V I R G I N I A:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, July 25, 2006, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia the following were present:

PRESENT:

Kenneth O. Reynolds, Chairman
Jack R. McCrady, Jr., Vice Chairman
Phillip B. McCall
Dulcie M. Mumpower
Odell Owens
Paul O. Price
Anthony S. Rector

Mark K. Reeter, County Administrator
Lucy E. Phillips, County Attorney
Mark W. Seamon, Accounting Manager
Naoma A. Mullins, Recording Clerk

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1. Call to Order

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

2. Invocation and Pledge of Allegiance

Supervisor Tony Rector gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

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

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

Mr. McCall	***Aye***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Price	***Aye***
Mr. Rector	***Aye***
Mr. Reynolds	***Aye***

4. Approval of Minutes

On motion of Mr. Rector, second by Mr. Owens, it was resolved to approve the following minutes as presented:

July 11, 2006, Joint Recessed Meeting
July 11, 2006, Regular Meeting
July 12, 2006, Joint Recessed Meeting

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

Mr. McCall	***Aye***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Price	***Aye***
Mr. Rector	***Aye***
Mr. Reynolds	***Aye***

5. Consideration of Approval of FY 06-07 Performance Contract between Highland Community Services Board and Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services

County Administrator Mark Reeter addressed the Board explaining that State law requires localities that form regional community services boards to approve a Performance Contract between the community services board and the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services (VDMHMRSA). Mr. Reeter explained that the Board is being requested to consider approval of the FY 2006 Performance Contract between Highlands Community Services Board and the VDMHMRSA. Mr. Reeter further explained that Highlands Community Services Board is requesting permission to act as its own fiscal agent for the purposes of receiving state and federal funds from DMHMRSA.

On motion of Mr. Owens, second by Mrs. Mumpower, it was resolved to approve the FY 2006 Performance Contract between Highland Community Services Board and Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services and to authorize Highlands Community Services Board to act as its own fiscal agent.

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

Mr. McCall	***Aye***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Price	***Aye***
Mr. Rector	***Aye***
Mr. Reynolds	***Aye***

***Scrivener's* Note:** The FY 2006 Performance Contract referenced above is included as Minutes Exhibits Item 2006-07-25-A.

6. <u>Consideration of Resolution Designating August 12 as South Holston Lake Cleanup Day</u>

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

RESOLUTION 2006-12
DESIGNATING AUGUST 12, 2006 AS "KEEP BRISTOL BEAUTIFUL "SOUTH HOLSTON LAKE & RIVER CLEANUP DAY" IN WASHINGTON COUNTY, VIRGINIA AND TO COMMEND AREA RESIDENTS FOR THEIR 14TH ANNUAL EFFORTS IN THIS REGARD

WHEREAS, the second Saturday in August has been established as the day residents of Northeast Tennessee and Southwest Virginia should participate in the "14th Annual South Holston Lake Cleanup;" this day should carry a desire and purpose to add beauty and a natural appearance to the landscape through cleanup efforts; and

WHEREAS, at a time when public lands and waterways are being reduced at an alarming rate; volunteer cleanup activities are one of the most important we can undertake to assure America's beauty; and

WHEREAS, a clean environment is a legacy to our future; each man, woman and child of this region is encouraged to make an invaluable contribution to the lives of future generations,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that August 12, 2006 be designated as Keep Bristol Beautiful "South Holston Lake & River Cleanup Day."

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

Mr. McCall	***Aye***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Price	***Aye***
Mr. Rector	***Aye***
Mr. Reynolds	***Aye***

7. <u>Consideration of Resolution Amending the Boundaries of the Current Washington County/Smyth County/Glade Spring/Chilhowie Enterprise Zone</u>

County Administrator Mark Reeter addressed the Board explaining that Smyth County is requesting approval of Washington County to amend the current boundaries of the Washington/Smyth/Glade Spring/Chilhowie Enterprise Zone to include additional areas within the Town of Chilhowie. Mr. Reeter explained that the proposed amendment does not affect Washington County.

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

RESOLUTION 2006-13
APPROVING AMENDMENT OF ENTERPRISE ZONE BY WASHINGTON COUNTY

WHEREAS, the current joint Enterprise Zone, including portions of Glade Spring, Chilhowie, Smyth County, and Washington County, was established to provide economic incentives to businesses who locate in the zone; and

WHEREAS, the Chilhowie Town Council is proposing a boundary amendment to the zone in order to add portions within the Town that were not originally included in the zone; and

WHEREAS, the Board of Supervisors of Washington County recognize the need to make periodic revisions to the current Enterprise Zone and that it may in the future submit zone amendments, but currently the County has no proposed amendment to its portion of the zone; and

WHEREAS, no public hearing is required to be held by the Board of Supervisors of Washington County because there will be no direct impact from this amendment to the County.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that it hereby acknowledges the Enterprise Zone amendment application from the Town of Chilhowie and agrees to its submittal.

