

**VIRGINIA:**

At a meeting of the Washington County Board of Supervisors held Tuesday, November 23, 1999, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

**PRESENT:**

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

Mark K. Reeter, County Administrator  
 Lucy E. Phillips Bright, County Attorney  
 Mark W. Seamon, Accounting/Purchasing Manager  
 Sandra M. Hatfield, CPS, Administrative Supervisor

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1. **Call to Order**

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

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

Mr. Derting gave the Invocation and led in the Pledge of Allegiance.

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3. **Approval of Agenda**

*On motion of Mrs. Mumpower, second by Mr. Roberts, it was resolved to approve the Agenda with the following additions:*

- 13.b Early Release of Payroll, December 1999*  
*13.c Christmas and New Year's Holiday Schedule*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Barker</i>	<i>Aye</i>	<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. Mathews</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>				

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4                    **Approval of Minutes**

*On motion of Mr. Ingle, second by Mr. Barker, it was resolved to approve the minutes of November 9, 1999 with the following correction:*

**Page 9447, Agenda Item 5.b**

*“On motion of Mr. Barker, second by Mr. Osborne, it was resolved to grant a deed to the Virginia Department of Transportation to approximately 0.01 acres of County property in the Tyler Magisterial District which represents an unused portion of the tract of land on which the Mendota Community Center is located ..., and further, it was resolved to accept from Virginia Department of Transportation the payment of \$100.00 as the fair market value for this land.”*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Barker</i>	<i>Aye</i>	<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. Mathews</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Abstain</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>				

It is noted for the record that Mr. Roberts was absent from the November 9, 1999 meeting.

*On motion of Mr. Barker, second by Mr. Roberts, it was resolved to approve the Minutes of November 17, 1999 as presented.*

*The vote on this motion was as follows: (5-0-2)*

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Barker</i>	<i>Aye</i>	<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. Mathews</i>	<i>Nay</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Nay</i>				

It is noted for the record that Mr. Mathews and Mrs. Mumpower were absent from the November 17, 1999 meeting.

5                    **Public Hearing Concerning an Ordinance to Amend Chapter 38 of the 1997 Code of Washington County, Virginia Enacting an Ordinance to Regulate Parking on County-owned and County-leased Property. (Lucy Bright)**

Mrs. Bright explained the purpose of the ordinance and the enforcement measures built into it.

Mr. Derting opened the public hearing and invited comments both in support of and in opposition to the proposed ordinance to amend the Chapter 38 of the 1997 Code of Washington County, Virginia.

Fred Buckles, representing the community and civic club in Meadowview, Virginia, expressed support for the proposed ordinance stating there is an effort underway to develop the Town Square and this ordinance will be helpful. He reported there is one new business that has located in the square.

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

*On motion of Mr. Osborne, second by Mr. Mathews, it was resolved to adopt the following ordinance:*

**ORDINANCE NO. 99-5*****AN ORDINANCE TO AMEND CHAPTER 38 OF THE 1997 CODE OF THE COUNTY OF WASHINGTON, VIRGINIA, ENACTING AN ORDINANCE TO REGULATE PARKING ON COUNTY-OWNED AND -LEASED PROPERTY***

*WHEREAS, the County of Washington, Virginia owns and leases properties (County Properties) that are available for public use for parking motor vehicles; and*

*WHEREAS, the use by the general public of County Properties for parking motor vehicles affects residents and businesses in the proximity of County Properties; and*

*WHEREAS, §46.2-1221 of the 1950 Code of Virginia, as amended, authorizes the governing body of any county to provide for the regulation of parking on county-owned or leased property; and*

*WHEREAS, §38-3 of the 1997 Code of Washington County, Virginia provides insufficient guidelines for regulation of parking on County Properties; and*

*WHEREAS, the regulation of parking on County Properties would promote the public's health, safety and welfare.*

*NOW THEREFORE, be it ORDAINED by the Board of Supervisors of Washington County, Virginia that:*

- 1. Chapter 38 of the 1997 Code of Washington County is amended by repealing section 38-3 of Article I.*
- 2. Chapter 38 of the 1997 Code Washington County is amended by revising Section 38-2(1) of Article I to read as follows:*

