V I R G I N I A:

At a meeting of the Washington County Board of Supervisors held Tuesday, December 10, 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
Sandra M. Hatfield, CPS, Administrative Assistant

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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 - James T. Osborne**

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

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3 **Approval of the Agenda**

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

12 County Attorney Reports
c. Resolution 96-47, Addendum to Boundary Adjustment Agreement with the City of Bristol Relative to the E. T. Withers Estate Property

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**				

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4 **Approval of Minutes of November 26, 1996**

On motion of Mr. Barker, second by Mr. Osborne, it was resolved to approve the Minutes of November 26, 1996 with the following correction:

***Page 8296, Item 5.b, Paragraph 3*:**

Correct to read as follows:

> **Mr. Barker made a motion, and later withdrew it, to contact Virginia Department of Transportation requesting they reconsider their policy relative to snow removal and offer snow clearing services to Hayter=s Gap and Hamilton School.**

The vote on the motion to approve the Minutes of November 26, 1996 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 **Planning & Zoning Public Hearings**

Intent to Rezone:

a. **Fannie Millsap Huff and Gilbert Ray Millsap, Jr.**: Request to rezone approximately 25.95 acres of property beginning on the north side of State Route 681 and running to the northwest side of State Route 825 from R-1 (Residential, Limited) to A-2 (Agricultural, General), Harrison Magisterial District.

Mr. Derting opened the public hearing and invited comments both in support of and in opposition to application of Fannie Huff and Gilbert Millsap.

Mike Millsap addressed the Board of Supervisors explaining he would like to place a double wide mobile home on the property of Fannie Huff and Gilbert Millsap, Jr. He stated he has recently learned of federal legislation, the right to farm act, and has been told he can farm on this land.

At the request of Mr. Mathews, Ms. Freeman confirmed Mr. Millsap=s statements that the Huff and Millsap property is not suitable for raising cattle because of the lack of a natural water source.

Sheila Scott, adjacent property owner, presented a petition signed by residents, employees, and visitors of Elementary Drive, Woodcliff and Woodland Hills, opposing the rezoning of Huff and Millsap property expressing concern over the future use of the property as a mobile home park, and the devaluation of their properties.

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

On motion of Mr. Mathews, second by Mr. Ingle, it was resolved to follow the recommendation of the Planning Commission and deny the request of Fannie Millsap Huff and Gilbert Ray Millsap, Jr. to rezone approximately 25.95 acres of property beginning on the north side of State Route 681 and running to the northwest side of State Route 825 from R-1 (Residential, Limited) to A-2 (Agricultural, General), Harrison Magisterial District.

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

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

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Request for Special Use Permit:

b. **Don Fleenor for Jacqueline Barker: Request for a Special Use Permit to place a double wide mobile home on approximately 5.09 acres of property located on the South side of State Route 802 near the intersection of Route 802/614 in a V (Village) zone, Tyler Magisterial District.**

Mr. Derting opened the public hearing and invited comments both in support of and in opposition to application of Jacqueline Barker.

Mrs. Pat Gardner, speaking for Jacqueline Barker, was present during the public hearing to respond to questions from the Board of Supervisors.

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

On motion of Mr. Barker, second by Mrs. Mumpower, it was resolved to approve a Special Use Permit for Jacqueline Barker to place a double wide mobile home on approximately 5.09 acres of property located on the South side of State Route 802 near the intersection of Route 802/614 in a V (Village) zone, Tyler Magisterial District.

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**				

c. Valley Rescue Squad: Request for a Special Use Permit to construct a 30' x 42' metal building to house emergency vehicles on approximately 8 acres of property located on the West side of State Route 80 near the intersection of Route 80/689 in a CR (Conservation Recreation) zone, Jefferson Magisterial District.

Mr. Derting opened the public hearing and invited comments both in support of and in opposition to application of Jacqueline Barker.

Mr. Dan Potter, ambulance driver and spokesperson for Valley Rescue Squad, addressed the Board of Supervisors concerning their plans to build a 30' steel building to house 3 ambulances, and responded to the Supervisors questions.

