V I R G I N I A:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, May 27, 2003, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

PRESENT:

Joe W. Derting, Chairman
Phillip B. McCall, Vice Chairman
Jack H. Barker
Bobby D. Ingle
Dulcie M. Mumpower
Anthony S. Rector
John B. Roberts, Sr.

Mark K. Reeter, County Administrator
Lucy E. Phillips, County Attorney
Mark Seamon, Accounting Manager
Naoma A. Mullins, Administrative Supervisor

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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 Tony Rector

Reverend Wayne Kestner gave the Invocation. Supervisor Tony Rector led the Pledge of Allegiance.

3 Approval of Agenda

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

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mrs. Mumpower	***Aye***
Mr. Rector	***Aye***
Mr. Roberts	***Aye***

4 Approval of Minutes

May 12, 2003, Recessed Meeting:

On motion of Mr. Ingle, second by Mr. Roberts, it was resolved to approve the minutes of the May 12, 2003, Recessed Meeting as presented.
The vote on this motion was as follows: (7-0)

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mrs. Mumpower	***Aye***
Mr. Rector	***Aye***
Mr. Roberts	***Aye***

May 13, 2003 Regular Meeting:

On motion of Mr. Roberts, second by Mr. Rector, it was resolved to approve the minutes of the May 13, 2003, with the following corrections:

Page 12893, Item 7, Second Paragraph: ***Correct paragraph to read "Responding to an inquiry, Mr. Sauers recommended that the Board send a letter to our State elected officials and to Governor Mark Warner regarding the specific corridor for the US Route 58 Project.***

Page 12895, Item 11: ***Remove vote count.***

Page 12899, Item 17, Motion for Appointment to Washington County Service Authority: ***Correct vote count as follows:***

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Abstained***
Mrs. Mumpower	***Aye***
Mr. Rector	***Aye***
Mr. Roberts	***Aye***

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mrs. Mumpower	***Aye***
Mr. Rector	***Aye***
Mr. Roberts	***Aye***

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

5 Public Hearing to consider Resolutions Regarding Graceland Lane in the Monroe Magisterial District

Mr. Derting opened the Public Hearing to receive comments both in support of and in opposition to a resolution regarding Graceland Lane in the Monroe Magisterial District.

The following people addressed the Board speaking in favor of road improvements to Graceland Lane and the inclusion into the State System of Secondary Highways. They explained that Graceland Lane is in poor condition. There is no public school bus service and the United States Postal Service has advised the residents that mail delivery will be discontinued if the street is not improved. Seventy-five percent of the homeowners have agreed to pay the special assessment to the Virginia Department of Transportation for the costs associated with improving Graceland Lane:

Mark and Cindy Davenport
Darrell Ferguson
Darrell Davenport
R. M. Romans

Mr. Bill Naylor speaking on behalf of his wife, Mrs. Maggie H. Naylor, spoke in opposition to having Graceland Lane taken in to the State System of Secondary Highways. Mr. Naylor explained that his wife owns a farm just west of Graceland and Spring Hill Subdivisions. The farm is 30 acres with approximately 384' of the property Graceland Lane.

Mr. Naylor advised the Board that his wife only recently learned that Graceland Lane borders her property. He further stated that the right of way was dedicated for public use in 1988 by the developer without notifying or involving Mrs. Naylor. Mr. Naylor stated that he understands notification was not necessary, however, now Mrs. Naylor is facing a special assessment, which exceeds five years of gross income for this portion of the farm. Mr. Naylor advised the Board that his family does not use Graceland Lane to access their property and have no plans to develop the farm. However, if their heirs chose to develop the farm they would not need access via Graceland Lane because the property is accessible from Hillman Highway and Route 91 by way of Huckleberry Lane through other land owned by the Naylor's.

