

**VIRGINIA:**

At a regular meeting of the Washington County Board of Supervisors held Tuesday, December 12, 2006, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia the following were present:

**PRESENT:**

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

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

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**1. Call to Order**

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

**2. Invocation and Pledge of Allegiance**

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

**3. Approval of Agenda**

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

**New Item 13.a.**

***Consideration of Resolution Authorizing Grant Agreement for White's Mill Renovation and Trail Project SAFETEA-LU Grant***

**New Item 16.a – County Attorney Reports**

***Consideration of Request from the Sheriff Regarding Disposition of Animals Determined to Have Been Cruelly or Negligently Treated***

**New Item 19.a – Closed Meeting**

*Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(5) for discussion concerning prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business’ or industry’s interest in locating or expanding its facilities in the community; specifically prospective industry proposed for location in the Highlands Business Park of the Smyth-Washington Regional Industrial Facilities Authority*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

**4. Approval of Minutes**

*On motion of Mr. McCall, second by Mrs. Mumpower, it was resolved to approve the following minutes as presented:*

*November 28, 2006 Recessed Meeting  
November 28, 2006 Regular Meeting*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

**5. Consideration of Approval of Bond Financing Resolution for Emory & Henry College**

Ms. Benita Bare, Financial Director for Emory and Henry College, presented the Board with a request for their approval of bond financing to be used to finance renovations and upgrades to Byars Hall and Wiley Hall. Both of these buildings are located at the center of the campus. Ms. Bare explained that both buildings have three floors and need to be renovated to make them handicapped accessible. Byars is used primarily for the College’s Visual Arts Program. Wiley Hall is the College’s Administration Building. Ms. Bare stated that the faculty, staff and students excited about the improvements to the Emory & Henry Campus.

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

**RESOLUTION 2006-24  
OF THE BOARD OF SUPERVISORS OF  
WASHINGTON COUNTY, VIRGINIA**

*WHEREAS, the Industrial Development Authority of Washington County, Virginia (the "Authority"), has considered the application of Emory & Henry College (the "Applicant"), a non-profit institution of collegiate education, for the issuance of the Authority's revenue note (the "Note") pursuant to Title 15.2, Chapter 49 of the Code of Virginia of 1950, as amended, in one or more series, in a total amount now estimated not to exceed \$10,000,000, the proceeds of which are expected to be used to finance (a) the renovation and upgrade of Byars Hall, (b) the removal of an existing annex to Byars Hall and the construction of a new annex currently planned to be a three-story structure containing up to 25,000 square feet, (c) the renovation and upgrade of Wiley Hall, (d) infrastructure upgrades related to these projects, and (e) capitalized interest and costs of issuing the Note (collectively, the "Project");*

*WHEREAS, the Authority on December 4, 2006, has held a public hearing on the issuance of the Note; and*

*WHEREAS, the Authority has requested the Board of Supervisors (the "Board of Supervisors") of Washington County, Virginia (the "County"), to approve the issuance of the Note to comply with Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), and to concur with the Authority's expectation that the County, the Authority and all subordinate issuing entities or authorities do not reasonably expect to issue in calendar year 2006 any other tax-exempt obligations (not including "private activity bonds" other than "qualified 501(c)(3) bonds," as those terms are defined in the Code), that when aggregated with the Note for purposes of Section 265(b)(3)(B) of the Code will be in excess of \$10,000,000, in order that the Authority may designate the Note as a "qualified tax-exempt obligation" under Section 265(b)(3)(B) of the Code; and*

*WHEREAS, a copy of the Authority's Resolution approving the issuance of the Note, subject to terms to be agreed upon, a record of the public hearing and a "fiscal impact statement" with respect to the issuance of the Note have been filed with the Board of Supervisors;*

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

*1. The Board of Supervisors hereby approves the issuance of the Note by the Authority for the benefit of the Applicant, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, to permit the Authority to issue the Note for the purpose set forth above.*

*2. Approval of the issuance of the Note, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, does not constitute an endorsement of the Note or the creditworthiness of the Applicant. As required by Section 15.2-4909 of the Virginia Code, the Note shall provide that neither the County nor the Authority shall be obligated to pay the Note 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. *The County having not previously issued in Calendar Year 2006 tax-exempt obligations (not including “private activity bonds” other than “qualified 501(c)(3) bonds,” as those terms are defined in the Code), which are required to be aggregated with obligations issued by the Authority for purposes of Section 265(b)(3)(B) of the Code, and the County, the Authority and all subordinate issuing entities or authorities not reasonably expecting to issue in Calendar Year 2006 any other such obligations that when aggregated with the Note will be in excess of \$10,000,000, the County concurs with the Authority’s intention to designate the Note as a “qualified tax-exempt obligation” under Section 265(b)(3)(B) of the Code.*

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

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

At this time, Chairman Reynolds recognized the Washington County Leadership Class. Mr. Barry Firebaugh, Coordinator of the Washington County Leadership Program provided a few remarks.

**6. Consideration of Revised Resolutions to Approve Washington County School Board Literary Loan Applications and Revised Resolutions to Declare Intention to Reimburse Expenditures related to School System Capital Improvements for Phases I and II of the Washington County School Board’s Literary Bond Request**

Washington County School Superintendent Dr. Alan Lee and Assistant Superintendent Dr. Tom Graves addressed the Board presenting revised resolutions for Board consideration for the Washington County School Board Literary Loan applications to fund phases I and II of the Washington County School Board’s Literary Bond request.

