V I R G I N I A:

At a meeting of the Washington County Board of Supervisors held Tuesday, April 28, 1998, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

PRESENT:

Bobby D. Ingle, Chairman
Dulcie M. Mumpower, Vice Chairman
Joe W. Derting
James T. Osborne
John B. Roberts, Sr.
Jackson Barker

Mark K. Reeter, County Administrator
John A. Martin, County Attorney
Mark W. Seamon, Accounting/Purchasing Manager
Sandra M. Hatfield, CPS, Administrative Assistant

ABSENT:

Kenneth G. Mathews

****

1 **Call to Order**

The meeting was called to order by Mr. Bobby D. Ingle, Chairman of the Board, who welcomed everyone in attendance.

Mr. Ingle announced Supervisor Ken Mathews is absent from this meeting and is attending a reunion of the Flying Tigers veterans.

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 Mr. Osborne, second by Mr. Derting, it was resolved to approve the Agenda with the following addition:

8.aPresentation, Soccer Field Needs (Bob Copeland, Highlands Soccer Club)

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

Mr. Ingle	***Aye***	***Mrs. Mumpower***	***Aye***	***Mr. Derting***	***Aye***
Mr. Osborne	***Aye***	***Mr. Roberts***	***Aye***	***Mr. Barker***	***Aye***

4 **Approval of Minutes of Regular Meeting of April 14, 1998**

On motion of Mr. Derting, second by Mr. Barker, it was resolved to approve the Minutes of the regular meeting of April 14, 1998, as presented.

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

Mr. Ingle	***Aye***	***Mrs. Mumpower***	***Aye***	***Mr. Derting***	***Aye***
Mr. Osborne	***Aye***	***Mr. Roberts***	***Aye***	***Mr. Barker***	***Aye***

5 **Planning & Zoning Public Hearings**

Request for Special Use Permit

a. ***Bill H. and Cynthia D. Russell***: Request for a Special Use Permit to construct and operate a mobile home park consisting of 15 units on property located on the north side of State Route 745 near the intersection of Route 746/745 in an A-1 (Agricultural, Limited) zone, Jefferson Magisterial District.

Mr. Ingle opened the public hearing and invited comments both in support of and in opposition to application filed by Bill and Cynthia Russell.

Randall Eads, representing Bill and Cynthia Russell, appeared before the Board of Supervisors. He referenced a recent ruling on a special use permit for Glen Peters explaining the intended use for the property is to construct and operate a mobile home park. Mr. Eads stated the Planning Commission after holding a public hearing on this request ultimately approved it.

Mr. Eads took a few minutes to question Ms. Freeman to establish the facts and particulars of the Russell requests. He questioned documentation submitted to the Planning Commission and the Board of Supervisors listing the Russell property adjoining property owners. He pointed out the list is inaccurate, and that it contains names of property owners who do not join Mr. Russell=s property.

Mr. Eads distributed aerial photographs of the Russell and Peters tracts illustrating the similarities in both requests to construct and operate a mobile home park explaining there appears the only exception or difference is the type of water service to the property. Mr. Eads questioned the reason the Planning Commission approved the Peters request and denied the Russell request. Ms. Freeman explained the County policy of providing a list of adjoining and surrounding property owners.

In his presentation, Mr. Eads pointed out the advantages of the Russell property that make it suitable for a mobile home park. He stated it is not located in a densely populated community, it is not in an industrial or commercial intersection, and it is not located in a residential neighborhood. Mr. Eads referred to Ms. Freeman=s memorandum to the Planning Commission wherein she stated A... the request could be considered consistent with the general goals and specific policies of the Comprehensive Plan.@ Mr. Eads contended that Mr. Russell, as the owner of the property holding the deed, feels he should have the right to use his property in a reasonable manner. He stated Mr. Russell lives at the front section of the property, will manage the mobile home park operation and maintain it.

Mr. Eads asserted in detail his viewpoint that the Russell case is a matter of the governing body=s philosophy versus their policy. He raised several issues for the Board to consider. Mr. Eads addressed specific concerns and objections raised by persons attending the Planning Commission meeting, stating they were not valid reasons to deny a special use permit to Mr. Russell.

Mr. Eads concluded that the Planning Commission=s reasons for approving the Glen Peters special use permit and denying Mr. Russell=s request for a special use permit are unclear. He asked that if the Supervisors reach the decision to deny Mr. Russell a special use permit that they provide him with their reasons for their action.

