

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, July 22, 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
 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, Recording Clerk

ABSENT:

Bobby D. Ingle

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 – Dulcie M. Mumpower

Supervisor Dulcie M. Mumpower gave the Invocation and led the Pledge of Allegiance.

3 Approval of Agenda

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

Deletion of Item 9 Consideration of Resolution Requesting Incorporation of Deer Run Drive, Meadowbrook Drive, Sedona Drive and Glenwood Drive into State System of Secondary Highways, Deer Run Estates Subdivision.

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

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|----------------------|------------|
| <i>Mr. Derting</i> | <i>Aye</i> |
| <i>Mr. Barker</i> | <i>Aye</i> |
| <i>Mr. McCall</i> | <i>Aye</i> |
| <i>Mrs. Mumpower</i> | <i>Aye</i> |

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

4 Approval of Minutes – June 24, 2003, Regular Meeting

On motion of Mr. Rector, second by Mr. Roberts, it was resolved to approve the minutes of the July 8, 2003, regular meeting as presented.

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

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

5 Consideration of Proposed Revisions to Ordinance to Amend Chapter 54, Section 76 of the 2002 Code of Washington County, Virginia, to Require Location of Septic Systems on the Same Lot as the Dwelling

County Administrator Mark Reeter addressed the Board explaining that at the July 8 meeting of the Board of Supervisors, the Board by consensus directed that the proposed ordinance to amend Sec. 54-76 of the 2002 County Code regarding septic systems be revised to allow for more flexibility in allowing for field beds for septic systems to be installed on lots immediately adjoining or adjacent to the building lot. Mr. Reeter explained that the Board was provided with a revised ordinance incorporating language that allows this, but provides for two additional restrictions: (1) No lot within a residential subdivision development may be used for multiple field beds, and (2) no lot outside of a residential subdivision may be used as the location for a field bed serving a building lot within the subdivision.

Mr. Reeter recommended that the Board remand the ordinance back for a second public hearing before the Planning Commission before again being heard before the Board prior to final consideration and adoption.

On motion of Mr. McCall, second by Mr. Roberts, the Board acted to remand the proposed revised ordinance to amend Sec. 54-76 of the 2002 County Code back to the Planning Commission for public hearing and recommendation.

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

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

6 Requests of Washington County Treasurer:

a. Consideration of Contract with the Department of Motor Vehicles for DMV Stops

County Treasurer Fred Parker appeared before the Board to present a request to use the Vehicle Registration Withholding Program (VRW) through the Virginia Department of Transportation and to sign a trial contract with Retail Alliance Merchants Association. Both are additional means of collecting of delinquent taxes.

Mr. Parker explained that the VRW Program places a “stop” on any vehicle renewal for that taxpayer anywhere in the state. There is a \$20.00 release fee, which is passed on to the taxpayer when the delinquent tax bill is paid. The Retail Alliance Agency will be used for the most delinquent accounts, especially the ones who have moved out of state. The taxpayer, not the County, will pay the fees for the agency.

Mr. Parker advised the Board that no collection action would be used without proper notification to the taxpayer and that adequate time has passed for the taxpayer to resolve their delinquent tax bill.

Discussion ensued among the Board regarding the County Treasurer’s requests.

On motion of Mr. Rector, second by Mr. Roberts, the Board acted to authorize the County Treasurer to participate in the Virginia Department of Motor Vehicle’s Vehicle Registration Withholding Program.

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

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|-----------------------------|-------------------|
| <i>Mr. Derting</i> | <i>Aye</i> |
| <i>Mr. Barker</i> | <i>Aye</i> |
| <i>Mr. McCall</i> | <i>Aye</i> |
| <i>Mrs. Mumpower</i> | <i>Aye</i> |
| <i>Mr. Rector</i> | <i>Aye</i> |
| <i>Mr. Roberts</i> | <i>Aye</i> |

b. Consideration of Contract with Retail Alliance Recovery Service

On motion of Mr. McCall, second by Mr. Rector, it was resolved to approve the County Treasurer’s entry into a trial agreement with Retail Alliance Merchants Association.

