

**VIRGINIA:**

At a regular meeting of the Washington County Board of Supervisors held Tuesday, October 28, 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

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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 – Phillip McCall**

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

**3. Approval of Agenda**

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

*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>

#### 4. Approval of Minutes

*On motion of Mr. Rector, second by Mr. Roberts, it was resolved to approve the minutes as presented.*

*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>

#### 5. Consideration of Washington County Transportation Advisory Board Recommendation Concerning Interstate 81 Improvements Proposals

County Administrator Mark Reeter addressed the Board regarding the recommendations made by the Transportation Advisory Board concerning Interstate 81 improvement proposals. Mr. Reeter explained that the Advisory Board met on October 13 to receive the proposals from Star Solutions, Fluor and Rail Solutions, and met again on October 20 to prepare a recommendation. In brief, the Advisory Board's recommendations are as follows:

- Interstate I-81 needs improvement.
- The construction of one additional lane will not be sufficient.
- Trucks should be separated by cars.
- Tolls should be assessed on trucks only.
- A rail study should be done before any proposals are formulated or at the very least before they are evaluated.

Mr. Reeter stated that the Advisory Board chose not to confine their response by just answering questions provided in correspondence from the Virginia Department of Transportation (VDOT).

Mr. Reeter advised the Board that it was at their discretion whether or not they took an official position by submitting a recommendation to VDOT.

Extensive discussion ensued among the Board regarding the recommendations of the Transportation Advisory Board. One of the principle concerns discussed was the proposed tolls and whether or not they should be assessed on both cars and trucks, or trucks only. A Board member recommended that as an alternative to the tolls, the tax on fuel in Virginia be increased. All users of the Interstate would be paying for the upgrades through the purchase of fuel. This would insure that no user is double taxed by paying a toll and a tax on fuel purchases. Board members felt that proposals from Star Solutions and Fluor had strengths and weakness and that neither addressed all their concerns. Further, the Board would like to see the option of placing freight on rail thoroughly studied.

Chairman Joe Derting advised the Board that there is an on-going study concerning the feasibility of placing additional freight on rail. Mr. Derting stated that he believes no action should be taken by VDOT until this study is completed. Other Board members were in consensus.

After substantial discussion regarding the recommendations of the Transportation Advisory Board, it was consensus of the Supervisors to direct the County Administrator to draft a letter to VDOT containing the following recommendations:

1. VDOT should defer action on any proposal until the rail study is completed.
2. The tax on fuel purchases be increased as opposed to implementing tolls.
3. The upgrade should include four lanes.
4. Cars and trucks should be separated.

The Board further directed the County Administrator to provide a copy of the recommendations to the Transportation Advisory Board and to express the Board's gratification for their work.

**6. Consideration of Resolution Regarding Bonher Road in the Wilson Magisterial District to Request Acceptance into State System of Secondary Highways and to Refund Pro Rata Shares of Pre-Payments made by Owners of Abutting Properties**

County Attorney Lucy Phillips addressed the Board explaining that Bonher Road was improved according to the 50/50 cost-sharing plan authorized by Virginia Code section 33.1-72.1 for acceptance into the state system of secondary highways. Ms. Phillips advised the Board that the Virginia Department of Transportation (VDOT) has completed construction at approximately 62 percent of the originally estimated construction cost.

Ms. Phillips explained that the proposed resolution requests that VDOT accept Bonher Road into the state system of secondary highways and authorizes the County Treasurer to refund to the participating landowners a pro rata share of the amount prepaid by landowners based on the construction cost estimate.

*On motion of Mrs. Mumpower, second by Mr. Rector, it was resolved to adopt the following resolution and to refund pro rata shares of pre-payments made by owners of abutting properties:*

**RESOLUTION 2003-43  
REGARDING BONHER ROAD  
IN THE WILSON MAGISTERIAL DISTRICT  
TO REQUEST ACCEPTANCE INTO STATE SYSTEM OF SECONDARY HIGHWAYS AND TO  
REFUND PRO RATA SHARES OF PRE-PAYMENTS MADE BY OWNERS OF ABUTTING  
PROPERTIES**

*WHEREAS, by Resolution adopted by this Washington County, Virginia, Board of Supervisors (Board) on March 25, 2003 (Resolution 2003-14), the Board found that Bonher Road, as described below, (Project Street) met the eligibility requirements stated in section 33.1-72.1(C) of the 1950 Code of Virginia, as amended, to participate in the process described in that section for the taking of streets into secondary system; and*