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

On motion of Mr. Ingle, second by Mr. Osborne, it was resolved to approve a Special Use Permit for Valley Rescue Squad to construct a 30' x 42' metal building to house emergency vehicles on approximately 8 acres of property located on the West side of State Route 80 near the intersection of Route 80/689 in a CR (Conservation Recreation) zone, Jefferson Magisterial District.

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**				

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6 **Presentation of Washington County Jail Renovation Project - Dewberry & Davis**

Captain Bob Turner, Washington County Sheriff's Office, Joe Ahler, Branch Manager, and Carl Gutschow, Architect/Project Manager, of Dewberry & Davis, presented a detailed proposal and schematic plans to the Board of Supervisors for the proposed Washington County

Jail Renovation Project.

Capt. Turner explained the present jail is certified for 55 beds and there are 77 inmates being housed; the jail lacks handicap accessibility; the Department of Corrections has recommended the kitchen, laundry room, control room, booking and processing room be enlarged; the furnace needs to be replaced; provisions need to be made for medical personnel; there is need for a secured area for new equipment.

During the presentation, concerns were raised about the water and sewer problems that exist in the older section of the jail. In response to questions from the Board about correcting these problems, Mr. Ahler stated the existing facility was built before the current building codes were put into place, that corrective measures were not built into the scope of the current renovation plans.

Discussion ensued relative to the cost of the project and the construction time line.

By consensus agreement, the Board directed the Engineering Selection Team to continue working on the project, and to return with their recommendations on the project at a later time. Mr. Mathews requested the Engineering Selection Team explore a solution for correcting the water and sewer problems at the jail.

Mrs. Mumpower commended the Engineering Selection Team for their efforts in trying to resolve some of the issues of concern.

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

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7 **Transportation Planning Committee Six Year Secondary Road Plan Recommendation**

Mr. Henry Green, Chairman, Washington County Transportation Planning Committee, addressed the Board and presented the following recommendations regarding additions to the Six Year Secondary Road Plan:

NEW CONSTRUCTION PROJECTS:

Priority	District	Route Number/ Name	Traffic	Length	Avg. Daily Est. Cost
1.	WILSON	Rt. 645 (Int.659-east .3 mi.)	3,794	.31	$ 263,500
2.	MADISON	Rt. 665 (Rt.75 -west .9 mi.)	718	.9	$ 765,000
3.	MONROE	Rt. 609	618	.65	$ 552,500

		(Rt.751-Rt. 753)			
4.	TYLER	Rt. 802 (Rt.621-Rt.856)	222	2.09	$1,700,000
5.	WILSON	Rt. 645 (From City Lmt.-Rt.659)	2,302	1.93	$1,640,500

UNPAVED ROADS:

1.	TYLER	Rt.632 (Rt. 58 S -west 1 mi.)	115	1.0	$ 250,000
2.	JEFFERSON	Rt. 742 (Rt. 80-Rt. 741)	105	.2	$ 50,000
3.	WILSON	Rt. 823 (all)	64	.39	$ 97,000
4.	TAYLOR	Rt. 708 (Int.727-Rt.58)	60	1.3	$ 325,000

On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved to accept the Washington County Planning Committee=s recommendations for additions to the Six Year Secondary Road Plan, and to forward same to Virginia Department of Transportation.

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**				

8 **Claim for Burial Expenses, Clerk of Circuit Court**

On motion of Mr. Ingle, second by Mr. Barker, it was resolved to authorize the appropriation of $500.00 from reserves for contingency to Campbell Funeral Home for the burial expenses of Wiley Carson Wilson who died in Washington County on or about November 22, 1995 as per an Order of the Circuit Court.

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**				

10 **Citizen Comments**

At this time, Mr. Derting asked Mr. Ingle to read the rules for citizen comments, and invited comments from citizens on items that do not appear on the Agenda.

