

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, October 14, 2003, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

PRESENT:

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

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

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 – Phillip B. McCall

Supervisor Phillip McCall gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

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

Addition of New Item 9a Consideration of City of Bristol, Virginia and Washington County Resolutions Concerning Metropolitan Statistical Area Designations

Deletion of Item 19a Request for Closed Meeting Pursuant to Virginia Code Section 2.2-3711(A)(1) for Performance Evaluation of County Attorney Lucy Phillips.

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

Mr. Derting Aye

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

5. Presentation of Certificate

Chairman Joe Derting and Supervisor Jack Barker presented a Certificate to Mr. George McGeough, Executive Director for the Service Core of Retired Executives (SCORE) of Bristol, for their service in monitoring the election of new Board of Directors for the Mendota Community Center Association earlier this year.

Supervisor Jack Barker expressed his appreciation to the Bristol SCORE Organization and commented the Mendota Community Center is operating better.

6. Public Hearings

a. **Public Hearing and Board Consideration of Final Bond Resolution Authorizing the Issuance of Not to Exceed \$1,150,245 General Obligation School Bonds of the County of Washington, Virginia, Series 2003a, to be Sold to the Virginia Public School Authority and Providing for the Form and Details Thereof**

Mr. Ronnie Walls, Director of Facilities Operations for Washington County Public Schools, addressed the Board. Mr. Walls provided an overview of the General Obligation School Bond project. In October 1999 the Washington County School Board applied for Literary Loans to do the projects as listed on Exhibit A included in the Board agenda materials. Literary Loan funds have not been available to do these projects; however, the Virginia Public School Authority (VPSA), under the 2003 Interest Rate Subsidy Bond Sale, agreed to purchase general obligations bonds of the County. The State Board of Education will pay the interest rate difference between the 3% Literary Loan rate and the VPSA bond sale rate.

Mr. Walls stated that a positive to the general obligations bonds is that once the bonds are sold the proceeds will go into a bank account to draw interest until the money is needed.

Mr. Walls thanked the Board of Supervisors for their past and continuing support of the school system.

Mr. Derting opened the public hearing to receive comments both in support of and in opposition to the final bond resolution authorizing the issuance of the General Obligations School Bonds.

Mr. Patrick Mannix addressed the Board. Mr. Mannix quoted certain sections of the Code of Virginia and questioned procedural technicalities related to the General Obligation School Bond sale.

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

County Attorney Lucy Phillips addressed the Board explaining that she and Mr. Ronnie Walls have worked closely with the bond counsel on this matter. Ms. Phillips stated that the bond counsel had

worked with the Virginia Department of Treasury. The Virginia Department of Treasury issues form resolutions used by counties throughout the State and are ones considered by the Board previously. The resolution adopted by the Board in August authorized the School Board to proceed with the application to participate in the Virginia Public School Authority Bond Program. The Virginia Department of Treasury required the Board to adopt a resolution in September in order to stay on the timeline and keep in coordination with the parties that the Treasury Department is working with for the sale of the bonds if the Board wished to proceed with the project to show the Board's intent to continue to consider the project. The resolution adopted in September referenced a public hearing to be held in October. A notice of public hearing was published in the newspaper and public information packets were made available. On the cover of the public information packets it was clearly stated that the public hearing would be held during this meeting (October 14, 2003). The resolution before the Board for consideration at this meeting is the final step in the process that authorizes the sale of the bonds to fund the projects listed on Exhibit A in the Board agenda materials and as referenced by Mr. Walls. As Mr. Walls explained there is substantial savings to the County if the bonds are sold and the projects are funded. In coordination with bond counsel the process has been done in accordance with the requirements of law. Ms. Phillips advised the Board they if they do not wish to proceed with the bond project this meeting is the time to decline the opportunity and everything would be stopped. This is the meeting that final action is to be taken by the Board.

Discussion ensued among the Board regarding this matter.