Rita McNew Pless, adjoining property owner, addressed the Supervisors in support of Mr. Russell=s request for a special use permit. She stated she believes he will manage the mobile home park well.

Lacy Love asked the Supervisors to approve Mr. Russell=s request for a special use permit stating he has a well laid out plan for mobile homes and would have quality mobile homes in the park.

Sage Johnson addressed the Supervisors opposing Mr. Russell=s request for a special use permit. He asked those in the audience who opposed to the construction of a mobile home park to stand. There were approximately 23. Mr. Johnson stated the people who stood represented residents of the Clinchburg community. He described the community as rural and agricultural, and commented on the community=s aesthetic values. He raised concerns about run-off from drainage, and the School Board providing bus transportation to and from the park. Mr. Johnson contended that Mr. Russell knew the property was zoned A-1 when he purchased it and the restrictions for it. He stated Mr. Russell should consider the desires of property owners and community members.

Shirley Ann Bailey in addressing the Supervisors, opposed Mr. Russell=s request for a special use permit, and clarifying the discrepancy over names of adjoining property owners. She commented her father, Archie Bailey, was on the first Planning Commission in Washington County, and it was his desire when he was alive that the Russell property should remain as agriculture and not be developed into a mobile home park. Ms. Bailey expressed concerns that the property value will decrease, the crime rate will increase, the water supply to the community will not accommodate another 15 families, the condition of the road near Plasterco is eroding, and that the County will not realize much tax revenue from mobile home park renters. She concluded the community is in a rural setting and that is the way the neighbors would like to keep it.

Bill Hash, in opposing the Russell=s request for a special use permit, stated he moved to Washington County from Maryland. He commented the area is rural, and beautiful and stated he would like it to stay that way.

Patrick Mannix questioned whether the request was for rezoning or for a special use permit stating mobile homes are permitted with a special use permit.

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

During deliberations of the Russell request for a special use permit, Mr. Ingle reported receiving many telephone calls in opposition to a mobile home park.

On motion of Mrs. Mumpower, second by Mr. Derting, it was resolved to follow the recommendation of the Planning Commission and deny request of Bill H. and Cynthia D. Russell for a Special Use Permit to construct and operate a mobile home park consisting of 15 units on property located on the north side of State Route 745 near the intersection of Route 746/745 in an A-1 (Agricultural, Limited) zone, Jefferson Magisterial District.

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

Mr. Ingle	***Aye***	***Mrs. Mumpower***	***Aye***	***Mr. Derting***	***Aye***
Mr. Osborne	***Aye***	***Mr. Roberts***	***Aye***	***Mr. Barker***	***Aye***

10 **Recess**

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

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

Mr. Ingle	***Aye***	***Mrs. Mumpower***	***Aye***	***Mr. Derting***	***Aye***

Mr. Osborne	*Aye*	*Mr. Roberts*	*Aye*	*Mr. Barker*	*Aye*

6 **Public Hearing Concerning Ordinance to Adopt an Amended Voluntary Settlement Agreement (the AClear Creek Agreement@) Providing for the Annexation of Washington County, Virginia Property by the City of Bristol, Virginia**

Mr. Ingle opened the public hearing to receive comments in support of and in opposition to an Ordinance to Adopt an Amended Voluntary Settlement Agreement (the AClear Creek Agreement@) Providing for the Annexation of Washington County, Virginia Property by the City of Bristol, Virginia.

Patrick Mannix addressed the Supervisors stating he bid on the Clear Creek Property. He expressed his viewpoint that the ordinance cannot be adopted at this meeting because it does not meet the advertising requirements.

During his comments, Pat Mannix became disruptive. Chairman Ingle asked the Deputies to come forward and remove Mr. Mannix from the building. In the process of being asked to leave the meeting room, Mr. Mannix resisted the officers and refused to leave unless he was under arrest. Captain Bishop came forward and informed Mr. Mannix he was under arrest. Mr. Mannix was escorted from the building.

Bob Copeland addressed the Supervisors on the Ordinance to Adopt an Amended Voluntary Settlement Agreement conveying his support.

