V I R G I N I A:

At a meeting of the Washington County Board of Supervisors held Tuesday, April 8, 1997, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

PRESENT:

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

Mark K. Reeter, County Administrator
Joseph B. Lyle, County Attorney
Sandra M. Hatfield, CPS, Administrative Assistant

ABSENT:

James T. Osborne, Chairman
Mark W. Seamon, Accounting/Purchasing Manager

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1 **Call to Order**

The meeting was called to order by Mr. Bobby D. Ingle who served as Chairman in the absence of Mr. Osborne. Mr. Ingle welcomed everyone in attendance.

2 **Invocation and Pledge of Allegiance - Joe W. Derting**

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

3 **Approval of the Agenda**

On motion of Mrs. Mumpower, second by Mr. Derting, it was resolved to approve the agenda with the following change:

***Add*:**

14 County Administrator Comment
b. Request for Paid Emergency Medical Services Personnel by Emergency Volunteer Association of Washington County

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

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

4 **Approval of Minutes** :

The following action was taken on Approval of Minutes:

a. Regular Meeting of March 25, 1997

On motion of Mr. Derting, second by Mr. Parris, it was resolved to approve the Minutes of March 25, 1997 as presented.

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

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

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b. Recessed Meeting of March 27, 1997

On motion of Mr. Derting, second by Mrs. Mumpower, it was resolved to approve the Minutes of March 27, 1997 as presented.

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

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

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c. Recessed Meeting of April 2, 1997

On motion of Mr. Barker, second by Mr. Mathews, it was resolved to approve the Minutes of April 2, 1997, as presented.

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

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

5 **Planning & Zoning Public Hearings**

The following action was taken on Planning & Zoning Public Hearings:

Intent to Rezone:

a. *William A. and Gaynell K. Dunkley*: Request to rezone approximately 5.86 acres of property located on the South side of State Route 681 near the intersection of Route 611/681 from R-2 (Residential, General) to A-2 (Agricultural, General), Harrison Magisterial District, ***B-91 Election District***.

Mr. Ingle opened the public hearing and invited comments both in support of and in opposition to application filed by William A. And Gaynell K. Dunkley.

Randall Jones, adjoining resident, and spokesman for the community, expressed opposition for the rezoning on the basis of concerns that Mr. Dunkley will move additional trailers onto to property, creating a mobile home park.

Mary Albreck, neighbor, opposing the proposed rezoning, expressed concern about setting a precedent for other trailers to be moved onto the property.

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

On motion of Mr. Mathews, second by Mr. Parris, it was resolved to accept the recommendation of the Planning Commission and deny the request of *William A. and Gaynell K. Dunkley: Request to rezone approximately 5.86 acres of property located on the South side of State Route 681 near the intersection of Route 611/681 from R-2 (Residential, General) to A-2 (Agricultural, General), Harrison Magisterial District, B-91 Election District.*

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

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

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Request for Special Use Permit:

b. *Honey Dew Ventures, LLC*: Request for a Special Use Permit to construct and operate a Recreational Vehicle Campground (RV PARK) consisting of approximately 150 units on property located on the East side of State Route 664 adjacent to the South Holston Lake in an SR (Shoreland Recreation) and A-1 (Agricultural, Limited) zone, Madison Magisterial District.

Mr. Ingle opened the public hearing and invited comments both in support of and in opposition to application of Honey Dew Ventures, LLC.

Doug Callebs, property manager of the Recreational Vehicle Campground addressed the Supervisors concerning their request for a special use permit.

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

On motion of Mr. Derting, second by Mr. Barker, it was resolved to follow the recommendation of the Planning Commission and grant a Special Use Permit to *Honey Dew Ventures, LLC* to construct and operate a Recreational Vehicle Campground (RV PARK) consisting of approximately 150 units on property located on the East side of State Route 664 adjacent to the South Holston Lake in an SR (Shoreland Recreation) and A-1 (Agricultural, Limited) zone, Madison Magisterial District with the condition that requirements must be met by the Health Department, TVA and other local codes as deemed necessary.

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

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

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***Proposed Amendment*:**

c. An ordinance to amend the Zoning Ordinance of Washington County, Virginia (Chapter 14 of the Washington County Code) relative to Setback Requirements for Townhouse Projects.