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

RESOLUTION NO. 2003-41

***FINAL BOND RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED
\$1,150,245 GENERAL OBLIGATION SCHOOL BONDS
OF THE COUNTY OF WASHINGTON, VIRGINIA, SERIES 2003A,
TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY
AND PROVIDING FOR THE FORM AND DETAILS THEREOF.***

WHEREAS, on February 15, 2001, the Commonwealth of Virginia Board of Education (the "Board of Education") placed the application (the "Application") of the School Board of Washington County, Virginia (the "School Board"), for a loan of \$1,150,245 (the "Literary Fund Loan") from the Literary Fund, a permanent trust fund established by the Constitution of Virginia (the "Literary Fund"), for the construction, renovation and expansion of school buildings (the "Project") in Washington County, Virginia (the "County"), on the First Priority Waiting List;

WHEREAS, the Board of Education was to have approved the release of Literary Fund moneys to the School Board and make a commitment to loan such moneys to the School Board (the "Commitment") within one (1) year of placement of the Application on the First Priority Waiting List upon receipt of the Literary Fund of an unencumbered sum available at least equal to the amount of the Application and the approval, by the Board of Education, of the Application as having met all conditions for a loan from the Literary Fund;

WHEREAS, the Board of Education was thereafter to have given advances on the amount of the Commitment for the Literary Fund Loan to the School Board, as construction or renovation of the Project progressed, in exchange for temporary notes from the School Board to the Literary Fund (the "Temporary Notes") for the amounts so advanced;

WHEREAS, after the completion of the Project and the advance of the total amount of the Commitment, the Temporary Notes were to have been consolidated into a permanent loan note of the School Board to the Literary Fund (the "Literary Fund Obligation") which was to evidence the obligation of the School Board to repay the Literary Fund Loan;

WHEREAS, the Literary Fund Obligation was to have borne interest at three percent (3%) per annum and mature in annual installments for a period of twenty (20) years;

WHEREAS, in connection with the 2003 Interest Rate Subsidy Program (the "Program"), the Virginia Public School Authority (the "VPSA") has offered to purchase general obligation school bonds of the County, and the Board of Education has offered to pay, to the County, a lump sum cash payment (the "Lump Sum Cash Payment") equal to the sum of (i) net present value difference, determined on the date on which the VPSA sells its bonds, between the weighted average interest rate that the general obligation school bonds of the County will bear upon sale to the VPSA and the interest rate that the Literary Fund Obligation would have borne plus (ii) an allowance for the costs of issuing such bonds of the County (the "Issuance Expense Allowance");

WHEREAS, the Board of Supervisors (the "Board") of the County of Washington, Virginia (the "County"), has determined that it is necessary and expedient to borrow not to exceed \$1,150,245 and to issue its general obligation school bonds for the purpose of financing certain capital projects for school purposes; and

WHEREAS, the Board, by prior resolution, authorized the School Board to apply to participate in the Program and, by prior resolution, pending a public hearing on the issuance of the Bonds, authorized the County Administrator to execute and deliver the Bond Sale Agreement (hereinafter defined) to enable the School Board to meet its deadlines for continued participation in the Program and preliminarily approved the form and substance of the draft Bond, draft Continuing Disclosure Agreement, draft Use of Proceeds Certificate and other attachments to the Bond Sale Agreement; and

WHEREAS, the County has held a public hearing, duly noticed, on October 14, 2003, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code"); and

WHEREAS, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Bonds (as hereinafter defined) and, consented to the issuance of the Bonds;

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

1. Authorization of Bonds and Use of Proceeds. The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$1,150,245 (the "Bonds") for the purpose of financing certain capital projects for school purposes described in Exhibit A. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

2. Sale of the Bonds. It is determined to be in the best interest of the County to accept the offer of the Virginia Public School Authority (the "VPSA") to purchase from the County, and to sell to the VPSA, the Bonds at a price, determined by the VPSA to be fair and accepted by the Chairman of the Board and the County Administrator. The Chairman of the Board, the County Administrator, and such officer

or officers of the County as either may designate are hereby authorized and directed to enter into a Bond Sale Agreement dated as of October 1, 2003, with the VPSA providing for the sale of the Bonds to the VPSA in substantially the form submitted to the Board at this meeting, which form is hereby approved. (See, Exhibit B, the "Bond Sale Agreement.")