*Section 38-2(1). Section 38-69 shall be applicable within the corporate limits of all incorporated towns within the county.*

- 3. Chapter 38 of the 1997 Code of Washington County is amended by adding the following section to Article III:*

***ARTICLE III. Stopping, Standing and Parking.***

***§38-69. Parking on county-owned or -leased property.***

- (a) No person shall stand, stop or park a vehicle on any county-owned or -leased property except within properly marked and designated parking spaces in compliance with all authorized signs or markings posted on such property.*
- (b) No vehicles other than those displaying disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, or temporary removable windshield placards issued pursuant to §46.2-1241 of the Code of Virginia, as amended, or "DV" disabled parking license plates issued pursuant to §46.2-739 of the 1950 Code of Virginia, as amended, shall be parked in any parking spaces reserved for persons with disabilities.*

- (c) *No person shall stand, stop or park a vehicle on county-owned or –leased property adjacent to either any yellow painted curb or any curb otherwise marked “No Parking,” either by signs or lettered on the curbs or pavement.*
- (d) *The county administrator may propose to the board site-specific parking restrictions to govern parking on county-owned or –leased property. Parking restrictions may include the following: classification of vehicles; designation of the time, place, and manner such vehicles may be allowed to park; and additional restrictions as parking conditions may require. Parking restrictions on county-owned or –leased properties may be ratified by the board by resolution upon a finding that the proposed restrictions accommodate the needs of the county government and/or of the residents and businesses in immediate proximity to the property, as well as to promote the public’s health, safety and welfare. Parking restrictions may not be enforced without prior ratification by the board, with the exceptions of reservation of parking spaces for public officials, public employees, and county vehicles and restrictions as described in subsection (g).*
- (e) *The county administrator shall cause to be posted at the potentially affected property notice of intent to request board ratification of proposed parking restrictions for a fourteen (14) calendar day period prior to the date of the board meeting at which ratification will be requested. The proposed parking restrictions shall be set out in writing and made available for public review upon request at the office of the county administrator during the fourteen (14) day period. The public shall have the opportunity to comment on the proposed restrictions at the board meeting. All parking restrictions so ratified by board resolution shall be set forth in detail in the minutes of the meeting at which ratification occurred.*
- (f) *The county administrator shall cause to be erected appropriate signs or markers or to have curbs or pavement marked so that an ordinarily observant person who may be affected by parking restrictions will be aware of such restrictions. Parking restrictions imposed on county-owned or –leased property shall become effective upon the erection of signs or markers or marking of curbs or pavement at the parking site. The county administrator shall obtain from the board ratification of proposed restrictions prior to erection of signs or markers or marking of curbs or pavement. Restrictions in effect prior to the adoption of this ordinance shall continue to be in effect as if adopted pursuant to this ordinance.*
- (g) *The county administrator may cause the temporary prohibition of parking on county-owned or –leased property, in whole or in part, without prior ratification by the board for the following reasons:*
- (1) *community activities such as parades or festivals after request from citizens,*
  - (2) *emergency situations,*
  - (3) *maintenance requirements, or*
  - (4) *other reasons as deemed necessary for the public health, safety and welfare.*

*Temporary closure pursuant to this section may not exceed a period of four (4) successive calendar days except as necessary for maintenance or emergency situations. Notice of closure pursuant to this section shall be posted at the affected property no later than two (2) days prior to the date of closure, with the*

*exception of closure due to maintenance requirements or emergency situations. The county administrator shall make best efforts to post notice of closure due to maintenance requirements or emergency situations no later than two (2) days prior to the date of closure. Parking in violation of temporary closure notices shall be considered parking in violation of the law and enforced as described in this section.*