Mr. Ingle opened the public hearing and invited comments both in support of and in opposition to proposed amendment to Chapter 14 of the Washington County Code relative to setback requirements for Townhouse Projects.

Bob Copeland, counsel for Edgemont Developers, addressed the Supervisors explaining their request to have the setback requirements changed, and the impact of the current requirements on their development project. Mr. Copeland expressed his concern that the setback requirements were not being uniformly applied. He stated the proposed amendment would provide some flexibility to the setback requirements for private streets in private townhouse developments.

Patrick Mannix, addressed the Supervisors, claiming the proposed ordinance change is special interest regulations. He commented on the proposed change in setback requirements being discussed and denied by the Board of Zoning Appeals and that the proper authority to appeal the decision is the Circuit Court.

Don Adams addressed the Supervisors concerning the project and responded to statements made during the public hearing.

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

In her comments, Mrs. Mumpower expressed her concern that the process for appeal has not been properly followed, that the matter should be heard in Circuit Court.

On motion of Mrs. Mumpower, second by Mr. Derting, it was resolved to deny request of Edgemont Developers to change the setback requirements for Townhouse Projects, and leave Chapter 14 of the Washington County Code relative to Setback Requirements for Townhouse Projects unchanged.

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

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

Mr. Lacy Love, Board of Zoning Appeals, was present and stated that he voted to deny the variance request filed by Edgemont Developers previously concerning application of the present setback requirements to the townhouse project.

6 **Status of JMH MRI Unit (Clark Beil, CEO, Johnston Memorial Hospital)**

Clark Beil, CEO, Johnston Memorial Hospital, appeared before the Board of Supervisors requesting support for the Hospital=s efforts to purchase a fixed open Magnetic Resonance Imaging Unit.

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

RESOLUTION NO. 97-8

RESOLUTION OF NEED

WHEREAS, Johnston Memorial Hospital, Abingdon, Virginia, seeks to improve the quality and access to Magnetic Resonance Imaging in the region; and

WHEREAS, a Certificate of Public Need must be obtained in order for Johnston Memorial Hospital to purchase this equipment; and

WHEREAS, it is for better health care for citizens of Washington County and Southwest Virginia that Johnston Memorial Hospital purchase a fixed open magnet; and

WHEREAS, the Board of the District 3 Health Services Agency recommended approval of a fixed open unit; and

WHEREAS, the existing mobile services fail to meet the standard of care; and

WHEREAS, as the citizens of Southwest Virginia do not have access to an open unit; and

WHEREAS, citizens of the Commonwealth must either go to Richmond, Virginia or Nashville, Tennessee to receive the type of services Johnston Memorial Hospital proposes; and

WHEREAS, the citizens of Southwest Virginia deserve access and quality health care services comparable to other regions of the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County, Virginia Board of Supervisors fully endorses and supports Johnston Memorial Hospital=s application for a Certificate of Public Need for the purchase of a fixed open magnetic Resonance Imaging unit.

The vote on this motion was as follows: (4-0-2)

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

Mrs. Mumpower and Mr. Parris abstained from voting on Resolution No. 97-8 stating they are employees of Johnston Memorial Hospital.

7 **Hayter=s Gap Community Center, Paving of Parking Area**

On motion of Mr. Derting, second by Mr. Barker, it was resolved to authorize paving at the Hayter=s Gap Community Center, and further it was resolved to appropriate $4,865 from Reserves for Contingency toward this project with $8,000.00 being contributed by the Hayter=s Gap Community Center.

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

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

8 **Consideration of Resolution Re Crime Victim=s Rights Week in Virginia, April 13 - 19, 1997**

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

RESOLUTION NO. 97-7

Crime Victims= Rights Week in Virginia
April 13 - April 19, 1997

WHEREAS, the General Assembly of Virginia enacted the crime victim and Witness Rights Act on the twenty-sixth day of March, 1995 and became the forty-fifth state in the Union to recognize victim=s rights. The Commonwealth so acted due to their concern for crime victims and to ensure the courts full attention to the impact of crime. The Code of Virginia now states that: victims will be treated with dignity and respect; victims will be given as much privacy as is permissible under law; victims will be informed of their rights; victims will receive appropriate services; victims will have their voice heard by police, Commonwealth=s Attorney, corrections, and the judiciary. Any person who has suffered physical, psychological, or economic harm as a direct result of the commission of a felony or of assault and battery; stalking; sexual battery; attempted sexual battery; or driving while intoxicated is a victim as defined by the code.

