V I R G I N I A:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, April 9, 2002, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

PRESENT:

Joe W. Derting, Chairman
John B. Roberts, Sr., Vice Chairman
Jack H. Barker
Bobby D. Ingle
Phillip B. McCall

Mark K. Reeter, County Administrator
Lucy E. Phillips Bright, County Attorney
Naoma A. Cook, Administrative Supervisor
Mark W. Seamon, Accounting & Purchasing Manager

ABSENT:

Dulcie M. Mumpower
Anthony S. Rector

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1 Call to Order

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

2 Invocation and Pledge of Allegiance – Supervisor Joe W. Derting

Mr. Joe W. Derting gave the Invocation and led the Pledge of Allegiance. Mr. Derting noted the absence of Supervisors Mumpower and Rector, stating both were absent due to family-related medical issues.

3 Approval of Agenda

On motion of Mr. Roberts, second by Mr. McCall, it was resolved to approve the Agenda as presented.

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mr. Roberts	***Aye***

4 Approval of Minutes – March 26, 2002, Recessed Meeting

On motion of Mr. Barker, second by Mr. Roberts, it was resolved to approve the minutes of the March 26, 2002, recessed meeting as presented.

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mr. Roberts	***Aye***

March 26, 2002, Regular Meeting

On motion of Mr. Ingle, second by Mr. McCall, it was resolved to approve the minutes of the March 26, 2002, regular meeting with the following corrections:

Page 12459, Item 5, Paragraph 24: Correct spelling of "Reece Sheer" to "Rees Shearer"

Page 12465, Item 13: Insert paragraph to read "The Joint County Employee Health Insurance Committee during the last several months worked with Akridge Insurance Services to review health insurance coverage for County employees. As a result of this work, the Committee recommended renewing the Local Choice Program with the Key Advantage and Cost Alliance Plans.

Based on the recommendation of the Joint County Employee Health Insurance Committee the following action was taken:"

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mr. Roberts	***Aye***

Scribner's Note: *The above corrections have been made to the recorded Minutes of the referenced meeting.*

5 Planning and Zoning Public Hearings

Intent to Rezone:

(1). James C. Scyphers, Property Tax Map # *082-1-TR 1, 6*: Request to rezone approximately 32 acres of property located on the south side of State Route 633 near the intersection of State Route 633/Route 19 from R-2 (Residential, General) to A-2 (Agricultural, General), Harrison Magisterial District, B-01 Election District.

Mr. Derting opened the public hearing and invited comments both in support of and in opposition to a request by James C. Sycphers, to rezone approximately 32 acres of property located on the south side of State Route 633 near the intersection of State Route 633/Route 19 from R-2 (Residential, General) to A-2 (Agricultural, General), Harrison Magisterial District, B-01 Election District.

Mr. David Scyphers, addressed the Board on behalf of his brother, James Scyphers. Mr. Scyphers explained the property under consideration for rezoning on State Route 633 adjoins land that his brother currently owns, which is zoned agricultural and used as farm land. Mr. Scyphers told the Board that his brother was not aware the 32 acres of property was zoned R-2 (Residential-General) and would like to request it be re-zoned to A-2 (Agricultural, General) to provide continuity and allow it to continue to be used as farm land.

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

On motion of Mr. Ingle, second by Mr. Roberts, it was resolved to approve the request of James C. Scyphers, to rezone approximately 32 acres of property located on the south side of State Route 633 near the intersection of State Route 633/Route 19 from R-2 (Residential, General) to A-2 (Agricultural, General), Harrison Magisterial District, B-01 Election District.

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mr. Roberts	***Aye***

Request for Special Use Permit:

(2). Carrico Investment Co. L.P., Property Tax Map # 124-1-7: Request for a Special Use Permit to expand mini-storage warehouse facilities on property located on the south side of State Route 11 near the intersection of State Route 11/Route 611 in a B-2 (Business, General) zone, Madison Magisterial District, A-01 Election District.

Representatives for this Agenda Item had not yet arrived at the meeting; the Board by consensus moved to Item 6.

6 Presentation on the Southwest Virginia Stormwater Management Project

Mr. Brian F. Schmidt, Stormwater Management Specialist with the New River-Highlands Resource Conservation and Development Office appeared before the Board giving a presentation on the Southwest Virginia Stormwater Management Project. In his presentation, Mr. Schmidt told the Board this was an educational project where community representatives assess stormwater management needs of Southwest Virginia through drafting model ordinances and a model authority. He said that a grant in the amount of $60,167 was received from the Virginia Department of Conservation and Recreation, through the Virginia Water Quality Improvement Fund and would fund 50% of the total cost of the project.