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

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|-----------------------------|-------------------|
| <i>Mr. Derting</i> | <i>Aye</i> |
| <i>Mr. Barker</i> | <i>Aye</i> |
| <i>Mr. McCall</i> | <i>Aye</i> |
| <i>Mrs. Mumpower</i> | <i>Aye</i> |
| <i>Mr. Rector</i> | <i>Aye</i> |
| <i>Mr. Roberts</i> | <i>Aye</i> |

c. Consideration of Delinquent Tax List for Fiscal Year Ending June 30, 2003

County Treasurer Fred Parker presented the Board with the Delinquent Tax List for Fiscal Year ending June 30, 2003, and requested that it be published in a local news media.

Accounting Manager Mark Seamon addressed the Board explaining that two County newspapers have expressed interest in publishing the delinquent tax list. Mr. Seamon advised the Board that he would solicit quotes from the newspapers for the total cost of publication using that minimum font size of 8 point – Times New Roman.

Discussion ensued among the Board.

On motion of Mr. Roberts, second by Mr. McCall, it was resolved to authorize the publication of the Delinquent Tax List for Fiscal Year ending June 30, 2003.

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

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|----------------------|------------|
| <i>Mr. Derting</i> | <i>Aye</i> |
| <i>Mr. Barker</i> | <i>Aye</i> |
| <i>Mr. McCall</i> | <i>Aye</i> |
| <i>Mrs. Mumpower</i> | <i>Aye</i> |
| <i>Mr. Rector</i> | <i>Aye</i> |
| <i>Mr. Roberts</i> | <i>Aye</i> |

7 Consideration of Solid Waste Hauler Permit Renewal Applications

County Attorney Lucy Phillips addressed the Board explaining that the Washington County Code Article III, Secs. 50-61, et seq. requires solid waste haulers in Washington County to renew permits to haul waste on an annual basis. Renewal requires completion of the application process.

Ms. Phillips advised the Board that all renewal applications received by her office were complete with the exception of Hayden Excavating Company. Due to a change in ownership, Hayden Excavating is in the process of obtaining the necessary bonds. Ms. Phillips recommended renewal of permit for those companies with completed applications and issuance of permit renewal to Hayden Excavating contingent upon receipt of all required materials.

On motion of Mr. Rector, second by Mr. Roberts, the Board acted to renew Solid Waste Hauler Permits for all applicants with complete applications and for issuance of permit renewal to applicants with incomplete applications contingent upon receipt of all required materials.

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

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|----------------------|------------|
| <i>Mr. Derting</i> | <i>Aye</i> |
| <i>Mr. Barker</i> | <i>Aye</i> |
| <i>Mr. McCall</i> | <i>Aye</i> |
| <i>Mrs. Mumpower</i> | <i>Aye</i> |
| <i>Mr. Rector</i> | <i>Aye</i> |
| <i>Mr. Roberts</i> | <i>Aye</i> |

8 Consideration of Resolution to Provide Moral Obligation to fund Virginia Highlands Small Business Incubator

Assistant County Administrator Christy Parker appeared before the Board to provide an update of the Virginia Highlands Small Business Incubator Project. The project has made significant progress toward finalizing plans to begin construction of a 40,000 square foot incubator on a six-acre site in the Abingdon Stonemill Technology Park adjacent to the Higher Education Center. The Incubator Board has successfully obtained over \$2.5 million in state and federal grant funds for the construction of the incubator, over half of the total cost of the project. The project was put out to bid and the low bid from H. S. Williams came in nearly \$1.2 million under engineers estimates for the project. The total construction cost is now \$3.7 million dollars. The Incubator Board has selected Highlands Union Bank as the local financial institution for funding up to \$1.3 million, the portion of the construction cost not covered by grant funds. The Town of Abingdon has agreed to provide a loan guarantee and based on this guarantee, Highlands Union Bank has offered a financing package of 5.5% interest for 15 years. Washington County's financial obligation will be over the next 15 years to cover debt service and operating costs. It will average out to be approximately \$46,000.00 per year.

County Attorney Lucy Phillips addressed the Board explaining that the Board is being requested to approve a resolution providing a moral obligation to fund the Virginia Highlands Small Business Incubator. Highlands

Union Bank has agreed to loan money for the project contingent upon a loan guarantee. Pending the outcome of the Town of Abingdon's public hearing on this matter, the Town has agreed to provide the loan guarantee provided that there is a moral obligation from Washington County and the City of Bristol. An appropriation by Washington County would need to be made each year for the County's portion of the debt service.