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

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

AN ORDINANCE TO ADOPT AN AMENDED
VOLUNTARY SETTLEMENT AGREEMENT
(THE ACLEAR CREEK AGREEMENT@)
PROVIDING FOR THE ANNEXATION OF WASHINGTON COUNTY, VIRGINIA
PROPERTY BY THE CITY OF BRISTOL, VIRGINIA

WHEREAS, the Board of Supervisors of Washington County, Virginia (the ACounty@) and the City Council of the City of Bristol, Virginia (the ACity@) desire to proceed before a special court appointed by the Supreme Court of Virginia pursuant to Chapter 30 of the 1950 Code of Virginia, as amended, for matters related to a proposed friendly annexation of County property by the City, and

WHEREAS, this ordinance adopts and incorporates an Agreement dated December 21, 1995, said Agreement being specifically incorporated to the ordinance and made a part hereof by reference, and entered into by and between the Board of Supervisors of Washington County, Virginia and the City Council of the City of Bristol, Virginia, with Addendums dated August 27, 1996 and November 12, 1996 also having been mutually agreed and entered into, and including such proposed Addenda as are presented herewith or as may be made part of this ordinance by the Washington County Board of Supervisors; and

WHEREAS, the Agreement has been subject to review and report by the Virginia Commission on Local Government pursuant to '15.2-3400.3 of the 1950 Code of Virginia, as amended, said report dated March, 1997 and styled Report on the City of Bristol - Washington County Voluntary Settlement Agreement; and

WHEREAS, the Agreement is proposed to be modified in part to address certain findings and recommendations of the Virginia Commission on Local Government report, said modification being presented herein as paragraph 2.05;

NOW, THEREFORE, be it enacted by the Board of Supervisors for Washington County, Virginia:

1. That the said Agreement dated December 21, 1995 and Addendums to Agreement dated August 27, 1996 and November 12, 1996 are hereby adopted.

2. That the Agreement and Addendums to Agreement shall be subject to affirmation by a special court appointed by the Supreme Court of Virginia pursuant to Chapter 30 of the 1950 Code of Virginia.

3. That should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance.

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

Mr. Ingle	*Aye*	*Mrs. Mumpower*	*Aye*	*Mr. Derting*	*Aye*
Mr. Osborne	*Aye*	*Mr. Roberts*	*Aye*	*Mr. Barker*	*Aye*

(Note: The following is a verbatim transcription of the Agreement and Addendum to Agreement.)

THIS AGREEMENT is made and entered into this the 21st day of December, 1995, by and between the VIRGINIA COUNTY OF WASHINGTON, a political subdivision of the Commonwealth of Virginia ("County"), acting by and through its governing body, the Washington County Board of Supervisors ("Board"), and the VIRGINIA CITY OF BRISTOL, a municipal corporation of the Commonwealth of Virginia ("City"), acting by and through its governing body, the Bristol City Council ("Council");

WITNESSETH:

PREMISES

WHEREAS, the Tennessee Valley Authority ("TVA") owns a certain tract or parcel of land situate and being in the Wilson Magisterial District of the County, commonly known as "Sugar Hollow Park," over which the City holds a long-term exclusive recreational easement, which tract adjoins the present corporate limits of the City; and the City owns three certain parcels of land adjoining said park property, all of said properties are collectively shown as Tract "A" on the map attached hereto and marked as Exhibit 1; and

WHEREAS, the City also owns an additional tract or parcel of land situate and being in the Wilson Magisterial District of the County, commonly known as the "Clear Creek Property," upon which the City proposes to create a public golf course and residential community, which together with land owned by TVA upon which the City holds a recreational easement is shown as Tract "C" on Exhibit 1; and

WHEREAS, the City also owns an additional tract or parcel of land situate and being in the Wilson Magisterial District of the County which adjoins the aforedescribed Tract A, said parcel being shown as Tract "D" on Exhibit 1; and

WHEREAS, there is one tract or parcel of land lying and situate in the Wilson Magisterial District of the County which is not owned by the City or TVA, but which is assessed for tax purposes in the County under the name of the E.T. Withers Estate, which tract connects the parcels set forth as Tracts A and C, said parcel being shown as Tract "B" on Exhibit 1; and

WHEREAS, the parcels of property described in Tracts A, B, C and D taken together are contiguous to the City's boundary; and

WHEREAS, this overall parcel or tract of land is mostly owned or controlled by the City and all of it is best served with services to be provided by the City; and

