V I R G I N I A:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, May 13, 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 (arrived at 7:15 pm)
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

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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

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

3 Approval of Agenda

On motion of Mr. Ingle second by Mr. Rector, it was resolved to approve the Agenda with the following amendments

Deletion of Item 8	***Presentation by Clean Virginia Committee***
New County Administrator Item 18 a	***Review of FY 2003-2004 Budget Meeting Calendar***
New County Administrator Item 18 b	***Graduation Dates for the County High Schools***
New County Attorney Item 19c	***Consideration of Mutual Waiver of Conflict to Troutman Sanders from the City of Bristol, Virginia and County of Washington, Virginia***

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

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

4 Approval of Minutes

April 22, 2003, Regular Meeting:

On motion of Mr. Rector, second by Mr. Roberts, it was resolved to approve the minutes of the April 22, 2003, Regular Meeting as presented.

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

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

April 29, 2003, Recessed Meeting:

On motion of Mr. Barker, second by Mr. Ingle, it was resolved to approve the minutes of the April 29, 2003, Recessed Meeting as presented.

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

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

May 1, 2003, Recessed Meeting:

On motion of Mr. Roberts, second by Mr. Rector, it was resolved to approve the minutes of the May 1, 2003, Recessed Meeting as presented.

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

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

May 6, 2003, Recessed Meeting:

On motion of Mr. Rector, second by Mr. McCall, it was resolved to approve the minutes of the May 6, 2003, Recessed Meeting as presented.

The vote on this motion was as follows: (5-0-1)

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

5 Planning & Zoning Public Hearings:

Request for Special Exception Permit

(1). Archie Wayne Orr, Property Tax Map # 042-1-2,3,4: Request for a Special Exception Permit to construct and operate a small business in general, more specifically, a retail store for the sale of tobacco products, concrete yard ornaments and various other items on property located on the west side of State Route 19 between the intersections of State Route 802/Route 689 in a CR (Conservation Recreation) zone, Jefferson Magisterial District.

Mr. Derting opened the public hearing and invited comments both in support of and in opposition to the application of Archie Wayne Orr for Special Exception Permit.

Mr. Archie Wayne Orr addressed the Board requesting approval of his application.

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

On motion of Mr. Ingle, second by Mr. McCall, the Board acted to follow the recommendation of the Washington County Planning Commission and approve the application by Archie Wayne Orr for a Special Exception Permit to construct and operate a small business in general, more specifically, a retail store for the sale of tobacco products, concrete yard ornaments and various other items on property located on the west side of State Route 19 between the intersections of State Route 802/Route 689 in a CR (Conservation Recreation) zone, Jefferson Magisterial District.

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

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

6 Dog Damage Claim, James D. & Cindy L. Heath – $30.00

Ms. Cindy Heath presented the Board with a dog damage claim for three ducks killed by dogs. Ms. Heath explained that the Animal Control Officers had gotten the dog, but not identified its owner.

On motion of Mr. Rector, second by Mr. Roberts, it was resolved to authorize payment to James D. & Cindy L. Heath in the amount of $30.00 for a dog damage claim.

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

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

7 Presentation on Route 58

The Board received a presentation from Mr. John Sauers on the US Route 58 project. Mr. Sauers explained that Secretary Whittington Clement spoke at the Virginia Department of Transportation (VDOT) Bristol District Program and Planning Committee meeting on March 4, 2003. During his speech, Secretary Clement spoke of the US Route 58 project, however, his remarks did not include any development of Route 58 east of Damascus, VA. Mr. Sauers encouraged the Board to aggressively pursue VDOT officials regarding the exact corridor planned for the US Route 58 project. Mr. Sauers expressed concerns that Washington County may lose funding on this project and that there may be two corridors for US Route 58, the main and an alternate.

Responding to an inquiry, Mr. Sauers recommended that the Board send a letter to State elected officials and to Governor Mark Warner regarding the specific corridor for the US Route 58 project.

8 Presentation by Clean Virginia Committee

Deleted this item from the Agenda and rescheduled for the May 27, 2003, regular Board meeting.