On motion of Mr. Roberts, second by Mr. Rector, the Board acted to adopt the following resolution:

**RESOLUTION 2003-34
OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF WASHINGTON, VIRGINIA RELATING TO THE MAKING OF A
COMMITMENT TO PAY A PORTION OF THE COST OF CONSTRUCTION
AND OPERATION OF THE VIRGINIA HIGHLANDS SMALL BUSINESS INCUBATOR FACILITY
WITHOUT PLEDGING THE FULL FAITH AND CREDIT OF THE COUNTY**

WHEREAS, the County of Washington, Virginia, together with the Town of Abingdon, Virginia, and City of Bristol, Virginia, has sought to increase the economic growth and prosperity of the region served by all three said governments by joining together in a non-stock, not-for-profit corporation, the Virginia Highlands Small Business Incubator, Inc. (the "Company"), to develop a small business incubator facility designed to assist the development and growth of small businesses (the "Project"), and

WHEREAS, the cost of construction and operation of the facility will come from grants and a loan and be over \$4,000,000.00, \$1,300,000.00 of which will be borrowed and which must be paid by the three governmental entities that have supported formation of the Company, and a financial commitment must be made in order to pay the County's agreed share of the cost of construction of the facility, and

WHEREAS, the County is unable to make a commitment of the full faith and credit of the County, but is prepared to commit its good will and intention to make said payments, and

WHEREAS, in order to meet the provisions of a critical loan offer from the lending bank, a bank chosen in accordance with a publicly solicited request for proposal of all banks in the three governmental entities, one of the entities must pledge the full faith and credit of the entity, and

WHEREAS, the Town of Abingdon has agreed to guarantee the payment of the loan from Highlands Union Bank to the Company, but on the condition that should the County fail to meet its moral commitment to pay its predetermined share of the cost of same, then its interest in the Company and the project would be reduced in proportionate share to the missed payment(s), and

WHEREAS, the County is prepared to so commit to the project and the Town,

NOW, THEREFORE, BE IT RESOLVED that:

1. The County does hereby declare its intent to pay one-half of the borrowed amount of the cost of constructing and operating the small business incubator facility, the cost of the loan being \$1,300,000.00 to be repaid over 15 years at 5.5%, subject to sufficient funds being appropriated in each fiscal year to make said payment, said stated intent to pay the loan however not being a pledge of the full faith and credit of the County nor a contractual commitment to pay said debt, but being merely a moral commitment of the County to be reviewed annually for renewal, and

2. The County further agrees that its interest in the Project and in the assets of the Company will be reduced in proportion to the amount of any payments that the County fails to appropriate with respect to the total cost of the project, and

3. *The County's commitment is wholly conditioned upon the Town of Abingdon honoring its guarantee, and upon the Town of Abingdon and the City of Bristol adopting, in a timely manner, resolutions with subject matter and intent equivalent to that of this resolution, and*

4. *That the Board of Supervisors authorizes the County Administrator to execute, on behalf of the County, an agreement with the Company, the Town of Abingdon, and the City of Bristol to memorialize (1) the Town's promise to guarantee the loan to the Company and (2) the localities' intent as same has been set forth in resolutions, as referenced above.*

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

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| <i>Mr. Derting</i> | <i>Aye</i> |
| <i>Mr. Barker</i> | <i>Aye</i> |
| <i>Mr. McCall</i> | <i>Aye</i> |
| <i>Mrs. Mumpower</i> | <i>Aye</i> |
| <i>Mr. Rector</i> | <i>Aye</i> |
| <i>Mr. Roberts</i> | <i>Aye</i> |

9 Consideration of Parade Permit, Schoolhouse 5K Roadrace, Washington County Department of Recreation

On motion of Mr. Roberts, second by Mr. McCall, the Board acted to grant a Parade Permit to the Washington County Department of Recreation for the Schoolhouse 5K Roadrace to be conducted on August 9, 2003.

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

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| <i>Mr. Derting</i> | <i>Aye</i> |
| <i>Mr. Barker</i> | <i>Aye</i> |
| <i>Mr. McCall</i> | <i>Aye</i> |
| <i>Mrs. Mumpower</i> | <i>Aye</i> |
| <i>Mr. Rector</i> | <i>Aye</i> |
| <i>Mr. Roberts</i> | <i>Aye</i> |

10 Consideration of Nominees for Washington County Business Seat on New River/Mount Rogers Workforce Investment Board

On motion of Mrs. Mumpower, second by Mr. McCall, it was resolved to nominate Curtis Fleenor as Washington County's Business Seat representative to the New River/Mount Rogers Workforce Investment Board.