Elaine Moore addressed the Supervisors concerning a safety problem on State Route 703. She stated she owns a farm that is located on both sides of Route 703, and frequently moves cattle across the road. She explained motorists travel the road at excessive speeds and she fears for the safety of the people and cattle. Mrs. Moore asked for the Supervisors= assistance by requesting the Virginia Department

of Transportation to post speed signs or cattle crossing signs.

Patrick Mannix addressed the Supervisors relative to their decision to deny the rezoning of the Millsap property, he requested reimbursement of his court costs, commented on efforts to unionize workers at Bristol Compressors and Mid-Mountain Foods, Inc., and the Arthur Slaughter illegal tire dump.

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11 **County Administrator Comments**

The following action was taken on County Administrator comments:

a. **Public Hearing on Pumper/Tanker Vehicle Purchase**

Received communication from Green Spring Volunteer Fire Department advising they are seeking a tax exempt lease purchase agreement to acquire an Emergency One Cyclone II Pumper/Tanker from Federal Signal Corporation. He stated they are required to hold a public hearing and obtain the signature of an authorized governmental official verifying the public hearing was held. He conveyed the public hearing is scheduled for Saturday, December 21, 1996, 4:00 p.m. at the Green Spring Volunteer Fire Department, 22632 Green Spring Church Road, Abingdon, VA.

On motion of Mr. Parris, second by Mr. Barker, it was resolved to authorize Lynn Hall, Chief of Green Spring Volunteer Fire Department, to conduct a public hearing on Saturday, December 21, 1996, at 4:00 p.m. relative to obtaining a tax exempt lease-purchase agreement with Federal Signal Corporation for an Emergency One Cyclone II Pumper/Tanker, and further it was resolved to authorize the Chairman of the Board of Supervisors to sign the necessary documents attesting that the public hearing was held.

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**				

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b. Assignment of Surplus Sheriff's Office Vehicle to Department of General Services

On motion of Mr. Osborne, second by Mr. Ingle, it was resolved to take possession of the 1994 GMC 4-wheel drive vehicle surplussed by the Washington County Sheriff's Office, and assign it to the General Services Department for use by the Building Inspection Department, and further it was resolved to reassign the 1985 S-10 Pickup to the General Services Department for use at the Community Services Building.

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**				

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c. **Carry-Over of Compensatory Time for Chief Animal Control Officer Bobby Jessee**

On motion of Mr. Barker, second by Mr. Osborne, it was resolved to allow Bobby

Jessee, Chief Animal Warden, to carry-over unused compensatory time into 1997 with the stipulation that all remaining unused compensatory time be compensated in pay the month after Mr. Jessee is released by his physicians to return to full-time work.

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**				

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d. **December 13, 1996 GIS Task Force Meeting**

Received information of County-wide Geographic Information System Task Force meeting scheduled for Friday, December 13, 1996, 1:30 p.m., at the County Administration Building, with a presentation by ESRI.

Mr. Ingle left the Board Meeting room at this time.

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e. **Appointment to Bristol Visitors & Convention Bureau**

On motion of Mr. Parris, second by Mrs. Mumpower, it was resolved to solicit an appointment to the Bristol Convention & Visitors Bureau Board of Directors from the Washington County Chamber of Commerce and place the recommendation on the January 14, 1997 Board of Supervisor=s agenda.

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

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

Mr. Ingle returned to the Board Meeting room and to the Board table.

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12 **County Attorney Reports**

a. **Resolutions 96-44 and 96-45 for Fenton Drive**

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

RESOLUTION NO. 96-44

WHEREAS, the street described below was established January 24, 1968, and currently serves at least 3 families per mile, and

WHEREAS, the Virginia Department of Transportation has deemed that this county=s current subdivision control ordinance meets all necessary requirements to qualify this county to recommend additions to the secondary system of state highways, pursuant to ' 33.1-72.1, Code of Virginia, and

WHEREAS, after examining the ownership of all property abutting this street, this Board finds that speculative interest does not exist,

NOW, THEREFORE, BE IT RESOLVED, this Board requests the following street be added to the secondary system of state highways, pursuant to '33.1-72.1(C), Code of Virginia:

Name of Street:	**Fenton Drive**	**Length: 0.12 miles**
From:	**Route 645**	
To:	**Cul-de-sac**	
Guaranteed Right-of-Way Width:	**40 feet**	
Plat Recorded, Date:	**January 24, 1968**	**Plat Book: 12 Page: 53**

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED, this Board requests the Virginia Department of Transportation to improve said street to the prescribed minimum standards, funding said improvements pursuant to '33.1-72.1(C), Code of Virginia, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution and county check in the amount of $11,000.00, representing 50% of the Department=s cost estimate of $22,000.00 to improve the street, be forwarded to the Resident Engineer of the Virginia Department of Transportation.