**WHEREAS, by Resolution 2003-14, the Board resolved to request the Virginia Department of Transportation (Department) to improve Project Street to the prescribed minimum standards, funding said improvements according to special assessments as allowed by section 33.1-72.1(C) of the 1950 Code of Virginia, as amended; and**

**WHEREAS, the Department honored the Board's request and accepted Project Street as eligible for the procedures prescribed by section 33.1-72.1(C) of the 1950 Code of Virginia, as amended; and by letter dated October 9, 2003, from the Contract Engineer of the Department, the Department reported to the Board, that such improvements were completed and the Project Street meets the standards required for acceptance into the secondary system of state highways, pursuant to section 33.1-72.1(C) of the 1950 Code of Virginia, as amended; and**

**WHEREAS, the Department reported that, as a result of its services in improving Project Street, it incurred expenses in the total amount of \$9,955.00, which is less than was anticipated in calculation of the maximum amount to be assessed against Landowners, based on the Department's pre-project cost estimate of \$16,000; and**

**WHEREAS, by Resolution 2003-14, the Board resolved that, upon payment to the Department of the expense for improvements to Project Street, the County shall collect from owners of properties abutting Project Street (Landowners) a special assessment as described in detail in said Resolution; and**

**WHEREAS, Landowners pre-paid such special assessments to the County and the pre-payments are held in the County account pending the County's receipt from the Department of the final invoice for the Department's services required to complete improvements to Project Street.**

**NOW, THEREFORE, BE IT RESOLVED, this Board requests that the Department add Project Street, as described by the following information, to the secondary system of state highways, pursuant to section 33.1-72.1(C) of the 1950 Code of Virginia, as amended:**

<b>Name of Street:</b>	<b>Bonher Road</b>
<b>Length:</b>	<b>590 Feet</b>
<b>From:</b>	<b>Monticello Street</b>
<b>To:</b>	<b>Cul-de-sac</b>
<b>Guaranteed Right-of-Way Width:</b>	<b>40 feet</b>
<b>Plat Recordation Date:</b>	<b>September 16, 1974 (Plat Book 16, Page: 23)</b>

**and**

**BE IT FURTHER RESOLVED, that the County provide to the Contract Administrator of the Department a certified copy of this resolution and a county check in the amount of \$4,977.50 for the total amount due from the County in accordance with the requirements of section 33.1-72.1(C) of the 1950 Code of Virginia, as amended, and in accordance with Resolution 2001-14.**

**BE IT FURTHER RESOLVED, that the County Attorney shall direct the Treasurer of Washington County to issue refund checks in the amount of \$755.62, each, to each of the four contributing Landowners as identified on Exhibit A to this resolution to reimburse the amount of the pro-rata shares they paid, based on the Department's pre-project cost estimate, that exceeded the pro rata share due to the Department upon completion of the project.**

*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>

*Scrivener's Note:* The Exhibit A referenced above is included as Minutes Exhibits Item 2003-10-28A.

**7. Consideration of Request for Additional Funds for the Music Heritage Road Project**

Mr. Mike Jones, Public Administration Specialist with the Mount Rogers Planning District Commission addressed the Board explaining that the Planning District Commission for the last several months has worked with localities to obtain funding for the Virginia Heritage Music Road project. Mr. Jones advised the Board that the cost to complete the project is going to be higher than anticipated. Therefore, each locality that is participating is being requested to increase their financial contribution. An additional \$2,500 is being requested from Washington County for a total of \$5,000.

*On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved approve a supplemental appropriation of an additional \$2,500 from reserve for contingencies to the Mount Rogers Planning District Commission for the Heritage Music Trail Project and further to adopt the following resolution:*

**RESOLUTION 2003-44  
OF THE BOARD OF SUPERVISORS OF  
WASHINGTON COUNTY, VIRGINIA SUPPORTING  
THE VIRGINIA HERITAGE MUSIC TRAIL**

*WHEREAS, several counties, cities, towns and music venues are working with the Commonwealth of Virginia to create a Heritage Music Trail in Southwest Virginia, and*

*WHEREAS, this trail would run along U. S. Highway 221 from Floyd County to U. S. Route 58 and thence thru Big Stone Gap to the Town of Clintwood in the Coalfields, and*

*WHEREAS, this music trail would be highlighted by the tourism developments along the way including the Blue Ridge Music Center near Galax, the Carter Family Fold, and the Ralph Stanley Museum in Clintwood, and*

