and Invoice from Patrick Mannix in the amount of \$125.00

for court reporting services in the case of the Commonwealth vs. Patrick Mannix, Sr. heard on July 31, 1996 in Washington County Circuit Court. Mr. Mannix was present at the time of discussion.

Mr. Lyle, in response to Chairman Derting, stated there is no basis in law, either in statute or in common law, for this claim. Further, he stated, Mr. Mannix does not have a cause of action, the issue was addressed last year in a similar case wherein Judge Flannagan dismissed the case with prejudice by Order stating that he does not have a cause of action as he stated. He stated Mr. Mannix has presented a similar claim and recommended that the Board deny the claim. The Board reviewed the claim pursuant to Section 15.1-550 of the Code of Virginia, as amended.

On motion of Mr. Ingle, second by Mr. Osborne, it was resolved to deny claim of Patrick Mannix in the amount of \$125.00 for court reporting services in the case of the Commonwealth vs. Patrick Mannix, Sr.

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

23 **County Attorney Reports** There were no reports

24 **Consent Agenda**

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

- a. **Payment of Bills, July 1996**
- b. **Request for Refunds:**
 - :: Building Permit #9691, William Mark Owens, \$66.00;
 - :: Recreation Program Fee, Susan Henderson, \$35.00.
- c. **Supplemental Appropriations:**
 - :: Sheriff's Department, Line Item 6009, \$984.01, Insurance Check for Repairs on County Vehicle Damaged in Automobile Accident;
 - :: Fire Fund Program, Department 32200, Account # 5665, \$5,687.43;
 - :: School Operating Fund, Fund # 312, \$4,000
- d. **Canceled Check, No. 055619, Afton Communications Corp., \$135.00**

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

c. **Supplemental Appropriation, School Operating Fund, Fund #312, \$4,000**

Mr. Reeter reported on discussing the disposition of scholarship monies for the top two students at each high school with Dr. George Stainback, and recommended that the

students obtain the required information from the college or university they will be attending, give the information to the School Board, and the School Board will remit the funds to the College or University.

On motion of Mr. Osborne, second by Mrs. Mrs. Mumpower, to approve a supplemental appropriation of \$4,000 to the School Operating Fund, Fund #312.

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

Mr. Barker filed a disclaimer 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 is affected by the amount of the appropriation to the Washington County School Board; and, that he can participate in this transaction fairly, objectively and in the public interest.

25 Board Member Reports

The following Board Member Reports were given:

On motion of Mr. Barker, second by Mr. Osborne, it was resolved to request the Virginia Department of Transportation to conduct a speed and safety study on State Route 802 at a point 4 miles south with the Intersection of State Route 19.

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

Mr. Osborne presented a letter from the Town of Glade Spring relative to the installation of crossing arms on the railroad track at the entrance of Grace Street, and he requested that the matter be placed on the August 27, 1996 Board of Supervisors meeting Agenda.

On motion of Mr. Osborne, second by Mr. Ingle, it was resolved to request the Virginia Department of Transportation to conduct a speed and safety study on State Route 609 from Glade Spring to the Patrick Henry High School.

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

Mrs. Mumpower presented a letter from Washington County Little League conveying the All-Star Team members will be competing in the Southwest Regional Championship and requested the Board

of Supervisors recognize their successes and consider making a contribution toward the team travel expenses.

Mr. Reeter commented that Mr. Keith Owens, Recreation Director, will be making a recommendation to the Board of Supervisors that the team be recognized at a future meeting.

On motion of Mrs. Mumpower, second by Mr. Barker, it was resolved to approve an appropriation of \$500.00 from reserves for contingency to the Washington County to assist with their expenses.

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

Mr. Derting	Aye	Mr. Ingle	Aye	Mr. Mathews	Aye
Mr. Osborne	Aye	Mrs. Mumpower	Aye	Mr. Parris	Aye
Mr. Barker	Aye				

Mr. Ingle reported the Virginia Association of Counties Education Steering Committee he serves on is discussing whether or not school boards should have taxing authority and that their position at this time is only to request a study be conducted.

Mr. Derting reported that Virginia Department of Transportation Secretary Robert Martinez has appointed a committee that includes citizen representatives from Grayson, Smyth and Washington Counties. He stated Jim Bishop who is a member of the Damascus Fire Department, and serves as a member of the Washington County School Board, was appointed to represent Washington County.

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26

Adjournment

On motion of Mr. Ingle, second by Mr. Barker, it was resolved to adjourn the meeting

Joe W. Derting, Chairman