- (h) The Sheriff of Washington County, his deputies, and other appropriate law enforcement officials, are authorized to enforce the provisions of this section.*
- (i) Any vehicle parked, stopped or standing in violation of any provision of this section will be considered parked in violation of the law. Remaining in the same illegal location for periods of time exceeding two (2) hours, or other shorter time period if posted at the parking site, will be considered separate offenses for each applicable time period after the first notice of violation is posted on the vehicle pursuant to this subsection. Whenever any vehicle is found parked in violation of any provision of this section, the sheriff or his deputies shall note the vehicle license plate number and shall attach to such vehicle a notice to the owner thereof that such vehicle is unlawfully parked. The notice will instruct the owner to submit a payment of three dollars (\$3.00) per vehicle axle to the Treasurer of Washington County as a penalty for and in full satisfaction of violation no later than the close of business of the Treasurer's office within three (3) county-government business days from the time of issuance of the notice. Payment will be timely if postmarked within three (3) working days from the time of issuance of the notice. The notice shall state that if the payment is not made within this three (3) day period the penalty shall be doubled. Upon failure of any such owner to make payment of the penalty within the initial three (3) day period, law enforcement officials shall send to such owner a late-payment notice informing the owner of the violation and of the amount of penalty due. The late-payment notice shall provide that the owner has five (5) county-government business days from the post-date of the late-payment notice in which to pay the penalty. If payment is not received within this five (5) day period, a warrant shall be issued. Payment will be timely if postmarked within five (5) working days from the time of issuance of the late-payment notice. Any owner who fails to comply with the terms of such late-payment notice shall be subject to the penalties provided for in §38-6 of the Washington County Code. Enforcement of parking restrictions to reserve parking spaces for persons with disabilities shall be in accordance with §46.2-1242 of the 1950 Code of Virginia, as amended.*
- (j) The Sheriff or his deputies may have any vehicle that is parked, stopped or standing in violation of any provision of this section removed and stored at the owner's expense as provided in §38-65 of the Washington County Code. Removal as described in this subsection may be performed under the following non-exclusive list of circumstances:*

  - (1) upon the third offense, any vehicle that has been the subject of three (3) parking violation notices pursuant to this section within three (3) consecutive months;*
  - (2) any vehicle unlawfully parked for a period exceeding six (6) continuous hours;*
  - (3) any vehicle that creates a hazard to the public safety, or*

*(4) any vehicle parked on county-owned or leased property parked in violation of restrictions in place pursuant to subsection (g).*

*(k) The owner of any vehicle parked in violation of the foregoing provisions shall be prima facie guilty of such violations.*

*3. All other provisions in chapter 38 of the Washington County Code shall remain in effect unless otherwise amended pursuant to this ordinance.*

*4. This ordinance shall become effective immediately upon its adoption.*

*5. 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 effect the validity or constitutionality of any other section or provision of this ordinance or the Code.*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Barker</i>	<i>Aye</i>	<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. Mathews</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>				

**6 Public Hearing pursuant to Code of Virginia Sec. 15.2-2507 for the purpose of amending the County Budget for Fiscal Year 1999-2000.(Mark Seamon)**

Mr. Mark W. Seamon explained the purpose of the public hearing stating the School Board requested a supplemental appropriation of state and federal money in the amount of \$1,335,086.60. He continued, because the request exceeds the amount of \$500,000 specified in the County’s ordinance, a public hearing is required to amend the County Budget. He stated there are no local funds involved.

Mr. Derting opened the public hearing and invited comments both in support of and in opposition to amending the FY 1999-2000 County Budget in the amount of \$1,335,086.60.

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

*On motion of Mr. Ingle, second by Mr. Osborne, it was resolved to amend the FY 1999-2000 to reflect the following supplemental appropriation of additional Federal, State and Agency Funds to the School Operating Fund:*

<i>Adopted FY 1998-99 County Budget on June 8, 1999</i>		<i>\$ 79,899,788</i>
<i>Regional Adult Education</i>	<i>\$ 578,494</i>	
<i>Class Size Reduction Initiative</i>	<i>162,178</i>	
<i>Community Learning Centers</i>	<i>141,563</i>	
<i>Additional Lottery Proceeds</i>	<i>168,945</i>	
<i>Other Funds</i>	<i>263,907</i>	
	<hr/>	<i><u>1,335,087</u></i>
<i>Amended FY 1999-2000 County Budget</i>		<i>\$81,234,875</i>

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Barker</i>	<i>Aye</i>	<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. Mathews</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>				