9 Consideration of Resolution Approving the Issuance of $6,000,000 in College Facilities Revenue Bonds on Behalf of Emory & Henry College by the Saltville Industrial Development Authority

Ms. Sarah Beamer, Chief Financial Officer and Treasurer for Emory & Henry presented the Board with an overview of the bond issuance project. Emory & Henry College has requested the Saltville Industrial Development Authority to issue on its behalf $6,000,000.00 in College Facilities Revenue Bonds. The bond proceeds will be used to refinance the 1993 bond debt through the Industrial Development of Washington County (IDA) and for the purchase of property around exit 26 off of I-81. The Saltville IDA was requested to undertake this financing on behalf of Emory and Henry due to the inability of the Washington County IDA to do so due to the impact of the Southwest Virginia Regional Jail Authority's recent bond issuance on the tax-exempt, bank-qualified financing capability of Washington County for the remainder of calendar year 2003. The Board of Supervisors as the governing body of the host locality of the college is requested to adopt a Resolution approving issuance of the bonds by the Saltville IDA.

On motion of Mr. Rector, second by Mrs. Mumpower, the Board acted to approve the following resolution:

RESOLUTION 2003-22

RESOLUTION OF THE BOARD OF SUPERVISORS
WASHINGTON COUNTY, VIRGINIA

WHEREAS, the Industrial Development Authority of the Town of Saltville, Virginia (the "Authority"), has considered the application of Emory & Henry College (the "College"), a non-profit institution of higher education, for the issuance of the Authority's revenue bonds (the "Bonds") pursuant to Title 15.2, Chapter 49 of the Code of Virginia 1950, as amended (the "Virginia Code"), in one or more series and in a total amount now estimated not to exceed $8,500,000, the proceeds of which are expected to be used, together with other available College funds to finance or refinance (a) the outstanding principal amount of the Industrial Development Authority of Washington County's $6,000,000 College Facilities Revenue Bonds (Emory & Henry College Project), Series of 1993, (b) the acquisition of real property for educational purposes and (c) capitalized interest and costs of issuance of the Bonds (collectively, the "Project");

WHEREAS, the Authority on April 28, 2003, has held a public hearing on the issuance of the Bonds;

WHEREAS, Section 147 (f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of the Bonds is located approve the issuance of such bonds;

WHEREAS, the Authority has requested the Board of Supervisors (the "Board") of Washington County, Virginia (the "County"), to approve the issuance of the Bonds to comply with Section 147(f) of the Code, and Sections 15.2-4905 and 15.2-4906 of the Virginia Code; and

WHEREAS, a copy of the Authority's resolution recommending the Board approve the issuance of the Bonds, a record of the public hearing and a "fiscal impact statement" with respect to the issuance of the Bonds have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF WASHINGTON COUNTY, VIRGINIA:

1. The Board hereby approves the issuance of the Bonds by the Authority for the benefit of the College, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, and concurs with the resolution adopted by the Authority on April 28, 2003, to the extent required by Section 15.2-4905 of the Virginia Code, to permit the Authority to issue the Bonds for the purpose set forth above.

2. Approval of the issuance of the Bonds does not constitute an endorsement of the Bonds or the creditworthiness of the College. As required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefore, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, the County or the Authority shall be pledged thereto.

3. This Resolution shall take effect immediately upon its adoption.

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***

10 Consideration of Agreement between Mount Rogers Planning District Commission and Washington County for Administration of Meadowview Multi-Use Community Facility Project CDBG Planning Grant

Mr. Brian Martin of Mount Rogers Planning District Commission presented the Board with an update on the Meadowview Multi-Use Community Facility Project Community Development Block Grant. The Department of Housing and Community Development recently awarded the project a $25,000 Community Development Block Grant to fund a planning study. The planning study will identify plans for a possible Meadowview Community Center through the reuse of a number of buildings in the historic Meadowview Square. Washington County is the recipient of the planning grant on behalf of the Meadowview First Committee, a private, non-profit entity established to pursue the community center project. Mount Rogers Planning District Commission has been requested to administer the grant on behalf of both the County and Meadowview First Committee. The Board is asked to approve the Agreement.