WHEREAS, the County does not currently receive any tax revenues from that portion of the aforedescribed properties belonging to the City or TVA (Tracts A, C and D). The County does receive tax revenue from that portion of the aforedescribed property which does not belong to either the City or TVA (Tract B); and

WHEREAS, the City and County have entered into negotiations pursuant to Title 15.1, Chapters 26.1:1 and 19.1 of the 1950 Code of Virginia, as amended, and have reached this Voluntary Settlement Agreement to an adjustment of their common boundary by the inclusion of the aforedescribed properties into the corporate limits of the City upon the terms and conditions, including without limitation, the revenue sharing agreements hereinafter set forth; and

WHEREAS, this Agreement is in the best interests of the City, County and Commonwealth.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the City and County agree with each other as follows:

SECTION 1.00 DEFINITIONS

1.01 City shall mean the City of Bristol.

1.02 Code shall mean the 1950 Code of Virginia, as amended. Reference to Code provisions shall mean those particular Code provisions, or similar Code provisions if the Code is amended after the execution of this Agreement.

1.03 Commission shall mean the Commission on Local Government.

1.04 County shall mean the County of Washington.

1.05 Court shall mean the special three judge court appointed by the Supreme Court of Virginia pursuant to Title 15.1, Chapter 26.2 of the Code.

1.06 Section or subsection refers to parts of this Agreement, unless the context provides that "section" refers to parts of the Code.

SECTION 2.00 ANNEXATION, IMMUNITY AND REVENUE SHARING RIGHTS DEFINED

2.01 The County agrees to the annexation by the City of the tracts or parcels of land described as Tracts A, B. C and D on Exhibit 1 attached hereto on the terms and conditions provided in this Agreement ("Annexation Area"). A metes and bounds description of the Annexation Area is set forth in detail in Exhibit 2 attached hereto. The effective date of annexation shall be December 31, 1996, as provided elsewhere in this Agreement.

2.02 The City waives in whole all statutory rights for its benefit under and agrees nor to initiate or institute any proceedings pursuant to Title 15.1, Chapter 25 (' 15.1-1032 et seq.) of the Code to annex all or any portion of the County north of U.S. Highway Route 11 and within one (1) mile of the outer boundaries of the tracts described in Section 2.01 for the term provided in Subsection 4.02("Immunity Area"). This waiver does not affect the rights of property owners and voters contiguous to the City pursuant to '15.1-1034 of the Code. The Immunity Area is designated on Exhibit 3 attached hereto.

2.03 The City agrees not to suggest, encourage or coerce any property owner(s) or qualified voters to institute annexation proceedings pursuant to '15.1-1034 of the Code, or any statute similar thereto, of those portions of the County designated as the Immunity Area.

2.04 Upon and from the effective date of the annexation as set forth in Subsection 2.01, the City shall impose in the Annexation Area the same tax rate as it imposes for real estate, personal property and machinery and tools taxes throughout the remainder of the City, shall segregate the receipts from said taxes in said area and, from said segregated tax receipts, shall share the income from those three categories of taxes with the County on the following basis:

Years 1 - 5	***60%***
Years 6 - 10	***40%***
Years 11 and beyond	***25%***

The above-mentioned percentages shall apply to the City's effective tax rates for the abovementioned taxes in the years levied, regardless if said rates differ from the rates as they exist on the effective date of the annexation.

2.05 In the event that the City of Bristol opts to exercise its authority to revert to town status, or reconstitutes itself by virtue of other arrangements as a constituent element of Washington County, the City and County agree that the revenue sharing provisions of this agreement shall become null and void.

SECTION 3.00 COMMISSION REVIEW AND COURT APPROVAL

3.01 The City and County agree to initiate the stops necessary and required by Title 15.1, Chapters 19.1 and 26.1:1 of the Code to obtain affirmation of this Agreement by the Commission and Court.

3.02 The City and County agree that recommendations by the Commission which differ from the terms of this Agreement shall not bind the City and County, unless any such recommendation is agreed to by both the City and County.

3.03 The City and County agree that if the Court does not affirm this Agreement without modification this Agreement shall immediately terminate. However, the City and County may waive termination by mutually agreeing to the recommended modifications.

SECTION 4.00 MISCELLANEOUS PROVISIONS

4.01 This Agreement shall become effective when it has been affirmed and given full force and effect by the Court appointed pursuant to Title 15.1, Chapter 26.2 of the Code. The effective date of the boundary relocation shall be midnight December 31, 1996.