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

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|----------------------|------------|
| <i>Mr. Derting</i> | <i>Aye</i> |
| <i>Mr. Barker</i> | <i>Aye</i> |
| <i>Mr. McCall</i> | <i>Aye</i> |
| <i>Mrs. Mumpower</i> | <i>Aye</i> |
| <i>Mr. Rector</i> | <i>Aye</i> |
| <i>Mr. Roberts</i> | <i>Aye</i> |

11 Recess

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

12 County Administrator Reports**a. Recovery of Refrigerants from White Goods by Department of Solid Waste**

County Administrator Mark Reeter addressed the Board explaining that Solid Waste Manager Coy Martin and Recycling & Special Projects Manager Stephen Richardson have studied the proposal for the County to offer refrigerant recovery services as suggested by the Clean Virginia Committee. The study concluded that it is possible for the County to offer such services via arrangements with Washington County Public Schools personnel who are currently certified to remove refrigerants, but the extraction process could only be conducted at the former County Landfill site. The Department of Solid Waste lacks sufficient trucks and other equipment to allow for the routine collection of refrigerant-based appliances at the County's Manned Convenience Stations. Mr. Reeter advised the Board that it is the opinion of the Study Committee that the refrigerant recovery at the former County Landfill will not significantly reduce the illegal dumping of such appliances.

Mr. Reeter stated that there is merit in offering refrigerant recovery at the former County Landfill site as a public service, even if it is unlikely to significantly reduce illegal dumping of refrigerant-bearing appliances. The Board would need to make an investment in equipment and labor costs associated with using School System personnel certified to remove the refrigerants.

Discussion ensued at length regarding this item. It was consensus of the Board to pursue the suggestion of the County Administrator of offering the refrigerant recovery at the former County Landfill site as a public service.

b. Report Concerning Status of State Route 1717 Relocation Project

The Virginia Department of Transportation (VDOT) has advised the County that preliminary design work for the State Route 1717 Relocation Project has been completed and that a required VDOT Public Hearing on the proposed project is being scheduled for later this year. VDOT is requesting the County to adopt a resolution insuring that properties adjoining the new industrial access route cannot be developed in a manner inconsistent with the intended purpose of the new road.

Mr. Reeter advised the Board that an Administrative Work Group would be formed to review this issue and develop a strategy for meeting VDOT's requirements. The recommendations will be forwarded from the working group to the Board of Supervisors and Industrial Development Authority.

c. August 19 Washington County Public School Tours

Mr. Reeter advised the Board that the Washington County School Board would be reinstating the school tours. The tours are scheduled for August 19, 2003.

13 County Attorney Reports

No Report.

14 Board Information

County Administrator Mark Reeter drew attention to correspondence included in the Board section from Highlands Community Services Board, Washington County Youth Services Board and the Virginia Department of Transportation.

15 Board Member Reports

Supervisor Tony Rector informed the Board that he and County Attorney Lucy Phillips have been working on the Meadowview Fire Department truck issue, and requested this item be placed on the August 12, 2003, Agenda. Supervisor Jack Barker inquired about progress made by County staff on researching the issue of the cell phone tax being levied by Sullivan County, Tennessee on Washington County, Virginia residents with Tennessee cell phone numbers.

In another matter, Supervisor Barker strongly encouraged the adoption of a smoking policy for the County offices.

Supervisor John Roberts stated that there should be a no smoking policy for County offices.

Discussion ensued among the Board relative to this matter. It was consensus of the Board to direct the County Attorney and County Administrator to prepare a smoking policy to present for their approval at the August 12, 2003, Board meeting.

Chairman Joe Derting inquired about VDOT’s Rural Rustic Road Program.

16 Adjourn

On motion of Mr. Rector, second by Mr. Barker, it was resolved to adjourn the meeting.

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

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| <i>Mr. Derting</i> | <i>Aye</i> |
| <i>Mr. Barker</i> | <i>Aye</i> |
| <i>Mr. McCall</i> | <i>Aye</i> |
| <i>Mrs. Mumpower</i> | <i>Aye</i> |
| <i>Mr. Rector</i> | <i>Aye</i> |
| <i>Mr. Roberts</i> | <i>Aye</i> |

Prepared by:

Naoma A. Mullins, Recording Clerk

Approved by the Washington County Board of Supervisors:

Joe W. Derting, Chairman