Mr. Schmidt explained that the new federal Environmental Protection Agency Stormwater Management Regulations would likely include several Southwest Virginia Communities. He further explained that the Virginia Department of Environmental Quality regulations are due in December 2002, and local stormwater management permit applications are due by March 2003. The Virginia Stormwater Regulations allow for voluntary local programs such as the Southwest Virginia Stormwater Management Project. This program will prepare communities for the new regulatory requirements.

Mr. Schmidt asked the Board to appoint a representative to represent Washington County on the Southwest Virginia Stormwater Management Project Committee. Discussion ensued regarding this matter and it was consensus of the Board to defer the appointment until the April 23, 2002, meeting.

5 Planning and Zoning Public Hearings (continued)

Request for Special Use Permit:

(2). Carrico Investment Co. L.P., Property Tax Map # 124-1-7: Request for a Special Use Permit to expand mini-storage warehouse facilities on property located on the south side of State Route 11 near the intersection of State Route 11/Route 611 in a B-2 (Business, General) zone, Madison Magisterial District, A-01 Election District.

Upon the arrival of John Carrico, Mr. Derting opened the public hearing and invited comments both in support of and in opposition to the application of Carrico Investment Co. L. P., for a Special Use Permit to expand mini-storage warehouse facilities on property located on the south side of State Route 11 near the intersection of State Route 11/Route 611 in a B-2 (Business, General) zone, Madison Magisterial District, A-01 Election District.

Mr. John Carrico addressed the Board explaining that he would like a Special Use Permit to construct an additional mini storage unit to his existing mini-warehouse facility on State Route 11. He stated the additional unit would complete his project, and further stated that he failed to include the appropriate number of units in his initial request several years ago. Mr. Carrico told the Board that all drainage and engineering work was completed when the project originated.

Mr. Carrico asked the Board to approve the Special Use Permit for 36 months because he would like to pour the concrete pad and let it sit for a year before constructing the storage unit, and is concerned that he may not be able to complete the project in the standard time of 24 months.

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

On motion of Mr. McCall, second by Mr. Ingle, it was resolved to approve the application of Carrico Investment Co. L. P., for a Special Use Permit for 36 months to expand mini-storage warehouse facilities on property located on the south side of State Route 11 near the intersection of State Route 11/Route 611 in a B-2 (Business, General) zone, Madison Magisterial District, A-01 Election District.

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mr. Roberts	***Aye***

7 Consideration of Permit to Possess and Display Fireworks for Glade Spring Volunteer Lifesaving Crew

On motion of Mr. Ingle, second by Mr. Roberts it was resolved to grant permission to the Glade Spring Volunteer Life Saving Crew to hold the 14th Annual July Celebration at the Glade Area Park and Pool, July 5-6, 2002.

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mr. Roberts	***Aye***

8 Consideration of County Personnel Committee Recommendations:

a. GIS Consulting Manager Agreement and New Department of Information Technology Positions

County Administrator Mark Reeter, addressed the Board regarding the Personnel Committee's recommendations concerning the Geographic Information System (GIS) Consulting Manager Agreement and the new Department of Information Technology positions. Mr. Reeter stated that Brandon Moore, GIS Manager, would terminate his employment with Washington County effective April 30, 2002, to start his own business as a private GIS consultant. Mr. Moore has proposed continuing to provide services to the County GIS Department on a consulting basis. Mr. Reeter told the Board that the proposed GIS Consulting Manager Agreement would be for the period May 1, 2002 through June 20, 2003, and the compensation shall be at the hourly rate of $50.00 with the total compensation for the period of the Agreement being $48,000. Further, Mr. Reeter stated there would be two meetings during the period to evaluate the proposed GIS Consulting Manager arrangement.

Mr. Reeter explained to the Board that in order to prevent a backlog of routine GIS data entry work presently being handled by Mr. Moore and GIS Assistant Heather Lawson, the Department of Information Technology is requesting the addition of a new full-time Information Technology Technician position beginning FY 2002-03. The Personnel Committee recommended the initial salary range for this position be set at $24,000 to $27,500. Mr. Reeter further explained that this proposed position would have three primary roles: (1) assisting with routine GIS data entry work, (2) County website development services, and (3) tasks usually handled by the Information Technology Department (personal computer equipment set-up, software installation, troubleshooting, etc.). Mr. Reeter further explained that as part of the restructuring, it is proposed to reclassify the current Information Technology Assistant's position to Information Technology Supervisor effective July 1 2002 with an initial salary range recommended by the Personnel Committee of $37,000 to $41,500. The Information Technology Supervisor would be made responsible for the day-to-day supervision of the new Information Technology Technician's position.