4.02 The term for immunity from annexation agreed upon in Subsections 2.02 and 2.03 shall begin with the execution of this Agreement and continue for a period of fifteen (15) years.

4.03 This Agreement, when affirmed by the Court, shall be binding: (I) upon the City and County, (ii) upon the future governing bodies of the City and County, (iii) upon their successors and assigns and (iv) have full force and effect, all as provided pursuant to Title 1 5.1, Chapter 26.1:1 of the Code.

4.04 The City and County, by mutual agreement, may amend, modify or supplement this Agreement in whole or in part by written document of equal formality and dignity duly executed by authorized representatives of the City and County and affirmed pursuant to Title 15.19 Chapter 26.1:1 of the Code.

4.05 The City and County agree that they shall continue good faith discussions on other issues of mutual interest and will conduct themselves toward one another in the responsible and cooperative manner befitting sovereign jurisdictions in the Commonwealth.

4.06 This agreement shall be enforceable in any court of competent jurisdiction. by any of the parties hereto by an appropriate action at law or suit in equity to secure the performance of the covenants herein contained.

Pursuant to the authority granted by Title 15.1, Chapter 26.1:1 of the Code, the governing bodies of the County and City execute this Agreement pursuant to resolution duly adopted on the 16th day of October, 1995 by the City Council and on the 26th day of September, 1995 by the County Board.

WITNESS the following signatures and seals:

CITY OF BRISTOL

BY: JERRY ALLEN WOLFE
MAYOR

ATTEST:
BY: DANNY JOHNSON

COUNTY OF WASHINGTON

BY: JAMES T. OSBORNE
CHAIRMAN

ATTEST:
BY: MARK K. REETER

ADDENDUM TO VOLUNTARY SETTLEMENT OF ANNEXATION AGREEMENT

This Addendum entered into this 27th day of August, 1996, by and between the Virginia County of Washington, a political subdivision of the Commonwealth of Virginia (hereinafter ACounty@) and the City of Bristol, Virginia, a municipal corporation of the Commonwealth of Virginia (hereinafter ACity@);

W I T N E S S E T H:

WHEREAS, City and County have entered into an Voluntary Settlement of Annexation Agreement dated December 21, 1995, whereby it was agreed that City should annex four certain tracts or parcels of land designated A, B. C and D from Washington County, Virginia, and including other provisions including revenue sharing between the County and City in the annexed area, and

WHEREAS, in the process of creating the submittal to be made to the Commission on Local Government pursuant to the statutes made for the same, it was determined that Tract B and Tract C in said Agreement needed to be connected as the two abutted Route 645 and the Norfolk & Western Railroad track but did not cross the same to touch each other, and

WHEREAS, the parties believe it is proper to create a connector between Tract B and Tract C so that the area to be annexed is one contiguous tract of property.

NOW THEREFORE, for and in consideration of the mutual benefits to be derived from the covenants and agreements herein contained, the parties do covenant and agree as follows:

1. The Voluntary Settlement of Annexation Agreement of December 21, 1995 shall be and hereby is amended to add Tract E to the properties to be annexed, Tract E being a strip of land 100 feet in width, crossing from east to west from the westerly property line of Tract B to the easterly property line of Tract C in the original agreement, said tract being more particularly described as

BEGINNING at a point in the westerly right of way line of Tract B, which point is N 00 73 W 967 feet from a point common corner to the westerly property line of Tract B with the northwesterly corner of property now or formerly belonging to Watson; thence from said point of beginning N88 25 W 268 feet to a point; thence in a northerly direction 100 feet to a point; thence S 88 31 E 260 feet to a point; thence S 00 73 E 100 feet to the point of BEGINNING,

as track is shown on a plat by Frank Holbrook as a connecting corridor between Tracts B and C of the property to be annexed by the City of Bristol, Virginia pursuant to the original Agreement.

2. All other provisions of the original Voluntary Settlement of Annexation Agreement shall remain in full force and effect unamended, and all other provisions of the original Voluntary Settlement of Annexation Agreement as applicable shall be applicable to the aforedescribed tract or parcel of land.