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

Mr. McCall	***Aye***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Price	***Aye***
Mr. Rector	***Aye***
Mr. Reynolds	***Aye***

8. <u>Consideration of Applications for Solid Waste Hauler Permit Renewals</u>

County Attorney Lucy Phillips addressed the Board explaining that the County Code requires that solid waste haulers in Washington County annually renew their permits to haul waste. Ms. Phillips explained that the Board was provided with a list of solid waste haulers that are applying for renewal of their Solid Waste Hauler Permits. She further explained that all the applications were reviewed and all applications were found to be complete.

Discussion ensued among the Board.

On motion of Mr. Rector, second by Mr. Owens, the Board acted to renew Solid Waste Hauler permits for all applicants.

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

Mr. McCall	***Aye***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Price	***Aye***
Mr. Rector	***Aye***
Mr. Reynolds	***Aye***

9. Consideration of Appointments to Various Boards, Authorities and Commissions

Mount Rogers Planning District Commission

On motion of Mr. Rector, second by Mr. McCall, it was resolved to appoint Sharon Gilliam to represent the Town of Glade Spring on the Mount Rogers Planning District Commission for a four-year term beginning July 1, 2006 and expiring June 30, 2010.

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

Mr. McCall	***Aye***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Price	***Aye***
Mr. Rector	***Aye***
Mr. Reynolds	***Aye***

10. Consideration of Appointment of Supervisors to Joint Abingdon/County/Service Authority Sewer Service Negotiations Group

On motion of Mr. Rector, second by Mr. Owens, it was resolved to appoint Dulcie Mumpower as a Board representative to the Joint Abingdon/County/Service Authority Sewer Service Negotiations Group.

On motion of Mr. McCall, second by Mr. McCrady, it was resolved to appoint Kenneth Reynolds as a Board representative to the Joint Abingdon/County/Service Authority Sewer Service Negotiations Group.

The vote on the motions was as follows: (5-0-2)

Mr. McCall	***Aye***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Abstained***
Mr. Owens	***Aye***
Mr. Price	***Aye***

Mr. Rector ***Aye***
Mr. Reynolds ***Abstained***

11. <u>Consideration of Application for Parade Permit, Schoolhouse 5K Road Race</u>

On motion of Mr. Owens, second by Mr. Rector, it was resolved to grant a Parade Permit to the Washington County Department of Recreation for Schoolhouse 5K Roadrace to be conducted on August 12, 2006.

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

Mr. McCall ***Aye***
Mr. McCrady ***Aye***
Mrs. Mumpower ***Aye***
Mr. Owens ***Aye***
Mr. Price ***Aye***
Mr. Rector ***Aye***
Mr. Reynolds ***Aye***

12. <u>Recess</u>

No recess was taken.

13. <u>County Administrator Reports</u>:

a. Replacement of Solid Waste Department Garbage Trucks

Solid Waste Director Coy Martin addressed the Board presenting a proposal on replacement of Solid Waste Department Garbage Trucks. Mr. Martin began by explaining that the Solid Waste Department has received 4,700 more tons of solid waste as compared to this time last year. Of the 4,700 tons, 600 are coming from the convenience stations, which are also ahead of last year's numbers. He explained that in calendar year 2007 the garbage trucks are scheduled to be replaced. However, with the new Federal mandated emission standards going into effect in January 2007, the County could save approximately $12,000 per truck by purchasing them now. Mr. Martin further explained that he proposes to trade two trucks, purchase three trucks and to keep one of the old trucks for a spare.

Discussions ensued among the Board.

Responding to an inquiry from the Board, Mr. Martin explained that the increase in solid waste being received is primarily due to construction and demolition projects.

On motion of Mr. McCall, second by Mr. McCrady, the Board acted to approve the purchase of three new garbage trucks for Department of Solid Waste.

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

Mr. McCall	***Aye***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Price	***Aye***
Mr. Rector	***Aye***
Mr. Reynolds	***Aye***

b. Review of Draft Certificate of Commendation Recognizing the *Abingdon Virginian* Newspaper

County Administrator Mark Reeter advised the Board that a Certificate of Commendation recognizing the *Abingdon Virginian* Newspaper had been drafter for their review. Mr. Reeter stated that Martha Weisfield would be invited to attend a future Board meeting to receive the certificate.

Discussion ensued among the Board.

On motion of Mr. McCrady, second by Mr. Price, the Board acted to approve presentation of the Certificate of Commendation to the Abingdon Virginian Newspaper.