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7                    **Consideration of Resolutions of Approval for Washington County School Board to Apply for Literary Funds for Certain Improvements and Renovations to Various County Schools and Tech School/Adult Skill Center. (Dr. Alan Lee, Dr. Ron Ely, Ronnie Walls, Charles Day)**

Dr. Alan Lee, Division Superintendent, Washington County School Board, appeared before the Board requesting support of their application for literary funds to do renovations and construction at the following schools: High Schools at Abingdon, John S. Battle, Holston, and Patrick Henry; Middle Schools at Glade Spring and Wallace; Elementary Schools at Abingdon, High Point and Valley Institute; and, the Technical School/Skill Center. He stated the cost for these projects total \$6,496,878.

During the presentation, the following staff members addressed the Supervisors:

Ronald A. Walls, Director of Administration.

Jerry Crabtree, Principal, Technical School/Skill Center

Ron Ely, Assistant Superintendent/Director of Adult Education.

Also present to speak was John Owens, President, General Engineering, and Chairman, Washington County Vocational Advisory Committee. Mr. Owens conveyed the strong support of the Advisory Committee for proposed changes to the Technical/Skill Center. Mr. Owens commented on the welding accreditation that the Skill Center has received and that the school can offer welding certification classes.

Each staff member addressed how the renovation and improvement will impact their school. Mr. Walls gave an overview of the literary loan application explaining the upgrade of energy efficient lighting; improvement to appearance of ceilings and ceiling system that will allow flexibility for computer wiring, encapsulation of heating/air conditioning piping; reroofing; upgrade of auditoriums; and major renovations/construction to acquire needed space at the Washington County Technical/Skill Center. Mr. Walls commented briefly on the future needs of Washington County Schools. He stated a few of the elementary schools are near capacity and as new programs are added, the School Board may have to consider adding smaller additions to the schools.

Present to speak to the proposed improvements at the Washington County Technical/Skill Center was Architect Charles Day. Mr. Day explained the structural condition of the facility is good, however, it does not meet the current building code standards for fresh air. He presented proposed architectural changes, and he recommended a small building be added for masonry instruction.

***On motion of Mr. Osborne, second by Mr. Roberts, it was resolved to adopt the following Resolution:***

***RESOLUTION NO. 99-32***

***WHEREAS, the Washington County School Board presented to the Washington County, Virginia Board of Supervisors on November 23, 1999, applications addressed to the State Board***

*of Education of Virginia for the purpose of borrowing from the Literary Fund \$6,438,774 for adding to or improving the present school buildings located in Glade Spring, Damascus, Abingdon, and Bristol, Virginia to be paid in 20 annual installments, the interest thereon at 3% paid annually, and \$58,104 for adding to or improving the present school building located in Bristol, Virginia to be paid in 5 annual installments, the interest thereon at 3% paid annually.*

*BE IT RESOLVED, that the applications of the Washington County School Board to the State Board of Education of Virginia for loans totaling \$1,496,878 from the Literary Fund is hereby approved and authority is hereby granted to Washington County School Board to borrow the said amount for the purposes set out in said applications.*

*The Washington County, Virginia Board of Supervisors will each year during the life of this loan, at the time they fix the regular levies, fix a rate of levy for schools to make a cash appropriation sufficient for operation expenses and to pay this loan in annual installments and the interest thereon, as required by law regulating loans from the Literary Fund.*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Barker</i>	<i>Aye</i>	<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. Mathews</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>				

Mr. Barker filed a disclaimer disclosing he has a personal interest in certain aspects of the Washington County Budget related to appropriations to the Washington County School Board; that he is an employee of the Washington County School Board and appropriations to the Board could indirectly affect his position, salary, employment benefits, etc.; that he is a member of a group of employees which is affected by the amount of the appropriation to the Washington County School Board; and, that he can participate in this transaction fairly, objectively and in the public interest.

8. **Required Reimbursement Resolutions for September, 1999 Appropriated Literary Funds. (Ronnie Walls)**

Mr. Ron A. Walls, Director of Administration, appeared before the Supervisors requesting approval of reimbursement resolutions for appropriated literary funds.