3. Details of the Bonds. The Bonds shall be issuable in fully registered form; shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 2003A"; shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 beginning July 15, 2004 (each an "Interest Payment Date"), at the rates established in accordance with Section 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts set forth on Schedule I attached hereto (the "Principal Installments"), subject to the provisions of Section 4 of this Resolution.

4. Interest Rates and Principal Installments. The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by the VPSA, provided that each interest rate shall be ten one-hundredths of one percent (0.10%) over the interest rate to be paid by the VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further, that the true interest cost of the Bonds does not exceed five and sixty one-hundredths percent (5.60 %) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of the VPSA. The County Administrator is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of the VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by the VPSA and Interest Payment Dates and the Principal Installments requested by the VPSA as having been so accepted as authorized by this Resolution.

5. Form of the Bonds. The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

6. Payment; Paying Agent and Bond Registrar. The following provisions shall apply to the Bonds:

(a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal, premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date or Principal Payment Date, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next preceding such Interest Payment Date or Principal Payment Date.

(b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds.

(c) SunTrust Bank is designated as Bond Registrar and Paying Agent for the Bonds.

7. No Redemption or Prepayment. The Principal Installments of the Bonds shall not be subject to redemption or prepayment. Furthermore, the Board covenants, on behalf of the County, not to refund or refinance the Bonds without first obtaining the written consent of the VPSA or the registered owner of the Bonds.

8. Execution of the Bonds. *The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto.*

9. Pledge of Full Faith and Credit. *For the prompt payment of the principal of and premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.*

10. Use of Proceeds Certificate and Certificate as to Arbitrage. *The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Certificate as to Arbitrage and a Use of Proceeds Certificate each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds except as provided below. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in [such Certificate as to Arbitrage and] such Use of Proceeds Certificate and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.*

11. State Non-Arbitrage Program; Proceeds Agreement. *The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved.*

12. Continuing Disclosure Agreement. *The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12 and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).*

13. Filing of Resolution. *The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.*

14. Further Actions. *The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or*

desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

15. Effective Date. This Resolution shall take effect immediately.

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

Scrivener's Note: The Exhibit A referenced above is included as Minutes Exhibits Item 2003-10-14A.

b. Public Hearing on Proposed Ordinance to Vacate Lot 41 on Tioga Road from Subdivision of Property of Levisa Land Company Incorporated (Plat Book 22, Slide 17) in the Madison Magisterial District

County Attorney Lucy Phillips addressed the Board explaining that this is a repeat of a public hearing, due to notice discrepancies, that was previously considered by the Board.

Mr. Derting opened the public hearing to receive comments both in support of and in opposition to the proposed ordinance.

Mr. George Brewster identified himself as co-owner of Lot 41, which he owned together with his wife and daughter. Mr. Brewster stated that the owners of the lot requested vacation from the subdivision plat so that they may create separate parcels to allow separate ownership for one parcel that would be owned by his wife and himself and a second parcel to be owned by his daughter.

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

Ms. Phillips noted that the Board action to vacate Lot 41 would not authorize division of the lot. She said that the owners would have to obtain approval from the Planning Commission for division of the lot.

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

***AN ORDINANCE VACATING LOT 41 ON TIOGA ROAD FROM SUBDIVISION
OF PROPERTY OF LEVISA LAND COMPANY INCORPORATED
(PLAT BOOK 22, SLIDE 17) IN THE MADISON MAGISTERIAL DISTRICT
OF WASHINGTON COUNTY, VIRGINIA***

WHEREAS, a subdivision of Property of Levisa Land Company, Incorporated, located in Madison Magisterial District was recorded in 1985 in the Office of the Clerk of Court of Washington County, Virginia, in Plat Book 22, Slide 17; and