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

Mr. McCall	***Aye***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Price	***Aye***
Mr. Rector	***Aye***
Mr. Reynolds	***Aye***

c. Board Meeting Date for Consideration of Proposed Piper Springs Subdivision Connection to Worthing Way

Mr. Reeter addressed the Board explaining that the County has received a request from The Quest Group to present to the Board their proposal to access the proposed Piper Spring Estates Subdivision through Worthing Way. He explained that the Board took action on July 11 that The Quest Group could not use the right of way between Worthing Way serving Worthington Place Subdivision and the adjoining property as an entrance into the proposed subdivision without first coming to the Board for approval.

Mr. Reeter drew the Boards attention to a letter received from Stephen Hodges with PennStuart, who serves as legal counsel for Worthington Partners, requesting that the Board consider an ordinance to vacate the public right of way on Worthing Way.

Mr. Reeter reviewed the options that the Board could consider in handling the requests of The Quest Group and Worthington Partners. He explained that the Board could consider the request of The Quest Group without holding a public hearing. Mr. Reeter further explained that if the Board chose to consider the request of Worthington Partners to adopt an ordinance to vacate the right of way, then a public

hearing is required. He stated that the earliest a public hearing could be scheduled before the Board is the August 27 regular meeting. The Board also has the option of combining consideration of the two requests.

Substantial discussion ensued among the Board. The Board discussed identifying alternate entrances into the proposed Piper Spring Estates Subdivision. Concerns were expressed regarding the additional traffic that would be generated from the proposed subdivision and discussions ensued on the best and safest ways to route the traffic. It was mentioned that the Virginia Department of Transportation has approved a traffic signal at the entrance of Worthington Place off of US Route 19. It was further mentioned that the schematic submitted by The Quest Group shows two entrances to the proposed subdivision.

Further discussions ensued concerning the fact that The Quest Group purchased their property with the right of way on Worthing Way and that it would not be right to abandon that right of way.

Responding to an inquiry from the Board, County Attorney Lucy Phillips explained that it is the Board's discretion whether or not to proceed with the request of Worthington Partners to vacate the right of way on Worthing Way. Ms. Phillips explained that the Board has legislative authority concerning this type of request.

The Board discussed at length the requests of The Quest Group and Worthington Partners specifically whether or not to hold a public hearing on the request of The Quest Group in order to provide people with an interest in the matter another opportunity to speak concerning The Quest Group's request to access the proposed Piper Spring Estates Subdivision through the right of way on Worthing Way. Subsequently the following action was taken:

On motion of Mr. Price, second by Mr. Rector, the Board acted to schedule the request of The Quest Group to access the proposed Piper Springs Estate Subdivision through the undeveloped right of way shown on the plat for Worthington Place subdivision for review at the August 8, 2006, Board meeting and to invite a representative from The Quest Group (request The Quest Group bring a plat of the proposed Piper Spring Estates Subdivision) and Worthington Partners or their legal counsel to attend the meeting to provide comments. It was further resolved to allow anyone else who wishes to comment on the issues to do so only if they have an interest in the matter.

The following substitute motion was offered:

On motion of Mr. McCall, second by Mrs. Mumpower, the Board acted to schedule the request of The Quest Group to access the proposed Piper Springs Estate Subdivision through the undeveloped right of way shown on the plat for Worthington Place subdivision for review at the August 8, 2006, Board meeting and further to invite The Quest Group and Worthington Partners to have one representative, each, to attend the meeting to present their positions on the issue.

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

Mr. McCall	***Aye***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Price	***Aye***

Mr. Rector ***Aye***
Mr. Reynolds ***Aye***

d. August Performance Evaluations of County Administrator and County Attorney

Mr. Reeter advised the Board that he would schedule the performance evaluations for the County Administrator for August 8 and for the County Attorney on August 22.

14. <u>County Attorney Reports</u>:

a. Report on County Authority to Levy Cigarette Tax

County Attorney Lucy Phillips addressed the Board explaining that at the joint meeting of the Board of Supervisors and the Abingdon Town Council, held July 12, the Town Council asked the Board to consider levy of a tax on cigarette sales in the County. The reason for the request was because the Town Council had considered levy of a cigarette tax in the Town, but had not done so because of objections from Abingdon businesses that consumers would drive the short distance to purchase cigarettes in the County to avoid the tax, which would have a detrimental affect on town businesses. Ms. Phillips explained that she has researched state law that controls authority of the County to levy a cigarette tax. It states that the County would have the authority to levy the tax only if it had authority to do so prior to January 1, 1977. She further explained that after further research the County does not appear to have the authority to levy a cigarette tax. The County also does not have authority to place the issue on a referendum.

Discussion ensued among the Board. It was consensus of the Board to direct the County Attorney to send correspondence to the Town of Abingdon regarding the findings of her research.

b. Notice of Application by Appalachian Power Company for an Increase in Electric Rates

County Attorney Lucy Phillips reported that the County received notice that Appalachian Power Company has filed an application with the State Corporation Commission (SCC) for a rate increase. A public hearing has been scheduled by the SCC on this matter for November 7, 2006, 10:00 AM in the SCC Courtroom in Richmond, Virginia. Ms. Phillips asked the Board to advise her if they wished any comments be submitted on behalf of the County.