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

**RESOLUTION NO. 99-33**

**RESOLUTION OF THE BOARD OF SUPERVISORS FOR THE  
COUNTY OF WASHINGTON  
APPROVING THE WASHINGTON COUNTY SCHOOL BOARD'S INTENT TO  
REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX EXEMPT  
FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE  
IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF  
CERTAIN CAPITAL IMPROVEMENTS**

*WHEREAS, the Washington County School Board (the "School Board" will pay, or and after the date hereof, certain expenditures (the "Expenditures") in connection with the acquisition, construction and/or equipping of a capital project (the "Project"), as more fully described in Appendix A attached to a resolution adopted by the School Board on November 15, 1999; and*

*WHEREAS, the School Board has determined that those moneys to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary for the School Board to be reimbursed from the proceeds of one or more issues of tax exempt bonds or notes (the "Bonds");*

*NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors for the County of Washington (the "Board of Supervisors") hereby approves and grants authority to the School Board to reimburse itself with the proceeds of the Bonds for its Expenditures with respect to the Project made on and after the date hereof; and*

*BE IT FURTHER RESOLVED that the Board of Supervisors will take any and all action necessary or required for the School Board to Reimburse itself with the proceeds of the Bonds; and*

*BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its passage.*

#### **EXHIBITS A**

##### **Description of Projects**

<i>Patrick Henry High School</i>	<b>\$ 661,338</b>
<i>Upgrading to a more efficient energy system with the addition of air conditioning. Re-roofing a section of the building and adding insulation.</i>	
<i>John S. Battle High School</i>	<b>\$1,172,618</b>
<i>Upgrading to a more efficient energy system with the addition of air conditioning. Re-roofing a section of the building, adding insulation.</i>	
<i>Holston High School</i>	
<i>Upgrading to a more efficient energy system with the addition of air conditioning.</i>	<b>\$ 530,000</b>
<i>Abingdon High School</i>	<b>\$1,001,149</b>
<i>Upgrading to a more efficient energy system with the addition of air conditioning. Re-roofing a section of the building and adding insulation.</i>	
<i>High Point Elementary School</i>	<b>\$ 56,986</b>
<i>Roof replacement with the addition of insulation to conserve energy.</i>	
<i>Washington County Technical School</i>	<b>\$ 164,300</b>
<i>Upgrading of the existing energy system to a more efficient system</i>	

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Barker</i>	<i>Aye</i>	<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. Mathews</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>				

Mr. Barker filed a disclaimer disclosing he has a personal interest in certain aspects of the Washington County Budget related to appropriations to the Washington County School Board; that he is an employee of the Washington County School Board and appropriations to the Board could indirectly affect his position, salary, employment benefits, etc.; that he is a member of a group of employees which is affected by the amount of the appropriation to the Washington County School Board; and, that he can participate in this transaction fairly, objectively and in the public interest

8. **Consideration of FY 2000-01 to FY 2005-06 Virginia Department of Transportation Secondary System Six Year Plan for Washington County, Virginia. (Steve Buston, Resident Engineer, VDOT and Henry Green, Chairman, Washington County Transportation Advisory Board)**

Henry Green, Chairman, Washington County Transportation Advisory Board, appeared before the Board of Supervisors to present recommendations for roads to be added to Washington County's FY 2000-2001 Six Year Secondary Road Plan.

Mr. Green introduced Transportation Advisory Board members, Don Montgomery and Leonard Harmon, who were present in the audience.

Mr. Robert Hurt, Assistant Resident Engineer, Virginia Department of Transportation, addressed the Supervisors and reviewed the following proposed road projects:

New Construction:

Route 672 (Parks Mill Road from Route 75 to Route 664), Est. Cost	\$2,700,000
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Unpaved Roads

Route 854 (Bethesda Road from Route 666 to Dead End)	\$ 400,000
Route 787 (Celebrity Lane, Route 58 to Dead End)	\$ 300,000

Incidental Construction Projects:

Route 611 (Vertical curve)	\$ 65,000
Route 625 (Intersection with Route 633)	\$ 35,000

Supervisors raised questions about increasing incidental road money and how it would impact other project money for Washington County.