CITY OF BRISTOL, VIRGINIA

BY: JERRY ALLEN WOLFE
MAYOR

Attest:
David L. Johnson
Clerk

COUNTY OF WASHINGTON

BY: JOE W. DERTING
CHAIRMAN

Attest:
SANDRA M. HATFIELD

ADDENDUM TO BOUNDARY ADJUSTMENT AGREEMENT

This agreement made and entered into this 12th day of November, 1996 by and between VIRGINIA COUNTY OF WASHINGTON, a political subdivision of the Commonwealth of Virginia ("County") acting by and through its governing body, the Washington County Board of Supervisors ("Board") and the CITY OF BRISTOL, VIRGINIA, a municipal corporation chartered under the laws of the Commonwealth of Virginia (ACity"), acting through its governing body, THE BRISTOL VIRGINIA CITY COUNCIL (ACouncil0);

W I T N E S S E T H:

PREMISES

The County and City entered into an agreement to adjust their borders, share revenue and matters of mutual interest to them.

While most of the property which will be brought into the city if the agreed boundary adjustment is approved is property that now belongs to the City and is recreational property, a tract of approximately 98 acres is held in private ownership and is known as the E. T. Withers estate property.

That property is currently assessed as agricultural property which is its present use (which use is distinct from the use of any of the other property being brought into the city by this agreement), is taxed at the County tax rate which is approximately one-half of the tax rate for real estate in the City and the owners have no present plan to change the use of said property.

The owners of the E. T. Withers estate are also concerned that their property will be more likely susceptible to being condemned for public use if it is in the City rather than in the county.

Section 15.1-1047.1 permits the City to tax property added to its territory which because of its nonurban character requires less nonrevenue producing city services at a different tax rate for ten years.

Section 15.1-1167.1 provides that an agreement between the parties which ultimately receives Court approval will bind the governing bodies of both political subdivisions.

The parties agree that it is equitable and proper to address the needs of the owners of the E. T. Withers Estate by entering into this addendum to the parties boundary adjustment agreement so that property will continue to be taxed at the same rate as it would have been taxed in the County so long

as its use remains agricultural and to provide immunity to the property from involuntary condemnation for a period of ten years.

WHEREUPON for and in consideration of the mutual benefits to be derived by the parties from the hereinafter set out terms and conditions, the parties do covenant and agree as follows:

1. That City will, if the territory including the E. T. Withers Estate property is approved for inclusion in the City, Council will cause it 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.

2. That City will not exercise any power of eminent domain to condemn any of that property known as the E. T. Withers Estate for public use for a period of ten years.

3. That the parties will submit this with its other agreements to the appropriate Commissions and courts for approval, to be binding upon the parties for its stated term.

Witness the signature and seal of each party on the stated date.

WASHINGTON COUNTY, VIRGINIA

ATTEST:
CECILE M. ROSENBAUM

BY: JAMES T. OSBORNE
CHAIRMAN

DATE: FEBRUARY 28, 1997

CITY OF BRISTOL, VIRGINIA

ATTEST:
DANNY JOHNSON

BY: JERRY ALLEN WOLFE
MAYOR

DATE: FEBRUARY 20, 1997

7 **Update on Washington County Jail Renovation Project (Carl Gutschow & Scott Oaks, Dewberry & Davis; Sheriff Kenneth Hayter and Captain Charles Bishop, Washington County Sheriff=s Dept.)**

Captain Charles Bishop, Washington County Sheriff=s Office, and Scott Oaks, Dewberry & Davis Architectural Firm, were present to report on the Washington County Jail Renovation Project.

With the aid of a videotape, Captain Bishop illustrated the overcrowded conditions throughout the Jail facility. He briefed the Supervisors on the increasing crime statistics in Washington County over the past several years and reported eight additional officers will be employed in July.

With enlarged sketches of the floor plan, Scott Oaks of Dewberry & Davis, gave an overview of the Jail renovation and improvement project addressing the scope of work to be completed in the kitchen,

laundry, work release area, housing and visitation areas, control room, processing/booking/holding/jail administration areas, medical/examining area, and mechanical for water, heating and ventilation. Mr. Oaks explained the building addition is designed to accommodate a second story.

Mr. Reeter explained he will soon be asking the Board of Supervisors for approval to bid construction of the first phase of the project and wanted to present a status report giving Supervisors an opportunity to ask questions about the project.