County Attorney Lucy Bright explained to the Board that the Virginia Public Procurement Act requires all public contracts with non-governmental contractors go through the competitive bidding or negotiation process. She stated that the Procurement Act does allow for certain exceptions, one being when a particular service constitutes the only source of such services "practicably available." Ms. Bright told the Board that because of Brandon Moore's unique experience with the design and development of the County GIS system, it is reasonable to find that Mr. Moore's consulting services are the only source practicably available. Ms. Bright further explained that pursuant to the Act, the County must make the sole source determination and document that determination in writing. The proposed resolution presented to the Board in the Agenda provides the written determination and authorizes Mr. Reeter, on behalf of the County, to enter into a Professional Services Agreement with Mr. Moore.

Discussion ensued regarding the proposed recommendations. The following actions were taken:

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

RESOLUTION 2002-09

PROFESSIONAL SERVICES AGREEMENT
GEOGRAPHIC INFORMATION SYSTEM CONSULTING MANAGER

WHEREAS, in July, 1998, and March, 1999, Washington County retained Anderson & Associates, Inc. to provide consultation services related to development of a geographic information system program for Washington County, which included service as Geographic Information System (GIS) Department Manager for Washington County; and

WHEREAS, W. Brandon Moore was the employee for Anderson & Associates, Inc., who served as the primary point of contact for consultation services with Washington County; and

WHEREAS, in February, 2000, Washington County retained Mr. Moore as a full-time employee to serve as department manager for the GIS Department; and

WHEREAS, Mr. Moore, while serving in the capacity as employee for Washington County, was the principal architect of the Washington County GIS; and

WHEREAS, the Washington County GIS has been in operation and use by general county staff for approximately one year but is still in a developmental stage and employee training is continuously necessary; and

WHEREAS, Mr. Moore's education, training, and experience have made him an expert in the professional service of creation, operation, and maintenance of local government GIS as well as training people on the use, operation, and maintenance of such systems; and

WHEREAS, Mr. Moore has submitted his resignation from employment with Washington County, effective 5 p.m. April 30, 2002, for the reason that he intends to establish a private independent consulting company to assist other localities with the design, establishment, maintenance, and operation of GIS; and

WHEREAS, Mr. Moore has offered to provide consultation services to Washington County, as described in a proposed Professional Services Agreement, for a fee that the Washington County Board of Supervisors finds with reasonable certainty to be the same or less than that which such consultation services might be obtained from any alternative source that does not have Mr. Moore's unique experience and familiarity with Washington County and the Washington County GIS;

NOW, THEREFORE, BE IT RESOLVED, for the reasons stated above, that the Washington County Board of Supervisors finds that Mr. Moore's independent private consulting company is the only source practicably available for consulting services for the continued design and development of the County GIS system as well as ongoing maintenance, operation, and training as described in the Professional Services Agreement proposed between Brandon W. Moore, an individual, and Washington County; and

BE IT FURTHER RESOLVED, that the Washington County Board of Supervisors authorizes Mark K. Reeter, County Administrator, to certify the County's entry into a contract for Professional Services in the form of the contract reviewed by the members of the Board of Supervisors at its regular meeting on April 9, 2002.

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

Mr. Derting	***Aye***
Mr. Barker	***Nay***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mr. Roberts	***Aye***

On motion of Mr. Ingle, second by Mr. Roberts, it was resolved to approve the creation of a new Information Technology Technician position within the County Department of Information Technology effective July 1, 2002, including approval of the Position Description for the position and initial starting salary range of $24,000-$27,500, contingent upon Board approval of the Information Technology Department's budget request for FY 2002-03.

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

Mr. Derting	***Aye***
Mr. Barker	***Nay***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mr. Roberts	***Aye***

On motion of Mr. Ingle, second by Mr. Roberts, it was resolved to approve the reclassification of the current Information Technology Assistant's position to Information Technology Supervisor effective July 1, 2002, including approval of the Position Description for the position and initial starting salary range of $37,000-$41,500, contingent upon Board approval of the Information Technology Department's budget request for FY 2002-03.