Mr. Ingle expressed his objection to adding a new development road project to the Six Year Plan when there are people in Washington County who have waited many years to get roads added on to the Plan.

On behalf of the Transportation Advisory Board, Mr. Green proposed the Supervisors consider changing the appointment structure from annual to staggered terms. There was consensus agreement among the Supervisors to consider this proposal at the December 14, 1999 meeting.

Mr. Reeter inquired about the status of the Nordyke slide payoff. Mr. Buston responded that it will be paid off in the next two years.

***On motion of Mrs. Mumpower, second by Mr. Roberts, it was resolved to adopt the following Resolution:***

**RESOLUTION NO. 99-33****SIX YEAR SECONDARY ROAD PLAN 2000-01**

***BE IT HEREBY RESOLVED, the Washington County, Virginia Board of Supervisors does hereby approve the FY 2000-01 TO 2005-06 Virginia Department of Transportation Secondary System Six Year Plan for Washington County, Virginia and,***

***BE IT FURTHER RESOLVED, that the Washington County, Virginia Board of Supervisors approves the first year of the plan titled, Details of the Washington County, Virginia Secondary Construction Budget for July 1, 2000 through June 30, 2001.***

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

<b><i>Mr. Derting</i></b>	<b><i>Aye</i></b>	<b><i>Mr. Barker</i></b>	<b><i>Aye</i></b>	<b><i>Mr. Ingle</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Mathews</i></b>	<b><i>Aye</i></b>	<b><i>Mr. Osborne</i></b>	<b><i>Aye</i></b>	<b><i>Mr. Roberts</i></b>	<b><i>Aye</i></b>
<b><i>Mrs. Mumpower</i></b>	<b><i>Aye</i></b>				

In supporting his vote for Resolution 99-33, Mr. Osborne expressed his view he is casting an affirmative vote with reservations.

10            **Recess**

***On motion of Mr. Barker, second by Mr. Roberts, it was resolved to take a brief recess.***

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

<b><i>Mr. Derting</i></b>	<b><i>Aye</i></b>	<b><i>Mr. Barker</i></b>	<b><i>Aye</i></b>	<b><i>Mr. Ingle</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Mathews</i></b>	<b><i>Aye</i></b>	<b><i>Mr. Osborne</i></b>	<b><i>Aye</i></b>	<b><i>Mr. Roberts</i></b>	<b><i>Aye</i></b>
<b><i>Mrs. Mumpower</i></b>	<b><i>Aye</i></b>				

11            **Request for Assistance for Water Projects**

- a.        **Goose Creek Road**
- b.        **Pine Hill Road**

Mr. Barker reported on two requests for water projects and proposed the Board consider funding them. He presented cost estimates provided by the Washington County Service Authority for Goose Creek Road in the amount of \$20,632.00 and Pine Hill Road in the amount of \$21,424.00.

***On motion of Mr. Barker, second by Mr. Roberts, it was resolved to transfer \$16,556 from Water Projects-Other Account to Capital Projects-Goose Creek Road Water Project and Pine Hill Road Water Project.***

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

<b><i>Mr. Derting</i></b>	<b><i>Aye</i></b>	<b><i>Mr. Barker</i></b>	<b><i>Aye</i></b>	<b><i>Mr. Ingle</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Mathews</i></b>	<b><i>Aye</i></b>	<b><i>Mr. Osborne</i></b>	<b><i>Aye</i></b>	<b><i>Mr. Roberts</i></b>	<b><i>Aye</i></b>
<b><i>Mrs. Mumpower</i></b>	<b><i>Aye</i></b>				

12                    **Consideration of Resolution Concerning Regional Industrial Facilities Act (tabled from 9/99 meeting). (Thomas G. Taylor, Exec. Director, MRPDC)**

Mr. Tom Taylor, Executive Director, Mount Rogers Planning District Commission, was present to address the Board of Supervisors relative to resolution concerning the Regional Industrial Facilities Act.