Mr. Naylor quoted certain sections of the *Code of Virginia* pertaining to this issue. He stated that it is the opinion of the County Attorney that the *Code of Virginia* mandates all property owners abutting Graceland Lane should be levied with the special assessment should the project be approve. Mr. Naylor stated that he disagrees and argued that the *Code of Virginia* mentions "platted properties abutting the street" and that the 30 acres of Mrs. Naylor's farm that is affected by this project is not platted property in the context of this statute. As an alternative argument, Mr. Naylor asserted that if the County Attorney's opinion were correct, Mrs. Naylor would be, by definition of the *Code of Virginia*, a developer with speculative interest because of the 384' that borders the right of way to Graceland Lane. In this case, he argued that the *Code of Virginia* expressly prohibits taking streets into the State System of Secondary Highways where there is a developer with speculative interest. Mr. Naylor in closing asked the Board to make a decision that is best for all interested parties, but to do what is fair for the adjacent landowner.

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

County Attorney Lucy Phillips addressed the Board regarding issues mentioned in Mr. Bill Naylor's comments. Ms. Phillips stated that she had proposed to the Virginia Department of Transportation a possible resolution that would accommodate Mr. Naylor's concerns as well as satisfy the interest in improvement of the road as expressed by the other residents of Graceland Lane. At this time, some of the issues are still under consideration. Ms. Phillips suggested the Board take this matter under advisement and defer action until the June 10, 2003, regular meeting.

Supervisor Tony Rector addressed the Board explaining that he has worked on the Graceland Lane project during his tenure. Mr. Rector stated that there is approximately $2.5 million worth of real estate in Graceland Lane Subdivision. The landowners have worked hard to bring the project to the point it is at today. He commended them for their work. Mr. Rector further stated that he understands Mr. Naylor's concerns. He wants this project to become a reality; therefore, he wants every possibility researched.

On motion of Mr. Rector, second by Mr. McCall, it was resolved to take the request from the home owners on Graceland Lane under advisement and defer action to the June 10, 2003, regular meeting of the Board of Supervisors.

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mrs. Mumpower	***Aye***
Mr. Rector	***Aye***
Mr. Roberts	***Aye***

6 Presentation by Clean Virginia Committee

The Board received a presentation by Mr. Lynn Price of the Clean Virginia Committee regarding the disposal of refrigerators and other appliances with compressors. The Solid Waste Department currently will not accept these types of appliances if the compressors are not removed. This encourages residents to illegally dump in the County with the toxic fluids being dumped into the earth. The Clean Virginia Committee proposes that four stations manned with qualified staff to handle the hazardous waste be placed throughout the County that would accept the appliances. Mr. Price explained that the Committee further proposes funding their proposal by implementing a tax that would be assessed to customers by the merchant on the sale of such appliances, and the revenue generated by this tax be paid to Washington County.

Responding to an inquiry, Mr. Reeter stated that the County did not employ personnel that were EPA certified.

Responding to an inquiry, Mr. Price stated that he was not aware of other Virginia localities accessing a tax on the sale of appliances with compressors.

Discussion ensued among the Board regarding this proposal. By consensus, the Board asked the County Attorney to research the issue.

7 **Consideration of Resolution Requesting Incorporation of Quintana Street into State System of Secondary Highways, The Pines Subdivision**

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

RESOLUTION 2003-25

ADDITION OF 889 LINEAR FEET OF QUINTANA STREET
TO SECONDARY SYSTEM OF STATE HIGHWAYS
THE PINES SUBDIVISION

WHEREAS, the street(s) described on the attached Additions Form SR-5A, fully incorporated herein by reference, are shown on the plats recorded in the Clerk's Office of the Circuit Court of Washington County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form SR-5A to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

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 that a certified copy of this Resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mrs. Mumpower	***Aye***
Mr. Rector	***Aye***
Mr. Roberts	***Aye***

Scribner's Note: Additions Form SR-5A referenced above is included as Minutes Exhibits Item 2003-05-27A.

8 Consideration of Request for Authorization for Sale of Surplus County Property

General Services Manager Frank Canter addressed the Board requesting authorization to sale County surplus property. If approved, the sale will be held on June 21, 2003. Mr. Canter advised the Board that the Department of Social Services has transferred ownership to the County of a 1993 Plymouth Sundance. Mr. Canter requested Board authorization to give this vehicle to another department/agency or to sale at the surplus sale if the vehicle is not claimed prior to the sale.