County Administrator Mark Reeter advised the Board if they chose to approve the agreement, the motion would also need to include language to appropriate the grant funds to the Mount Rogers Planning District Commission.

On motion of Mr. Rector, second by Mr. Roberts, the Board acted to approve the agreement between Washington County and Mount Rogers Planning District Commission for the administration of the Department of Housing and Community Development Planning Grant for the study of the proposed Meadowview Multi-Use Community Facility Project not to exceed $2,500.00 and to appropriate the grant award in the amount of $25,000.

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***

11 Consideration of Resolution Designating the Mount Rogers Development Partnership and Mount Rogers Planning District Commission to serve as the Regional Partnership for the Regional Competitiveness Act

Item 11 was deferred until the arrival of Mr. Tom Taylor.

12 Recess

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

13 Consideration of Request for Appropriation of Grant by Washington County Sheriff's Office

Sheriff Fred Newman presented a request for acceptance and approval of a $1,413 Law Enforcement Grant.

On motion of Mr. Ingle, second by Mr. McCall, it was resolved to accept and appropriate the $1,413.00 Local Law Enforcement Grant to Budget Department 31200.

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***

14 Consideration of Request from Residents of Northridge and Mallicote Roads to the Virginia Department of Transportation to Install a Children At Play Sign

Supervisor Bobby Ingle presented a request from the residents of Northridge and Mallicote Roads for "Children at Play" signs to be installed by the Virginia Department of Transportation.

On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved to request the Virginia Department of Transportation install "Children at Play" signs along Northridge Road and Mallicote Drive.

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 Consideration of Request for Assistance for Installation of Three Fire Hydrants in Quail Ridge Estates Subdivision

Supervisor Bobby Ingle presented a request to the Board from the residents of Quail Ridge Subdivision for financial assistance ($4,500) to pay for costs associated with having the Washington County Service Authority install three fire hydrants within the subdivision. Mr. Ingle explained that at the time the subdivision was developed, there was not adequate water pressure to accommodate fire hydrants. However, since the completion of the Brumley Gap Water Project, fire hydrants can now be installed.

There was discussion on the request. Board members would like the Washington County Service Authority approached regarding payment of costs associated with installation of fire hydrants.

On motion of Mr. Ingle, second by Mrs. Mumpower, the Board acted to approve a $4,500.00 transfer from reserves for contingencies to the Washington County Service Authority for the purchase and installation of three fire hydrants serving Quail Ridge Subdivision.

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***

16 Consideration of Approval of Utility Tax Refunds for 2003

On motion of Mr. Barker, second by Mr. McCall, it was resolved to approve refunds for taxpayers that have applied for and met the qualifications for the local utility tax refund.

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***

17 Consideration of Expiring Appointments to Boards and Commissions:

Virginia Highlands Airport Commission

Name:	*Representing:*	*Term Expires:*
Kenneth Taylor	Jefferson District	June 30, 2003

On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved to reappoint Kenneth Taylor to represent the B-01 "Jefferson" Election District on the Virginia Highlands Airport Commission for a four year term effective July 1, 2003, and expiring on June 30, 2007.

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***

David C. Johnson	Monroe District	June 30, 2003

(not eligible for reappointment)
It was consensus of the Board to defer this appointment to the June 10, 2003, regular meeting.

Bristol Virginia Utilities Board

Name:	*Representing:*	*Term Expires:*
Dulcie M. Mumpower	Board of Supervisors Appointment	June 30, 2003

On motion of Mr. Ingle, second by Mr. Rector, it was resolved to reappoint Dulcie Mumpower as the Board of Supervisors representative on the Bristol Virginia Utilities Board for a one year term effective July 1, 2003, and expiring on June 30, 2004.