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

**RESOLUTION 99-34**

**REQUESTING AN AMENDMENT TO  
VIRGINIA REGIONAL INDUSTRIAL FACILITIES ACT**

*WHEREAS, the Virginia General Assembly in 1997 created the Virginia Regional Industrial Facilities Act (the Act), and*

*WHEREAS, a purpose of the Act was to create a mechanism for localities in a region to cooperate in the development of facilities for economic development, and*

*WHEREAS, the original Act only included the jurisdictions in Planning Districts 4 and 5, and*

*WHEREAS, the Act was amended in 1999 to include all the jurisdictions in Planning Districts 11 and 12, and*

*WHEREAS, the Act was also amended in 1999 to include the Counties of Bland, Smyth, and Wythe in Planning District 3, and*

*WHEREAS, the economies of the Cities of Bristol and Galax and the Counties of Carroll, Grayson, and Washington each improve as the economy of its neighbor improves;*

***NOW, THEREFORE BE IT RESOLVED*** by the Board of Supervisors of Washington County, Virginia that it hereby requests the Regional Industrial Facilities Act (§15.2-6400 of the 195 Code of Virginia) be amended to permit Washington County to participate in the activities allowed by this Act if the County deems it to be in the best interests of its citizens, and

***BE IT FURTHER RESOLVED*** that the Board of Supervisors supports an amendment of the Act to include all the Counties and Cities in the Mount Rogers Planning District (Planning District 3).

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Barker</i>	<i>Aye</i>	<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. Mathews</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>				

a. **Draft Board By-Laws, General Policies & Operational Procedures for Calendar Year 2000**

Received draft of Board By-Laws, General Policies & Operational Procedures for Calendar Year 2000-2001 for informational purposes.

b. **Early Release of Payroll, December 1999**

*On motion of Mr. Osborne, second by Mr. Roberts, it was resolved to issue payroll for the month of January 2000 on December 17, 1999.*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Barker</i>	<i>Aye</i>	<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. Mathews</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>				

There was consensus of the Board to hold one business meeting during the month of December, on December 14, 1999, and to eliminate the second regular business meeting for December 1999 with the understanding that the Board will only meet on an emergency basis should it become necessary to do so.

*On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved to declare the following days as County Holidays:*

*Thursday, December 23, 1999*

*Friday, December 24, 1999*

*Friday, December 31, 1999*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Barker</i>	<i>Aye</i>	<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. Mathews</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>				

14 **County Attorney Comments**

a. **Notification Naming Judge Presiding in the Case of Clark et al v. Washington County Board of Supervisors and Lambert Oil Company**

Received notice from Supreme Court of Virginia that Justice A. Dow Owens of the Twenty-Seventh Judicial Circuit will preside in the Circuit Court in the case of Clark, et al v. Washington County Board of Supervisors and Lambert Oil Company.

Ms. Bright notified the Supervisors the hearing date for entry of order regarding Mannix v. Washington County Board of Supervisors is set for December 3, 1999.

Ms. Bright informed the Board that Marsha Hope has been employed as Legal Assistant/Personnel Manager and will begin work December 1, 1999.

15 **Consent Agenda**

*On motion of Mr. Barker, second by Mr. Roberts, it was resolved to approve the following Consent Agenda Items:*

- a. **Cancelled Checks – No. 0091732, Sportsman’s Marina, \$119.28; 0092008, Washington County Service Authority, \$96.80;**
- c. **Supplemental Appropriation-Spay/Neuter Program (FD#01 Dept #35110) in the amount of \$120.00;**
- d. **Drawdown Request for IDA Capitol Projects in the amount of \$331,500 for FY 1999-2000;**
- e. **Virginia Cooperative Extension Request for Funding IN THE AMOUNT OF \$2,000 from Compensation line item to Office Supplies line item;**
- f. **Washington County Public Library Request for Funding in the amount of \$36,718.00;**
- g. **Supplemental Appropriation, Capital Improvement Fund-Solid Waste, \$30,000.**

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Barker</i>	<i>Aye</i>	<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. Mathews</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>				

There was no action taken on request from Mount Rogers Development Partnership for their second quarter appropriation to be released. Mr. Jerry Brown, Executive Director, was asked to appear before the Board of Supervisors to provide a progress report of regional economic development activities, specifically those that relate to Washington County.