WHEREAS, several modifications and additional divisions of parcels in the recorded plat have occurred since 1985; and

WHEREAS, the owners of Lot 41 wish to make a single division of Lot 41 without alteration of the 50' right of way that provides access and have, therefore, applied for vacation of Lot 41 from the subdivision plat; and

WHEREAS, adoption of an ordinance to vacate Lot 41 from the recorded subdivision plat is required by Virginia Code § 15.2-2272(2) (1950, as amended), to allow division; and

WHEREAS, the Board of Supervisors of Washington County, Virginia, after public notice and public hearing, as required by law, does hereby find that vacation of Lot 41 from the subdivision plat would not harm the public interest or public safety.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of Washington County, Virginia, that the Board does hereby adopt the following ordinance pursuant to Virginia Code § 15.2-2272(2):

- 1. Lot 41 of Subdivision of Levisa Land Company, Inc. (Plat Book 22, Slide 17) is hereby vacated pursuant to Virginia Code § 15.2-2272(2) from being part of the recorded subdivision plat without abandoning any portion of the fifty (50) foot right of way that serves Lot 41; and***
- 2. Any division of Lot 41 must be approved by the Washington County Planning Commission because the lot is accessed by a private road; and***
- 3. Pursuant to Virginia Code § 15.2-2276, after the effective date of this ordinance, the Clerk of Circuit Court of Washington County, Virginia is directed to mark Lot 41 as "Vacated" on the subdivision plat recorded at Plat Book 22, Slide 17 and record a certified copy of this ordinance in the Office of the Clerk of Circuit of Washington County, Virginia indexed to Plat Book 22, Slide 17 pursuant to Virginia Code § 15.2-2272(2); and***
- 4. That should any section or provision of this ordinance be decided by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Washington County Code.***
- 5. That this ordinance shall become effective thirty (30) days after its adoption unless an appeal pursuant to Virginia Code § 15.2-2272(2) is filed within that time period, in which case, this ordinance shall become effective as directed by a court of competent jurisdiction.***

7. Consideration of Request for \$50,000 to be used for the William King Regional Art Center's Environmental Stabilization Project

Mrs. Betsy White, Executive Director of the William King Regional Art Center, presented the Board with a request for \$50,000 to be used as matching funds for the Art Center's environmental stabilization project.

On motion of Mr. Ingle, second by Mr. Roberts, the Board acted to approve a supplemental appropriation of \$25,000 from reserves for contingencies to the William King Regional Art Center to be used as matching funds to replace the Art Center's heating, ventilation and air conditioning system.

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

8. Consideration of Solid Waste Hauler Permit Application Submitted by Waste Industries, Inc.

County Attorney Lucy Phillips addressed the Board explaining that Waste Industries, Inc. has filed an application to obtain a permit to be a solid waste hauler in Washington County. Ms. Phillips advised that Board that, as of this meeting, their application is complete.

On motion of Mrs. Mumpower, second by Mr. McCall, it was resolved to issue a 2003-2004 Solid Waste Hauler Permit to Waste Industries, Inc.

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

9. Consideration of Agreement between Abingdon, Bristol and Washington County regarding the Virginia Small Business Incubator

Assistant County Administrator Christy Parker addressed the Board explaining that the agreement before them for consideration would finalize action taken at the July 22, 2003, meeting regarding their moral obligation to repay one-half of the costs associated with the Virginia Highlands Small Business Incubator Project. The Agreement formalizes the Town of Abingdon's loan guarantee as well as the moral

obligation of the City of Bristol to repay one-third of the project costs. In addition, the Agreement outlines the procedures for shifting proportionate ownership shares of the project and representation in the event of a default by any of the parties.

On motion of Mr. McCall, second by Mr. Roberts, the Board acted to approve the Agreement between Abingdon, Bristol and Washington County regarding the Virginia Highlands Small Business Incubator, and to authorize the County Administrator to execute same on behalf of the Board of Supervisors.