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

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

Highlands Community Services Board (3 Year Terms)

Name:	*Representing:*	*Term Expires:*
Sydne Montague	At-Large	June 30, 2003
Jean McReynolds	At-Large	June 30, 2003

On motion of Mr. Barker, second by Mrs. Mumpower, it was resolved to reappoint Sydne Montague and Jean McReynolds to serve at-large on the Highlands Community Services Board for a three year term to be effective July 1, 2003, and expire on June 30, 2006.

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***

Washington County Park Authority

Name:	*Representing:*	*Term Expires:*
James F. Hutton	Monroe District	June 30, 2003
Wiley H. Helton	Tyler District	June 30, 2003

It was consensus of the Board to defer these appointments to the June 10, 2003, regular meeting.

Washington County Public Library Board of Trustees

Name:	*Representing:*	*Term Expires:*
B. Jewel Cardwell	Jefferson District	June 30, 2003

(not eligible for reappointment)
It was consensus of the Board to defer this appointment to the June 10, 2003, regular meeting.

Gail A. Gilland	Taylor District	June 30, 2003

On motion of Mr. Roberts, second by Mr. Barker, it was resolved to reappoint Gail A. Gilland to represent the E-01 "Taylor" Election District on the Washington County Public Library Board of Trustees for a four year term effective July 1, 2003, and expiring on June 30, 2007.

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***

Washington County Planning Commission

Name:	*Representing:*	*Term Expires:*
Richard Rhea	Taylor District	June 30, 2003

It was consensus of the Board to defer this appointment to the June 10, 2003, regular meeting.

Bill Canter	Wilson District	June 30, 2003

On motion of Mrs. Mumpower, second by Mr. Ingle, it was resolved to reappoint Bill Canter to represent the G-01 "Wilson" Election District on the Washington County Planning Commission for a four year term effective July 1, 2003, and expiring on June 30, 2007.

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***

Washington County Service Authority Board of Commissioners

Name:	*Representing:*	*Term Expires:*
Frank J. Stephon	Harrison District	June 30, 2003

On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved to appoint Phillip B. McCall to represent the A-01 "Harrison" Election District on the Washington County Service Authority for a four year term effective July 1, 2003, and expiring on June 30, 2007.

The vote on this motion was as follows: (5-1-1)

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

Robert O. Briscoe	Madison District	June 30, 2003

It was consensus of the Board to defer this appointment to the June 10, 2003, regular meeting.

18 County Administrator Reports

a. Review of FY 2003-2004 Budget Meeting Calendar

County Administrator Mark Reeter reviewed the FY 2003-2004 Budget Meeting calendar. Mr. Reeter advised the Board that County Treasurer Fred Parker would present revised revenue projections during the second budget

adjustment worksession scheduled for May 21, 2003. Mr. Reeter proposed realigning the calendar to begin the budget adjustment worksessions on May 21, followed by worksessions on May 29 and June 3.

It was consensus of the Board to adjust the FY 2003-2004 Budget Meeting calendar as proposed by the County Administrator.

b. Graduation Dates for County High Schools

It was consensus of the Board to cover the County high school graduation ceremonies as follows:

Abingdon High School	Joe Derting and Phillip McCall
Holston High School	John Roberts and Mark Reeter
John Battle High School	Dulcie Mumpower and Bobby Ingle
Patrick Henry High School	Tony Rector and Jack Barker

11 Consideration of Resolution Designating the Mount Rogers Development Partnership and Mount Rogers Planning District Commission to serve as the Regional Partnership for the Regional Competitiveness Act

Mr. Tom Taylor, Executive Director of the Mount Rogers Planning District, addressed the Board explaining that it is time again for the Mount Rogers Regional Competitiveness Partnership to seek re-qualification as a regional economic partnership under the State Regional Competitiveness Act. A resolution of approval is needed from each local government member of the Mount Rogers Regional Competitiveness Partnership.