On motion of Mr. Barker, second by Mr. Rector, the Board acted to authorize sale of County surplus property and further to authorize the General Services Manager to give the 1993 Plymouth Sundance to another County department/agency or to sale the vehicle if it's not claimed prior to the sale.

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mrs. Mumpower	***Aye***
Mr. Rector	***Aye***
Mr. Roberts	***Aye***

9 **Consideration of Performance Agreement Between AFG Industries and Washington County – Governor's Opportunity Fund Grant**

On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved to approve the Performance Agreement between AFG Industries, Washington County Industrial Development Authority and the Board of Supervisors as presented.

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mrs. Mumpower	***Aye***
Mr. Rector	***Aye***
Mr. Roberts	***Aye***

Scribner's Note: *The Agreement referenced above is included as Minutes Exhibits Item 2003-05-27B.*

10 <u>County Administrator Reports</u>

a. Draft Agenda for May 29, 2003, Meeting for Adjustments to County Administrator's Recommended FY 2003-04 County Operating Budget

County Administrator Mark Reeter reviewed a draft agenda for the May 29, 2003, budget adjustment workshop. The draft agenda combines both the second and the third worksession meeting budget items. If this meets the Board's approval a third worksession, which is scheduled for June 3 would not be necessary.

It was consensus of the Board to cover the second and third budget adjustment worksession meetings on May 29 beginning at 6:30 PM and further to leave June 3 open in the event all budget items were not covered on May 29.

11 <u>County Attorney Reports</u>

a. Request for Authorization to Dispose of Certain Records of the Office of County Attorney

On motion of Mr. Rector, second by Mr. Roberts, it was resolved to authorize the County Attorney to dispose of certain records of the County Attorney's Office.

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mrs. Mumpower	***Aye***
Mr. Rector	***Aye***
Mr. Roberts	***Aye***

Scribner's Note: *The Certificate of Records Destruction is included as Minutes Exhibits Item 2003-05-27C.*

12 <u>Recess</u>

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

13 Board Information

County Administrator Mark Reeter drew attention to correspondence included in the Board Information section, particularly the tentative Virginia Department of Transportation Six-Year Plan for Primary & Interstate Highway Improvements for the Bristol District.

14 Consent Agenda

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

a. Supplemental Appropriation - $1,680.00 Federal Asset Sharing Program
b. Supplemental Appropriation - $15,000.00 Tobacco Indemnification Grant Program
c. Building Permit Refund - $149.00

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

Mr. Derting	***Aye***
Mr. Barker	***Aye***
Mr. Ingle	***Aye***
Mr. McCall	***Aye***
Mrs. Mumpower	***Aye***
Mr. Rector	***Aye***
Mr. Roberts	***Aye***

15 Board Member Reports

Supervisor Dulcie Mumpower requested the County Administrator send a formal request to the Washington County Service Authority regarding sewer service to Woodstone Subdivision.

Supervisor Tony Rector commended the County Attorney for her work on the Graceland Lane project.

Chairman Joe Derting reported that groundbreaking ceremonies had been held on May 22, 2003, for the three regional jails in the Southwest Virginia Regional Jail system.

16 Recess to May 29, 2003, 6:30 pm for Purpose of Conducting Second Board of Supervisors Workshop Meeting for Adjustments to County Administrator's Recommended FY 2003-04 County Operating Budget

On motion of Mr. McCall, second by Mr. Ingle, it was resolved to recess to the meeting to May 29, 2003, 6:30 PM for the purpose of conducting a second Board of Supervisors Workshop Meeting for adjustments to County Administrator's recommended FY 2003-04 County Operating Budget.

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

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

Mr. Rector ***Aye***
Mr. Roberts ***Aye***

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Prepared by:

_____
Naoma A. Mullins, Recording Clerk

Approved by the Washington County Board of Supervisors:

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Joe W. Derting, Chairman