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

Scrivener's Note: *The Agreement referenced above is included as Minutes Exhibits Item 2003-10-14B.*

9a. Consideration of City of Bristol, Virginia and Washington County Resolutions Concerning Metropolitan Statistical Area Designations

Assistant County Administrator Christy Parker addressed the Board to present a resolution concerning the Metropolitan Statistical Area (MSA) designations. Ms. Parker advised them of recent developments in the Office of Management and Budget's decision to split the Tri-Cities Metropolitan Statistical Area (MSA) into three separate statistical areas. The current proposal would place the City of Bristol, Virginia and Washington County together in an MSA. There is a resolution before the City Council which requests that the City of Bristol be included within the MSA that groups Bristol, Tennessee, Kingsport and Sullivan County, Tennessee. If the City of Bristol, Virginia were approved to make the move then Washington County would be considered a Micro-MSA.

Ms. Parker explained that the resolution for Board consideration would support a combined MSA consisting of Bristol, Virginia, Bristol, Tennessee, Kingsport, Tennessee, Washington County, Virginia and Sullivan County, Tennessee.

There was discussion by the Board on this matter.

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

***RESOLUTION 2003-42
SUPPORTING A COMBINED METROPOLITAN STATISTICAL AREA CONSISTING OF
BRISTOL, VIRGINIA, BRISTOL TENNESSEE, KINGSPORT, TENNESSEE,
WASHINGTON COUNTY, VIRGINIA
AND SULLIVAN COUNTY TENNESSEE***

WHEREAS, the United States Office of Management and Budget (hereinafter OMB) proposes, effective October 1, 2004, to split the existing TRI-CITIES Metropolitan Statistical Area into three separate statistical areas, and

WHEREAS, Washington County has been proposed to be placed in the smallest of the three proposed statistical areas along with the City of Bristol, Virginia, and

WHEREAS, Bristol, Virginia and its sister city, Bristol, Tennessee, which essentially form one community, separated only by the state line which runs down the middle of its main street, are proposed to be divided down the middle and placed into two different statistical areas, and

WHEREAS, the citizens of both Bristols, as well as the residents of the surrounding area, consider the two Cities to be a single entity rather than two different jurisdictions, and

WHEREAS, the day to day interactions of the businesses, economic activity, transportation, entertainment, public services, and communications between the Cities of both Bristols, Kingsport, Sullivan County and Washington County, Virginia, are very closely interrelated, and

WHEREAS, in accordance with OMB guidelines, the City of Bristol, Virginia, has approximately 29.5% of its labor force which travels into the Tennessee areas of the proposed Kingsport-Bristol, Tennessee MSA, for employment, and

WHEREAS, Washington County, Virginia currently has 15.3% of its labor force which travels into the City of Bristol, Virginia, for employment, and based on initial research conducted by the Mount Roger Planning District Commission it is believed that if the figures were accurately evaluated that more than an additional ten percent of Washington County, Virginia, laborers travel into the Tennessee areas of the proposed Kingsport-Bristol, Tennessee MSA, for employment, bringing Washington County, Virginia, by itself over the 25% employment interchange threshold required by OMB guidelines,

WHEREAS, Washington County, Virginia has been and still maintains its position as the growth engine on the Virginia side of Tri-Cities TN/VA MSA with an 11% population growth rate from the 1990 to 2000 census, and

WHEREAS, Washington County, Virginia would be adversely impacted by any restructuring that would result in it being the only jurisdiction from the original MSA jurisdictions left without an MSA designation.

NOW THEREFORE, LET IT BE RESOLVED that Board of Supervisors of Washington County, Virginia supports the establishment of a Metropolitan Statistical Area consisting of both of the Cities of Bristol, the City of Kingsport, Tennessee, Sullivan County, Tennessee, and Washington County, Virginia, and encourages OMB to analyze and restudy the interchanges between these jurisdiction to justify the total combination of these areas.