## 16 Board Member Reports

Mrs. Mumpower distributed photographs of the property owned by Mr. Arthur Slaughter located behind Bobby’s Market on Benhams Road, Bristol, Virginia. She expressed her concern and displeasure at the condition of the property, and that after repeated requests, there appears to be no action taken to clean it up. She queried the County Administrator about the results of a two year investigation, and requested again some action be taken.

Mr. Ingle reported that the Washington County Service Authority has been given the use of a 400 gallon water tank on loan from the United States Army Reserve for use in the Brumley Gap Community to assist the residents who are without water.

*On motion of Mr. Ingle, second by Mr. Osborne, it was resolved to request the Washington County Service Authority to place a 400 gallon water tank, on loan from the United States Army Reserves, in the Brumley Gap Community to be used by residents who are without water.*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Barker</i>	<i>Aye</i>	<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. Mathews</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>				

Mr. Osborne inquired about establishing a farmer’s agricultural advisory board. Upon discussion of this, it was pointed out that the Extension Service has a leadership advisory board in place with some representation appointed by the Board of Supervisors. There was no action taken.

Mr. Osborne requested the Zoning Department investigate a possible violation on Route 11 and 803, stating the property is filled with used vehicles for sale. He requested the County Administrator to investigate the matter.

Mr. Derting gave an updated report on recent economic development activities and projects.

Mr. Derting commented on the negotiations with Dewberry & Davis concerning payment being withheld on the jail renovation project. He recommended the Board authorize payment of \$60,840.30 owed to Dewberry & Davis in connection with their engineering costs. Discussion ensued.

***On motion of Mrs. Mumpower, second by Mr. Osborne, it was resolved to make final payment relative to the jail renovation project to Dewberry & Davis in the amount of \$60,840.30.***

***The vote on this motion was as follows: (5-2)***

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Barker</i>	<i>Aye</i>	<i>Mr. Ingle</i>	<i>Nay</i>
<i>Mr. Mathews</i>	<i>Nay</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>				

17 **Request for Closed Meeting pursuant to §2.1-344 A. 1 of the 1950 Code of Virginia as amended for the purpose of a performance evaluation of the County Administrator**

***On motion of Mr. Barker, second by Mr. Osborne, it was resolved to enter a closed meeting for the purpose of conducting a performance evaluation of Mark K. Reeter, County Administrator and that discussion is exempt from open meeting requirements pursuant to Virginia Code Section §2.1-344(A)(1).***

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Barker</i>	<i>Aye</i>	<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. Mathews</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>				

Bobby Ingle left the meeting.

***On motion of Mrs. Mumpower, second by Mr. Barker, it was resolved to reconvene in open meeting.***

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Barker</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Mathews</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>

***On motion of Mr. Barker, second by Mr. Osborne, it was resolved to adopt the following certification:***

***WHEREAS, the Washington County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and***

*WHEREAS, Virginia Code Section 2.1-344.1(D) requires a certification that such Closed Meeting was conducted in conformity with Virginia law; and*

*WHEREAS, any member of the Washington County Board of Supervisors who believes that there was a departure from the requirements of Virginia law shall so state at this time and indicate the substances of the departure that in that person's judgment has taken place;*

*HEARING NO such statements,*

*NOW, THEREFORE, BE IT RESOLVED that the Washington County, Virginia Board of Supervisors hereby certifies that, to the best of each member's knowledge,*

- (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies, and*
- (ii) only such public business matters were identified in the motion of convening the Closed Meeting were heard, discussed or considered.*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Barker</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Mathews</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>

Mr. Osborne left the meeting.

18                    **Citizen Comments**

At this time, Mr. Derting asked Mr. Barker to read the rules for citizen comments, and invited comments from citizens on items that do not appear on the Agenda.

Lacy Love commented on the condition of the Arthur Slaughter property on Benhams Road; replacement of County Administrator and Zoning Manager.

19                    **Adjournment**

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

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Barker</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Mathews</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>		

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Joe W. Derting, Chairman