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mr. Roberts	***Aye***

At this point, Mr. Reeter expressed his appreciation to Brandon Moore for the excellent service he has provided to the County's GIS Department.

On behalf of the Board, Mr. Ingle expressed appreciation to Brandon Moore.

b. <u>Optional VRS Health Insurance Credit Program for County Employees</u>

Mark Seamon, Accounting and Purchasing Manager, addressed the Board explaining that the County Personnel Committee has recommended that the Board consider the Optional Health Credit Program administered by the Virginia Retirement System (VRS) for County employees. He stated that currently, all state funded employees of constitutional officers and Department of Social Services participate in an Optional Health Credit program for retirees and that Administrative Division employees, County Library employees and other locally funded employees are not eligible to participate.

Mr. Seamon explained that the Board could adopt a resolution provided by the Virginia Retirement System to elect to provide the Health Credit Program for all remaining employees within the County's reporting group. The County's VRS employer rate would increase by 0.39% on July 1,

2002, resulting in an additional estimate annual cost of $27,000. Mr. Seamon stated that the cost would be spread between each of the County's reporting group's budgets.

Discussion ensued on this matter and it was consensus of the Board to defer action to a later Board meeting.

9 County Administrator Reports

Mr. Mark Reeter, County Administrator, reminded the Board that tonight's meeting would recess to April 18, 2002, at 4:00 PM, Washington County Courthouse-Juvenile and Domestic Relations Courtroom, for the purpose of receiving a presentation by the County Facilities Committee and a walk-through tour of the Courthouse concerning proposed renovations and relocations of various offices.

10 Recess

It was consensus of the Board not to take a recess.

11 County Attorney Reports

Ms. Lucy Bright, County Attorney, advised the Board that a lawsuit would be filed in Circuit Court appealing a recent decision of the County Board of Zoning Appeals that reversed a decision of the County Administrator acting in his capacity as County Zoning Administrator on a matter involving both the County Zoning and Subdivision Ordinances. The case will be styled as the Washington County Board of Supervisors and Mark Reeter, Zoning Administrator vs. Washington County Board of Zoning Appeals and include the names of the individuals originally filing the appeal with the County Board of Zoning Appeals.

12 Consent Agenda

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

- ***a. Payment of Bills for April 2002***
- ***b. Supplemental Appropriation, $30,000 – County Treasurer for Judicial Real Estate Sales***

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mr. Roberts	***Aye***

13 Board Member Reports

Mr. Jack Barker presented to the Board copies of a letter from Bill Mink, President of the Washington County Fireman's Association. Mr. Mink is requesting the Boards permission to

transfer training funds from the tuition program at Virginia Highlands Community College to conduct an Aircraft Crash Class. This class will be offered to emergency services personnel in Washington County and will provide training on handling aircraft disasters.

On motion of Mr. Barker, second by Mr. McCall, it was resolved to approve the request of the Washington County Fireman's Association to use the $5,000 of training funds from the tuition program at Virginia Highlands Community College to conduct an Aircraft Crash Class.
The vote on this motion was as follows: (5-0)

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mr. Roberts	***Aye***

Mr. McCall stated that the last community input meeting for the Comprehensive Plan was held on April 4, 2002, at Abingdon Elementary School and was an excellent meeting. He stated that several members of the Abingdon Town Council were in attendance.

Mr. McCall thanked Mary Grace McKay for assisting County Planner Fred Crowell in conducting each of the community input meetings.

Fred Crowell, County Planner addressed the Board explaining that he would be making a formal report of all the County Comprehensive Plan Community Input Meetings at their meeting on April 23, 2002.

14 Recess to April 18, 2002, at 4:00 PM, Washington County Courthouse-Juvenile and Domestic Relations Courtroom, for the Purpose of Receiving a Presentation by the County Facilities Committee and a Walk-through Tour of the Courthouse Concerning Proposed Renovations and Relocations of Various Offices.

On motion of Mr. Barker, second by Mr. Ingle, it was resolved to Recess to April 18, 2002, at 4:00 PM, Washington County Courthouse-Juvenile and Domestic Relations Courtroom, for the Purpose of Receiving a Presentation by the County Facilities Committee and a Walk-through Tour of the Courthouse Concerning Proposed Renovations and Relocations of Various Offices.

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mr. Roberts	***Aye***

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Prepared by:

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Naoma A. Cook, Recording Clerk

Approved by the Washington County Board of Supervisors:

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Joe W. Derting, Chairman