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>

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

10. Consideration of FY 2003-04 – FY 2009-10 Requests for VDOT Six-Year Plan for Primary and Interstate Highway Improvements

County Administrator Mark Reeter advised the Board that the Transportation Advisory Board acted to recommend a letter to Secretary of Transportation Whittington Clement containing the proposed FY 2003-2004 through FY 2009-10 requests for VDOT Six-Year Plan for primary and interstate highway improvements for Washington County.

Mr. Reeter explained that the letter is basically the same as previous years' requests for primary and interstate improvements with no additional improvement requests being identified by the Transportation Advisory Board.

On motion of Mrs. Mumpower, second by Mr. Rector, the Board acted to approve the letter to Secretary of Transportation Whittington Clement as presented.

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

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

11. Recess

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

12. Consideration of Appointment to Fill Unexpired Term of Marianne Grzywacz to the Highlands Community Services Board

On motion of Mr. Barker, second by Mr. Rector, it was resolved to appoint Claudia Smith Duffy to the Highlands Community Services Board to fill the remainder of the unexpired term of Marianne Grzywacz through June 30, 2004.

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

Mr. Derting *Aye*
Mr. Barker *Aye*
Mr. Ingle *Aye*

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

13. Authorization to Dispose of Records of Office of County Administrator

On motion of Mr. McCall, second by Mrs. Mumpower, the Board acted to authorize disposal of the requested records.

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

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

14. County Administrator Reports

a. Voting Credentials for VACo Annual Business Meeting at VACo Conference, November 9-11, 2003

County Administrator Mark Reeter addressed the Board explaining that VACo requests Board action to designate a voting representative for Washington County for the VACo Annual Business Meeting held as part of the 2003 VACo Conference on November 11, 2003.

After brief discussion, the following action was taken:

On motion of Mr. Roberts, second by Mr. Barker, it was resolved to appoint Bobby Ingle as the Washington County voting delegate and John Roberts as the alternate at the 2003 VACo Annual Business Meeting.

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

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

b. Rescheduling of November 11 Regular Meeting to November 12 Due to Veteran's Day Holiday

Mr. Reeter advised the Board that the first regular November meeting falls on the Veteran's Day Holiday (November 11) and proposed that the Board act to reschedule the meeting to November 12.

On motion of Mr. Roberts, second by Mr. Barker, the Board acted to reschedule the Board meeting of November 11 to November 12.

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

15. County Attorney Reports

- a. Request for Board approval of proposed Quitclaim Deed and Deed of Consolidation to Transfer Abandoned Portion of Cul De Sac to Adjoining Property Owner

County Attorney Lucy Phillips addressed the Board explaining that by resolution adopted by the Board on June 24, 2003, the Board abandoned the surplus right of way on the outer edge of the cul de sac at the former end of SR 1517 (Steinman Road) in accordance with VA Code Section 33.1-155. The Board approved the abandonment because Steinman Road had been extended by construction of Quail Ridge Way, which made the cul de sac no longer necessary. The cul de sac no longer physically exists at the location where it is platted. The Board's abandonment left remaining the fifty-foot wide right of way necessary for extension of SR 1517 from Steinman Road to Quail Ridge way.

The adjoining property owner requested abandonment of the outer edge of the former cul de sac and transfer of the property to him to allow him to meet county setback requirements for construction of a garage on his property that adjoins the former cul de sac. VA Code section 33.1-154 allows conveyance of a section of road deemed no longer necessary after abandonment in accordance with Virginia Code section 33.1-155.

The Virginia Department of Transportation initially represented that it would transfer the property to Mr. Thomas, but after receipt of the request to do so, VDOT indicated that it would be necessary for the County to prepare the deed of transfer.

On motion of Mr. McCall, second by Mr. Ingle, the Board acted to approve the proposed conveyance and authorization that the Chairman may sign a Quitclaim Deed and Deed of Consolidation on behalf of the County to effect the transfer of property to Mr. Thomas.

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

b. Status Report Regarding John Maedor and Ann Shultz Request to Abandon Portion of Civil Drive (SR 873) near Mendota

Ms. Phillips advised the Board that Mr. Maeder and Ms. Shultz submitted notification dated October 7, 2003, that they withdraw their request for abandonment.