Supervisors questioned Captain Bishop and Mr. Oaks about the increased inmate population, and emphasizing the importance of correcting the mechanical and space problems prior to the State Department enforcing the corrections. In their deliberations, Supervisors expressed their concern that the facility must be a secure environment for employees, inmates, and the general operation of the Jail.

8 **Approval of Engineering Services Agreement, Mock Hollow Study**

On motion of Mr. Roberts, second by Mr. Osborne, it was resolved to authorize an appropriation to the Town of Damascus in the amount of $8,160 for the Mock Hollow sewer and road preliminary engineering report.

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

Mr. Ingle	***Aye***	***Mrs. Mumpower***	***Aye***	***Mr. Derting***	***Aye***
Mr. Osborne	***Aye***	***Mr. Roberts***	***Aye***	***Mr. Barker***	***Aye***

*****

a. **Presentation, Soccer Field Needs (Bob Copeland, Highlands Soccer Club)**

Mr. Bob Copeland, Highlands Soccer Club, appeared before the Supervisors to speak about the increasing participation of children in sports within the County, and urge consideration in developing a county-wide recreation park that would accommodate softball/baseball, football, and soccer. He called attention to a specific parcel of land containing 30+ acres that will be auctioned, and advised of its suitability for an all sports recreation park. He asked the Board if they would consider purchasing the property.

9 **Consideration of Appointment to Regional Business Incubator Project (Bobby D. Ingle)**

On motion of Mr. Osborne, second by Mr. Derting, it was resolved to appoint Christianne E. Parker, Assistant County Administrator/Community-Economic Development, and Supervisor Joe W. Derting to the Regional Incubator Project, to be effective immediately.

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

Mr. Ingle	***Aye***	***Mrs. Mumpower***	***Aye***	***Mr. Derting***	***Aye***
Mr. Osborne	***Aye***	***Mr. Roberts***	***Aye***	***Mr. Barker***	***Aye***

11 **Quarterly County Budget Review (Mark W. Seamon, Accounting/Purchasing Manager)**

Mr. Seamon presented a quarterly county budget status report as of March 31, 1998, commenting on those departments having line-items with unusually high negative balances.

---

12 **Consideration of Washington County Chamber of Commerce Agriculture Committee Position Paper Relative to Providing Economic Assistance to Tobacco Farmers Adversely affected by Proposed Changes to Federal Legislation on Tobacco Production**

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

RESOLUTION No. 98-10
SOUTHWEST VIRGINIA BURLEY TOBACCO PRODUCER CONCERNS

WHEREAS, Agriculture is the leading industry in Washington County; and,

WHEREAS, Burley Tobacco is the second leading contributor to this industry; and,

WHEREAS, proposed legislation before the US Congress in its current form will land a devastating blow to the Washington County economy in numerous ways involving the livelihoods of families, businesses, industry, land values, etc.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Washington County, Virginia unanimously supports Senator Chuck Robb=s ATobacco Market Transition Act@; and

BE IT FURTHER RESOLVED, that Washington County, Virginia Board of Supervisors supports the following:

(1) Compensation of allotment owners for the 1995-97 average quota owned at a rate of $8.00 per pound and $4.00 per pound to growers for tobacco leased with the funding for this compensation coming from the settlement with the tobacco companies.

- ***the basis for payment on leased tobacco should be the average pounds leased by the grower during the 1995-97 period.***
- ***tenant growers should also be compensated at the $4.00 per pound rate for tobacco grown during the 1995-1997 period and the demand for proof of production should be broad enough to include means other than Farm Services Agency records.***

(2) Compensation of tobacco warehouse owners in a fair and equitable manner.

(3) Reasonable limitation on the tax liability for quota owners and growers as a result of the above compensation.

(4) A privately-managed quota system to allow active growers to continue to grow essentially the same quota.

(5) Development of a private Astabilization@ entity that would control and manage a licensing and quota assignment system, along with a grading system; such system should stipulate that quota could be transferred only through linear relatives and that Aunclaimed@ quota be distributed through a county pool system.

(6) All quota to be redistributed should be redistributed in the county of origin.

The Washington County, Virginia Board of Supervisors strongly opposes any tax increase on tobacco products. In the event that an additional tax is implemented, growers should be compensated by funds from that tax (similar to the value described in point one above) for the resulting negative impact on their livelihood.

BE IT FURTHER RESOLVED that the Washington County, Virginia Board of Supervisors does respectfully request that United States Senators Chuck Robb and John Warner actively support legislation that will impact a major source of the economy and jobs in Washington County and all of Southwest Virginia.