*WHEREAS, the Commonwealth of Virginia through the Department of Housing and Community Development will provide financial support for this project, and*

*WHEREAS, the project's success will require local matching funds from the various participating localities, and*

*WHEREAS, this music trail will be beneficial to Washington County and the region by enhancing the economy and bolstering our tourism efforts.*

*NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Washington County that it hereby supports the development of the Virginia Heritage Music Trail and further pledges a commitment to a total investment of \$5,000 to go toward the local matching requirements.*

*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>

#### **8. County Administrator Reports**

##### **a. Governor's Announcement of Additional Thanksgiving, Christmas and New Year's Holidays**

County Administrator Mark Reeter advised the Board that Governor Mark Warner has designated additional holidays for Thanksgiving, Christmas and New Year's for state employees. If the Board wishes to follow Governor Warner's holiday schedule for County employees then action needs to be taken to close at noon on November 26, close all day December 26 and close all day January 2.

*On motion of Mr. Barker, second by Mr. Rector, it was resolved to close County Offices at noon on November 26 and close all day December 26 and close all day January 2.*

*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. Reeter reminded the Board that the November 11 regular meeting has been rescheduled to November 12 due to the Veteran's Day Holiday falling on November 11.

**9. County Attorney Reports**

No report.

**10. Board Information**

County Administrator Mark Reeter drew attention to correspondence included in the Board section. Particularly the draft Virginia Association of Counties 2004 Legislative Program and Policy Statements, Draper Aden Associates' 15<sup>th</sup> Annual Virginia Water & Wastewater Rate Report 2003 and the Southwest Virginia Regional Jail Authority Financial Statement for Year Ending June 30, 2003.

**11. Board Member Reports**

Supervisor Dulcie Mumpower requested that a meeting be arranged with County officials and residents of Astor Road to discuss their concerns on the proposed project.

Supervisor Bobby Ingle reported that the groundbreaking ceremony for the Virginia Highlands Small Business Incubator was well attended. The construction should be completed in the summer of 2004.

Supervisor Tony Rector requested a status report on Spring Hill Subdivision being taken into the state system of secondary projects. County Administrator Mark Reeter replied that he was working on the project.

Supervisor John Roberts advised the Board that at a future meeting they would receive a recommendation from the Emergency Services Committee regarding a request from the Damascus Volunteer Lifesaving Crew for matching funds to apply for a grant. The grant would be used to purchase pagers. Mr. Roberts stated that he had asked the Lifesaving Crew to submit their request to the Emergency Services Committee.

Supervisor Phillip McCall reported that the October meeting of the Washington County Service Authority was held at the Goodson Kinderhook Fire Department to celebrate the anniversary of the Goodson Kinderhook Water System.

Chairman Joe Derting reported that a committee has been established and is meeting at the Washington County Public Library to study the expansion of the library.

Mr. Derting advised the Board that the Virginia Employment Commission has completed a study of the Mount Rogers, Cumberland and Lenowisco Planning District Commissions. The unemployment rate for the Mount Rogers PDC is greater than the other two Planning Districts. This is basically attributed to plant closures in Grayson and Smyth Counties and the City of Galax.

**12. Recess**

There was no recess at this time.

13. **Closed Meeting**

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

*On motion of Mr. Barker, second by Mr. Rector, it was resolved to convene in Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(1) for Performance Evaluation of County Attorney Lucy Phillips. It was further resolved to take a ten-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. Ingle, second by Mr. Barker, it was resolved to reconvene 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>

At this time, any participant in the closed meetings who believes that there as a departure from the requirements of the Virginia Freedom of Information Act during the closed meetings, please state the substance of the departure that you believe has taken place.

*Hearing no such comments, on motion of Mr. McCall, second by Mr. Rector, it was resolved to certify the closed meetings in accordance with the requirements of the Virginia Freedom of Information Act. By vote in favor of this motion, each member certifies that the closed meetings were 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 meetings were convened were heard, discussed, or considered in the closed meetings.*

*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>

**14. Adjourn to November 12, 2003, Rescheduled Regular Meeting**

*On motion of Mr. Rector, second by Mr. Roberts, it was resolved to adjourn the meeting to November 12, 2003, rescheduled regular 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>

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**Prepared by:**

\_\_\_\_\_  
Naoma A. Mullins, Recording Clerk

**Approved by the Washington County Board of Supervisors:**

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Joe W. Derting, Chairman