16. Board Information

County Administrator Mark Reeter drew attention to correspondence included in the Board section from U.S. Agriculture Secretary Ann Veneman regarding an agriculture disaster declaration for Washington County, and to correspondence from the Virginia Association of Counties regarding their Public Awareness Campaign.

17. Consent Agenda

On motion of Mr. Barker, second by Mr. McCall, it was resolved to approve the following Consent Agenda items:

- a. Payment of Bills, October 2003*
- b. Canceled Check – General Fund*
- c. Supplemental Appropriation \$234.00 – WC Treasurer’s Office for LGOC Registration Refund*

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

18. Board Member Reports

Supervisor Tony Rector requested financial support to provide matching funds for the Meadowview Fire Company to purchase a cascade system used to refill self-contained breathing apparatus oxygen bottles. Mr. Rector explained that the only fire department in the vicinity with a cascade system is Damascus.

Discussion ensued among the Board. Board members requested that the Emergency Services Committee submit all future requests of this nature in advance of the actual Board meeting date.

On motion of Mr. Rector, second by Mr. Barker, the Board acted to approve a supplemental appropriation in the amount of \$14,250.00 from reserves for contingencies to the Meadowview Fire Company to be used as matching funds for the purchase of a cascade system used to refill self-contained breathing apparatus oxygen bottles.

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

Supervisor Phillip McCall reported that he attended an Open House at the Abingdon Senior Center. The Center has a large unfinished room that could be used for community activities. Mr. McCall asked the Board to give future consideration to funding a portion of the expense for this project.

Chairman Joe Derting presented the Board with a request from the Southwest Virginia Regional Jail Authority to assist with the water and sewer connection fees for the Abingdon Regional Jail site. Mr. Derting stated that he recommends the Board appropriate \$45,000.00 to cover the connection fees.

There was discussion by the Board on this request. A Board member suggested a letter be sent to the Washington County Service Authority requesting the connection fees be waived.

On motion of Mr. Ingle, second by Mr. Rector, it was resolved to appropriate \$45,000.00 from reserves for contingencies to be used for water and sewer connection fees for the Abingdon Regional Jail.

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

19. **Request for Closed Meeting Pursuant to Virginia Code Section 2.2-3711 (A) (7) for Consultation with County Attorney Regarding the Matters of Wilton H. Hilt, et al. v. Washington County Board of Supervisors, et al. (Case No. 02-304) and Maggie H. Naylor v. Board of Supervisors of Washington County, Virginia (CH. No. 03-172) where such Consultation in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body**

On motion of Mr. Ingle, second by Mr. McCall, it was resolved to convene in closed meeting Pursuant to Virginia Code Section 2.2-3711 (A) (7) for consultation with County Attorney regarding the matters of Wilton H. Hilt, et al. v. Washington County Board of Supervisors, et al. (Case No. 02-304) and Maggie H. Naylor v. Board of Supervisors of Washington County, Virginia (CH. No. 03-172). The Closed Meeting shall include Mark Reeter, County Administrator and Lucy Phillips, County Attorney. It was further resolved to take a five-minute recess.

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

On motion of Mr. Barker, second by Mr. Ingle, the Board of Supervisors reconvened in open meeting.

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

Mr. Derting asked for any participant in the closed meeting who believes that there was a departure from the requirements of the Virginia Freedom of Information Act during the closed meeting to please state the substance of the departure.

Hearing no such statements, on motion of Mr. McCall, second by Mr. Rector, it was resolved to certify the closed meeting in accordance with the requirements of the Virginia Freedom of Information Act. By vote in favor of this motion, each member certified that the closed meeting was conducted in conformity with Virginia law and that only public business matters lawfully exempted from open meeting requirements and identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the closed meeting.

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

20. **Adjourn**

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

The vote on this motion was as follows: (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. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

Prepared by:

Naoma A. Mullins, Recording Clerk

Approved by the Washington County Board of Supervisors:

Joe W. Derting, Chairman