RESOLUTION NO. 96-45

BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that it does hereby accept deeds of right-of-way from Hazel M. Bish and Bob and Jean Wilson for a cul-de-sac at the end of Fenton Drive which is to be upgraded and brought into the secondary system of state highways by the Virginia Department of Transportation, and

BE IT FURTHER RESOLVED that Mark K. Reeter, County Administrator, is hereby authorized to accept said conveyances on behalf of this board by affixing his signature thereto.

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**				

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b. **<u>Resolution No. 96-46 Supporting Legislation Allowing TVA Law Enforcement to Enforce State and County Laws on TVA Property in Washington County</u>**

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

RESOLUTION NO. 96-46

BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia, that it respectfully requests the General Assembly of the Commonwealth of Virginia to amend '15.1-131.4 of the 1950 Code of Virginia, as amended, to enable it to enter into an agreement with the Tenneseee Valley Authority to enforce state and county law on federally owned property in Washington County, and that the amendment be as follows:

> **The Governing body of any county may enter into an agreement wth the United States government or a department or agency thereof, under the terms of which agreement law-enforcement officers employed by such government, including but not limited to members of the United States Park Police, may enforce the laws of such county and the Commonwealth on federally owned properties within such county, and on the highways**

and other public places abutting such properties. In the event such an agreement is entered into, all of the provisions of ' 15.1-131 shall be applicable, mutatis mutandis.

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**				

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c. **Resolution 96-47, Addendum to Boundary Adjustment Agreement with the City of Bristol Relative to the E. T. Withers Estate Property**

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

RESOLUTION NO. 96-47

BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia, that the Chairman of this Board be, and hereby is, authorized to execute a second addendum to the December 21, 1995 Agreement between the County and the City of Bristol, Virginia, pursuant to Chapter 26.1:1 of Title 15.1 of the 1950 Code of Virginia, as amended, wherein said second addendum will provide in pertinent part as follows:

1. **The City will cause the E. T. Withers Estate property to be classified as agricultural property for tax purposes and tax that property from year to year at the same rate as it would be taxed if it had remained in the County for a period of ten years, so long as the use of the property remains agricultural; and**

2. **The City will not exercise any power of eminent domain to condemn any of the E. T. Withers Estate property for public use for a period of ten years, so long as it continues to be used for agricultural purposes only.**

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**				

13 **Consent Agenda**

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

a. **Payment of Bills, November 1996**
b. **Supplemental Appropriation of Money to Sheriff=s Budget, Line Item 31200/5510 in the amount of $130.73, and Line Item 31200/6009, in the amount of $65.00**

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**				

14 **Board Member Reports**

The following Board Member reports were made:

Mr. Jackson Barker expressed his appreciation to the Supervisors for the opportunity of serving on the Board with them and wished them a Happy New Year.

Mrs. Mumpower announced that Adam Wilson, a Senior at John Battle High School, was named Virginia Farm Bureau Federation Young Farmers- Outstanding Agriculturalist for 1996. There was consensus agreement to invite Adam Wilson and his parents to the January 28, 1996 meeting of the Board of Supervisors at which time the Board of Supervisors will present him with a plaque.

Mr. Mathews requested the Board of Supervisors form a joint committee or team of representatives from the Washington County School Board and the Board of Supervisors along with the County Administrator and the Treasurer to study the Trigon divestiture and its impact on Washington County.

15 **Adjournment**

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

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**				

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Joe W. Derting, Chairman