In another matter, Ms. Phillips explained that at Board stations is a memorandum from her attached to a letter from the Chief Judge of the 23rd Judicial Circuit of Virginia written to the three-judge panel considering the annexation litigation. The Panel has set a date for trial of the annexation litigation to begin October 30 and it is anticipated the trial would run for three days. Ms. Phillips further explained that the County filed several motions to dismiss in this matter, but the Courts have not been able to set dates to consider the motions. She stated that she would let the Board know when the hearings were scheduled.

Ms. Phillips reported that also at stations was correspondence from Telecommunications Consulting Associates (TCA) wherein they have submitted a proposal to conduct an audit of Charter Communications. The Audit would determine if Charter Communications is submitting all the appropriate franchise documentation and franchise fees to the County. Ms. Phillips explained that the proposal from TCA removes all risk to the County in terms of payment for an audit. The County will pay

nothing for the audit unless TCA discovers an underpayment and the County will only pay TCA after Charter pays the County. Ms. Phillips stated that if there are no objections from the Board she would discuss the matter with the County Administrator and enter into a contract with TCA.

15. Board Information

Mr. Reeter reviewed the following Board information:

- 16th Annual Pre-School Tour scheduled for August 15, 2006. Mr. Reeter asked that Board members let his office know if they are planning to attend the Pre-School Tour.
- Results of VDOT Speed Study, Routes 670 & 678
- Forest Services Correspondence to Blue Blaze Shuttle Services
- County Recycling Revenue, FY 2005-06
- Reminder of the 3rd Annual County Employee Picnic, Sunday, August 6 – 4:00 PM – 7:00 PM – Washington County Park at South Holston Lake
- Congratulations to Kenneth Reynolds for his election to the Board of Directors for the National Association of Development Organizations (NADO). Mr. Reynolds will represent the Eastern region of NADO.

16. Consent Agenda

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

a. Payment of Bills – June 2006
b. Revenue Refunds – Animal Sterilization Fee
c. Revenue Refund-Building Permit Fee
d. Canceled Check-General Fund
e. Revenue Refund-Recreation Program Fee
f. Supplemental Appropriations-Sheriff's Office for 2DCJS Grants Received
g. Request for Capital Funds-Cleveland Community Center

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

Mr. McCall	***Aye***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Price	***Aye***
Mr. Rector	***Aye***
Mr. Reynolds	***Aye***

17. Board Member Reports

Supervisor Paul Price inquired about the policy of the Virginia Department of Transportation not to post a speed limit on dirt roads. Mr. Price explained that he has received complaints concerning people driving fast on North Fork River Road.

Mr. Price stated that he hopes the Board will give consideration to the proposed Public Safety Director's position. He explained that he has obtained information from Franklin County, Virginia pertaining to their Public Safety Director's position. Mr. Price advised the Board he would be glad to share the information with them.

Supervisor Odell Owens advised the Board that he wishes to resign from the Joint County Parks and Recreation Committee. Subsequently, the following action was taken:

On motion of Mr. Owens, second by Mr. Rector, it was resolved to appoint Paul Price to fill the unexpired term of Odell Owens on the Joint County Parks and Recreation Committee.

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

Mr. McCall	***Aye***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Price	***Abstained***
Mr. Rector	***Aye***
Mr. Reynolds	***Aye***

Mr. Owens reported that he believes an Executive Director for the Highlands Community Services Board has been found.

Chairman Kenneth Reynolds remarked on his appointment to the Board of Directors of the National Association of Development Organizations.

Mr. Reynolds reported that he attended the State Planning District Commission Meeting and was provided up to date reports on transportation issues, homeland security and the State's budget.

Mr. Reynolds commented that the joint meeting with the Abingdon Town Council was very productive.

Supervisor Jack McCrady reported on the U. S. Forest Service's new regulation that requires all shuttle service providers obtain a special use permit based on a percent of the shuttle services earned income. Mr. McCrady explained that the reason for the new requirement is because the shuttle service businesses are using U. S. Forest Services property and assert that the revenue generated from the issuance of permits will be used to maintain the property. He proposed that the Board of Supervisors consider a resolution in opposition of the new regulation and send the resolution to the U. S. Department of Interior Services.

It was consensus of the Board for a resolution to be drafted for their review and consideration.

18. <u>Adjourn</u>

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

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

Mr. McCall	***Aye***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Price	***Aye***
Mr. Rector	***Aye***
Mr. Reynolds	***Aye***

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Prepared by:

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Naoma A. Mullins, Recording Clerk

Approved by the Washington County Board of Supervisors:

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Kenneth O. Reynolds, Chairman