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

RESOLUTION 2003-23

Recognizing the County of Washington as a member of the Mount Rogers Regional Competitiveness Partnership and Approving the Partnership's Plan to Seek Requalification under the Regional Competitiveness Act

WHEREAS, Chapter 26.3 of Title 15.1 of the Code of Virginia (the Regional Competitiveness Act of 1996) calls for creation of regional partnerships; and

WHEREAS, the regional partnerships created by the Regional Competitiveness Act are to be based upon planning district boundaries; and

WHEREAS, the Mount Rogers Regional Competitiveness Partnership/Planning District is a political subdivision whose members are the Counties of Bland, Carroll, Grayson, Smyth, Washington, and Wythe, the Cities of Bristol and Galax, and the Towns of Abingdon, Chilhowie, Damascus, Fries, Glade Spring, Hillsville, Independence, Marion, Rural Retreat, Saltville, Troutdale and Wytheville; and

WHEREAS, the Mount Rogers Regional Competitiveness Partnership will be updating the regional strategic economic development plan to identify critical needs for competitiveness in the region; and

WHEREAS, each regional partnership shall revisit the strategic plan each year and issue an annual report describing a region's progress with respect to addressing the critical issues of economic competitiveness identified in the plan; and

WHEREAS, the Mount Rogers Planning District Commission and the Mount Rogers Development Partnership Boards of Directors have a diverse membership that includes a broad representation of local government, elementary and secondary education, higher education, the business community, and civic groups; and

WHEREAS, the Board of Directors of the Mount Rogers Development Partnership serves as the Advisory Group to the Mount Rogers Planning District Commission, with responsibilities for the Regional Strategic Plan and the Five-Year Action Plan; and

WHEREAS, the Regional Competitiveness incentive funds for the Mount Rogers region will be held by the Planning District Commission and allocated by the Partnership to projects that are regional in scope and impact; and

WHEREAS, the Mount Rogers Regional Competitiveness Partnership has reached the end of the first five-year qualification period and now seeks to become re-qualified as a regional competitiveness partnership under the Regional Competitiveness Act.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Washington County hereby approves this arrangement involving the Mount Rogers Development Partnership and the Mount Rogers Planning District Commission serving as the Regional Partnership for the purposes of the Regional Competitiveness Act.

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***

Mr. Taylor advised the Board that funding for the Regional Competitiveness Act Program is in jeopardy and requested that a letter from the Chairman of the Board of Supervisors be sent to Secretary of Commerce & Trade Michael J. Schewel asking that this program be fully funded.

It was consensus of the Board to direct the County Administrator to send a letter to the Secretary of Commerce & Trade.

19 <u>County Attorney Reports</u>

a. Preliminary notice and scheduling of public hearing regarding Bristol Virginia Utilities Board request for cable television system franchise

County Attorney Lucy Phillips advised the Board that Bristol Virginia Utilities would be providing cable television service and has requested a franchise agreement from Washington County. A public hearing is required before the franchise can be granted. The public hearing will be tentatively scheduled for the June 10, 2003, regular meeting of the Board.

b. Preliminary notice and scheduling of public hearing regarding special assessment and improvement of Graceland Lane for acceptance into state system of secondary highways

Ms. Phillips advised the Board that a public hearing regarding special assessment and improvement of Graceland Lane for acceptance into the State System of Secondary Highways has been scheduled for the May 28, 2003, regular Board meeting.

c. Consideration of Mutual Waiver of Conflict of Interest to Troutman Sanders from City of Bristol, Virginia and County of Washington, Virginia

Ms. Phillips advised the Board that the County Landfill Team has identified an attorney who may be of assistance in negotiations related to environmental monitoring of the old landfill as required by Department of Environmental Quality. The attorney is Mr. Alan Albert, a partner in the Troutman Sanders law firm, which also employs the attorney who represents the City of Bristol in the landowner initiated annexation proceeding. Ethical canons for the practice of the legal profession require in such circumstances that both clients agree to a waiver of potential claims of conflict of interest, with the understanding that the law firm will take sufficient measures to ensure that attorney-client privileged information or other confidential information disclosed in one matter to one attorney will not be shared among lawyer(s) working on the other matter.