WHEREAS, the Honorable George Allen, Governor of Virginia, will proclaim April 13 - April 19, 1997 as ***Crime Victims= Rights Week in Virginia***. The Virginia Department of Criminal Justice Services requests that each Victim/Witness Assistance Program bring attention to this important week.

THEREFORE, BE IT RESOLVED, that Washington County recognizes April 13 - 19, 1997 as *Crime Victims=Rights Week*. Washington County is committed to treating victims with sensitivity and aiding them in productive efforts to go on with their lives.

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

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

9 **Consideration of Proclamation, April Child Abuse Prevention Month (Katie Gifford, Director, Office on Youth)**

Carol Ann Owen and *Tricia Davis,* Court Services Unit, Washington County Department of Social Services, were present to request support of proclaiming April as Child Abuse Prevention Month.

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

PROCLAMATION

CHILD ABUSE PREVENTION MONTH

***WHEREAS*, numerous individuals and organizations across Virginia work daily to end the cycle of child abuse and neglect and work to provide families the assistance they need; and**

***WHEREAS*, the incidence of child abuse and neglect affects a reported 3.1 million children in the United States annually; and**

***WHEREAS*, the Commonwealth of Virginia is committed to supporting our families through programs that help prevent child abuse and neglect; and**

***WHEREAS*, all children should have the opportunity to benefit from a strong family that provides valuable support and caring for its members that last a lifetime; and**

***WHEREAS*, our society must resolve to preserve, protect and promote the time-honored ideal of a stable family in order to strengthen the moral, social and economic underpinnings of the Commonwealth, and we must work to ensure that all children receive a proper upbringing from parents and adults who make them feel safe, happy and loved;**

***WHEREAS*, in Washington County, we have dedicated individuals and organizations who work daily to counter the problem of child abuse and neglect and to help parents obtain the assistance they need.**

***NOW, THEREFORE*, the Washington County, Virginia, Board of Supervisors does hereby proclaim the month of April, 1997 as CHILD ABUSE PREVENTION MONTH in Washington County, Virginia, and call upon our citizens to observe the month with appropriate programs, ceremonies, and activities.**

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

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

10 **Consideration of Board Appointment to Youth Services Citizen Board (Katie Gifford, Director, Office on Youth)**

On motion of Mr. Barker, second by Mrs. Mumpower, it was resolved to approve the following appointments to the Youth Services Board for a one year term of office effective April 15, 1997 to June 30, 1998:

John Roper, P. O. Box 137, Emory, VA 24327
Aimee Brown, 142 Faulkerson Street, Abingdon, VA 24210
Mary Ann Seymore, 79 E. Beaver Dam Avenue, Damascus, VA 24236
Heather Jenkins, 16150 Hummingbird Lane, Abingdon VA 24210
Lisa Roberts, Youth Representative, Glade Spring Middle School

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

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

11 **Recess**

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

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

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

12 **Consideration of Board Appointment to Virginia Highlands Airport Commission to fill unexpired term of James Vicars, Jefferson Magisterial District, to June 30, 1997**

On motion of Mrs. Mumpower, second by Mr. Parris, it was resolved to appoint Mr. Tracy Taylor to the Virginia Highlands Airport Commission representing Jefferson Magisterial District to fill the unexpired term of James Vicars, effective immediately to June 30, 1999.

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

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

13 **Citizen Comments**
At this time, Mr. Ingle read the rules for citizen comments, and invited comments from citizens on items that do not appear on the Agenda.

Jerry Clark addressed the Supervisors concerning a dog attack on he and his grandchild. He elaborated on the incident and requested the Board of Supervisors to enact laws to protect citizens from vicious dogs.

Patrick Mannix addressed the Supervisors concerning the Bristol, VA/Washington County Interlocal Agreement, and the Commission on Local Government-s recent Findings and Recommendations on the Voluntary Settlement Agreement.