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

Mr. Ingle	***Aye***	***Mrs. Mumpower***	***Aye***	***Mr. Derting***	***Aye***
Mr. Osborne	***Aye***	***Mr. Roberts***	***Aye***	***Mr. Barker***	***Aye***

13 **Request to Vacate Easement, Central Avenue - Wilburn and Jereleme Necessary**

On motion of Mrs. Mumpower, second by Mr. Osborne, it was resolved to advertise a public hearing on vacation of easement for Wilburn and Jereleme Necessary, Central Avenue, in the Highland Park community.

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

Mr. Ingle	***Aye***	***Mrs. Mumpower***	***Aye***	***Mr. Derting***	***Aye***
Mr. Osborne	***Aye***	***Mr. Roberts***	***Aye***	***Mr. Barker***	***Aye***

County Attorney John A. Martin advised the Supervisors of the increase in the number of requests his office is receiving for vacation of easements. There was consensus agreement among the Supervisors to allow Mr. Martin to proceed with advertising the requests as they are received in the County Attorney=s office.

14 **Citizen Comments**

At this time, Mr. Ingle asked Mrs. Mumpower to read the rules for citizen comments, and invited comments from citizens on items that do not appear on the Agenda. There were no citizen comments.

15 **County Administrator Comments**

The following action was taken on County Administrator comments:

Mr. Reeter called attention to the following events:

a. Presentation Concerning Geographic Information System for Washington County, 6:00 p.m., April 29, 1998, Conference Room No. 2

b. Virginia Department of Transportation, Project No. 0058-095-108, C-501, 0058-085-108, C-503 - Route 11, Abingdon, Citizen Information Meeting, Tuesday, May 19, 1998, 4:00 p.m.-7:00 p.m., Damascus Middle School

c. **Virginia Department of Transportation, Project No. 0802-095-213, C-501 (Route 802, Mendota Road) - Washington County, Location and Design Public Hearing, Thursday, May 7, 1998, 4:00 p.m. - 7:00 p.m., Mendota Community Center**

d. **Consideration of Board Meeting Date for Presentation of Plaques, John S. Battle High School Wrestling Team**

There was consensus agreement among the Supervisors to present individual plaques to the John S. Battle High School Wrestling Team on Tuesday, May 12, 1998.

16 **County Attorney Reports** There were no items to report.

17 **Consent Agenda**

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

a. Transfer from Reserve for Contingencies, $3,000, County Extension Program (Dept. #83100)
b. Request for Supplemental Appropriation, $1,200, Personnel Services from reserves for contingency

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

Mr. Ingle	***Aye***	***Mrs. Mumpower***	***Aye***	***Mr. Derting***	***Aye***
Mr. Osborne	***Aye***	***Mr. Roberts***	***Aye***	***Mr. Barker***	***Aye***

18 **Board Member Reports**

Mr. Roberts reported attending the Department of Social Services Board Meeting stating it was very informative. He stated he also attended the Damascus Civic Club where Christy Parker spoke on industrial development. He complimented Ms. Parker=s presentation.
Mr. Ingle reported meeting with officials at Virginia Economic Development Partnership in Richmond recently with Mrs. Mumpower, Mr. Reeter, representatives from industry, a representative of Anderson & Associates, and officials of Virginia Department of Transportation, stating it was a very positive meeting to discuss the Bristol-Washington County Industrial Park access road.

Mr. Derting commented on an upcoming economic summit at Meadowview Conference Center. There was consensus agreement that expenses for attendees will be covered by the County.

19 **Recess to Wednesday, May 29, 1998, 6:00 p.m. for GIS Presentation and 7:00 p.m. for Presentation of FY 1998-99 County Budget**

***On motion of Mr. Roberts, second by Mr. Barker, it was resolved to r*ecess to Wednesday, May 29, 1998, 6:00 p.m. for GIS Presentation and 7:00 p.m. for Presentation of FY 1998-99 County Budget**.

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

Mr. Ingle	***Aye***	***Mrs. Mumpower***	***Aye***	***Mr. Derting***	***Aye***
Mr. Osborne	***Aye***	***Mr. Roberts***	***Aye***	***Mr. Barker***	***Aye***

_____
Bobby D. Ingle, Chairman