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

RESOLUTION 2003-24

MUTUAL WAIVER OF CONFLICT OF INTEREST TO TROUTMAN SANDERS FROM THE CITY OF BRISTOL, VIRGINIA AND COUNTY OF WASHINGTON, VIRGINIA

WHEREAS, Carter Glass of Troutman Sanders law firm currently represents the City of Bristol, Virginia in a landowner-filed annexation suit and several Declaratory Judgment suits arising therefrom, all pending in the Circuit Court for the County of Washington, Virginia, and

WHEREAS, Alan Albert, Esquire of Troutman Sanders law firm has been requested by Washington County, Virginia to represent it with respect to certain environmental and other issues arising from their ownership and operation of a landfill or landfills, and

WHEREAS, such simultaneous representation technically may be an ethical conflict of interest under the Cannons of Ethics that can only be waived in writing by both clients, and

WHEREAS, both clients believe that such simultaneous representation of their respective interests creates no real problem for either, provided that each attorney is free to fully represent his respective client's interests on the respective matters for which he has been retained and both attorneys shall take necessary steps to assure there is no communications between them and their staffs of attorney – client privileged communications or confidential information held for the benefit of each respective client.

NOW, THEREFORE BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that any conflict of interest, real or apparent, that might exist by virtue of Carter Glass, Esquire representing the City of Bristol, Virginia in any suits, actions or other matters in any way related to present or past annexations in which the City and the County are or were adversaries and Alan Albert representing the County in all matters relating to its operations of its landfill is hereby waived, conditioned upon the following.

This mutual resolution shall be passed by a majority of each governing body at a regular meeting of said body.

Troutman Sanders and its agents, partners, employees and contractors shall take reasonable steps to assure that there is no communication between them and their staffs of any attorney – client privileged communications or confidential information held for the benefit of each respective client that would make such information available to the other client.

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

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

20 Board Information

County Administrator Mark Reeter drew attention to correspondence included in the Board Information section, particularly the Virginia Association of Counties Legislative Program and a letter from Joy Mining Machinery concerning pending layoffs.

21 Consent Agenda

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

a. Payment of Bills – May 2003
b. Canceled Checks – General Fund
c. Refund – recreation Program Fee, $20.00
d. Supplemental Appropriation, 7,500.00 – Sheriff's Office K-9 Program
e. Transfer from Reserves for Contingencies, $13,183.73
f. Request for Reimbursement, $2,177.50 – Appalachian Plastics

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

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

22 Board Member Reports

Supervisor Dulcie Mumpower requested assistance in identifying a source for leaf pickup in Lowery Hills Subdivision. Mrs. Mumpower reported receiving complaints and requests for assistance from the citizens of Lowery Hills. She has worked on this issue with County Attorney Lucy Phillips and Solid Waste Director Coy Martin, but it was determined that the cost of purchasing a truck to provide the service was not feasible.

Supervisor Mumpower announced the groundbreaking of AFG Industries locating in Oak Park that is scheduled for Thursday, May 15, 3003. She advised the Board that she would be unable to attend the ceremonies due to traveling to her daughter's graduation ceremony from medical school.

Supervisor Tony Rector commented on Graceland Lane project. He asked for the Board's support when the item is brought before them during the May 27, 2003, regular meeting.

Supervisor Jack Barker requested that the Personnel Committee review the structure of Animal Control Department and consider transferring supervision of this Department to the Sheriff along with funding.

Supervisor John Roberts requested the Board delay sending correspondence on the Route 58 project until the Mount Rogers Planning District Commission has made a recommendation.

23 Recess to May 21, 2003, 7:00 pm for Purpose of Conducting First Board of Supervisors Workshop Meeting for Adjustments to County Administrator's Recommended FY 2003-04 County Operating Budget

On motion of Mr. Rector, second by Mr. Ingle, it was resolved to recess to May 21, 2003, 7:00 pm for Purpose of Conducting First 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***

****

Prepared by:

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Naoma A. Mullins, Recording Clerk

Approved by the Washington County Board of Supervisors:

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Joe W. Derting, Chairman