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14 **County Administrator Comments**

a. **April 26, 1997 & May 1, 1997 Events at County Courthouse**

Received communication from and requests to hold Confederate Memorial Day (April 26, 1997), and National Day of Prayer (May 1, 1997) at the Washington County Courthouse on the exterior of the building near the Confederate soldier monument and on the Courthouse steps. County Attorney advised that since both events are to be held outside of the Courthouse, formal permission by the Board to hold such events is not necessary.

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b. **Request for Paid Emergency Medical Services (EMS) Personnel by Emergency Volunteer Association (EVA) of Washington County**

Received communication from Emergency Volunteers Association requesting the Board to consider their recommendation that the County fund paid Emergency Medical Services personnel. Discussion ensued.

On motion of Mr. Mathews, second by Mr. Parris, it was resolved to take Emergency Volunteers Association request for paid Emergency Medical Services personnel under advisement, and authorize the County Administrator to study the request further with EVA and present his findings to the Board of Supervisors at a later date.

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

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

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15 **County Attorney Reports**

Mr. Lyle advised the Supervisors he has received a notice from Attorney Randall Eades that Terry Hagy has requested the decision of the Circuit Court on the special use permit be appealed to the Virginia Supreme Court.

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16 **Consent Agenda**

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

a. **Payment of Bills, March 1997**

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

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

17 **Board Member Reports**

The following Board Member reports were given:

Mr. Parris requested clarification of Mr. Fred Parker=s recommendation to the Board of Supervisors concerning payment of real estate taxes that he made at the March 27, 1997 Board Meeting. As a result of the discussion, the following action was taken:

On motion of Mr. Parris, second by Mrs. Mumpower, it was resolved to amend Page 8400, Item 4 (Continued), Paragraph 2 of the Minutes of March 27, 1997 as follows:

> ***Mr. Parker recommended when the Board of Supervisors sets the tax rate for FY 1997-98 that they include a requirement for volunteer ~~fire and~~ rescue workers to pay their real estate taxes by the established due date or lose their ~~land-use exemption status~~ free County decal. Mr. Parker pointed out there is a high administrative cost for processing collections of this reduced tax for volunteers.***

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

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

Mrs. Mumpower advised the County Attorney that residents of Flaming Leaf Road are requesting information on what they need to do to prepare for getting their road taken into the secondary system and paved. Mr. Lyle will contact the residents with information.

Mr. Reeter advised the Board that Governor Allen has signed into law APave In Place,@ and summarized the legislation.

Mr. Ingle reported Congressman Boucher will hold a meeting in Pulaski, on Monday, May 12, 1997, AContinuing Business on the Super Highway.@

Mr. Ingle publicly thanked the Supervisors for their support during the past months while he was going through medical treatments.

18 **Executive Session Pursuant to '2.1344(A) of the 1950 Code of Virginia as Amended, to discuss personnel matters**

On motion of Mr. Mathews, second by Mr. Baker, it was resolved to go into Executive Session Pursuant to '2.1-344(A)(1) of the 1950 Code of Virginia as Amended, to discuss and/or consider prospective applicants for the position of County Attorney .

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

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

Messrs. Reeter and Lyle were invited to attend the executive session.

On motion of Mrs. Mumpower, second by Mr. Derting, it was resolved to come out of executive session and proceed with business in public as required by law.

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

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

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

WHEREAS, the Washington County, Virginia Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

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

NOW, THEREFORE, BE IT RESOLVED that the Washington County, Virginia Board of Supervisors hereby certifies that, to the best of each member=s knowledge

(i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and

(ii) only such public business matters as were identified in the motion of convening the executive meeting were heard, discussed or considered by the Washington County, Virginia Board of Supervisors.

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

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

19 **Recess to Thursday, April 10, 1997 to Meet Jointly With Washington County School Board, School Board Office, Concerning the FY 1997-98 School Budget**

On motion of Mr. Mathews, second by Mr. Derting, it was resolved to recess to Thursday, October 10, 1997 to Meet Jointly With Washington County School Board, School Board Office, Concerning the FY 1997-98 School Budget.

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

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

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Bobby D. Ingle, Vice Chairman