Dr. Lee explained that Washington County School Board has a Facilities Plan that was developed by staff, parents, and other representatives from throughout the County. The Facilities Plan has been in place and ready to implement for quite a period of time. The School Board is in the process of applying for a Literary Loan, which is money provided by the State at a rate typically of about three percent. Dr. Lee further explained that the School Board previously came before the Board of Supervisors and provided figures that represented the projected costs of the facilities additions across the County. Since that time (about five years), the figures have been re-evaluated. He stated that a new set of figures is being presented to the Board of Supervisors for approval.

Dr. Lee explained that the Board would not be approving the expenditure of funds, but only the approval of the School Board going forward with the Literary Loan application process. Currently, the School Board’s projects are on the Literary Loan list. However, the School Board is required to submit the revised costs to the State.

Dr. Graves discussed the five reasons for the dramatic increase in the Facilities Plan project costs. They are as follows:

1. The original Facilities Plan and costs estimates were done five years ago in 2002.
2. The original figures were very optimistic case scenarios in terms of costs and estimates
3. Marked increase in construction costs due to energy, Hurricane Katrina, steel costs, fuel costs, etc.
4. Current revised numbers are a projected worst-case scenario based current trends.
5. On the original architectural renderings the connecting corridors and hallways were left out of the projected project costs.

Dr. Graves explained that just because Washington County Schools is on the Literary Loan list there is no guarantee that Washington County would be offered the loan. If the School System is offered the Literary Loan it would be 6-18 month process before final approval will be given by the State. Upon the State approval, there would be another six months before construction would begin based on the bidding process for each project. He further explained that another major factor in the significant increase to the project costs is because Phase I and II involve 11 significant renovations to 11 school facilities.

Dr. Lee addressed the revised debt service figures. He explained that he recently provided the Board with projections of potential increases to the annual debt service payments. The projections were based on two assumptions. The first assumption is that Phase I would come on during the 2007-08 budget year and the second assumption is that Phase II would begin in the 2008-09-budget year. Dr. Lee stated that the School System would work with the County Administrator and County staff to assure the least financial impact on the County's budget.

Dr. Lee encouraged the Board to support the revised project costs and approve the resolutions so that the Literary Loan process could go forward. He stated that if the School System is awarded the Literary Loan funds, the School Board would come back before the Board of Supervisors to seek approval to accept and expend the funds.

At this time, substantial discussion ensued among the Board. Primary issues and concerns discussed by the Board were the significant increase in project costs, the discrepancies in the square foot costs, the significant costs for architectural fees and whether or not the County could afford to complete the projects as proposed. There was discussion about the possibility of downsizing the projects currently on the Literary Loan list. The Board also had questions as to why the Literary Loan project took so long to get started.

Dr. Lee explained that the square footage costs for the original plan was \$95 per square feet. The original plan did not move forward because there was no agreement among the School Board about which projects should be completed. It took the School Board a period of time to agree that the Facilities Plan was the direction that the County needed to go.

Dr. Graves explained that at this time the Board is being asked only to adopt the Resolution presented so that the School System could submit the revised figures to the State. He further explained that if things go well and the School System is awarded the funds then the School Board will come back before the Board to request approval to accept and expend the money.

Dr. Lee reiterated that the bottom line is that if the Literary Loan is approved then the School Board will have to come back before the Board of Supervisors to convince them that the project is justified for the

Board to obligate to the expenditures and to decide if the School System could go forward with the project.

Further discussions ensued among the Board concerning the Literary Loan application. Dr. Lee was asked to explain the process involved in determining how much money would be requested from the Literary Loan Fund.

Dr. Lee explained that if the School System is awarded the full amount of Literary Loan funds that were applied for, the School Board would decide what amount of the Literary Loan money they want to ask the Board of Supervisors to take. He further explained that annually the School Board meets with the Board of Supervisors in a budget session to discuss priorities, challenges and needs. The School Board tries to alert the Board early in the session of what the needs are in the School System. This process would be done if the Literary Loan were approved.

Board members expressed their concerns with approving the revised figures because ultimately the burden of responsibility to repay the loan rests with the Board of Supervisors. It was proposed that a joint meeting be held with the School Board to discuss the project further before the Board of Supervisors takes any action.

At this time, County Attorney Lucy Phillips addressed the Board asking Dr. Lee for clarification of the Literary Loan process compared to the language in the Resolution. Ms. Phillips explained that the Resolutions says that in adopting this Resolution the Board of Supervisors grants authority to the School Board to borrow the said amounts for the purposes set out in the Resolution. She further explained that the Resolution goes on to say that by adopting it the Board of Supervisors is resolving that it will levy taxes sufficiently to cover the amount specified in the Resolution and the amounts given by the School Board. Ms. Phillips explained that there is no step in the Resolution about coming back to the Board of Supervisors for a second opinion. It appears that the Resolution gives final approval if adopted by the Board of Supervisors.

Dr. Graves explained that what the Resolution does is that it allows the School Board to ask for permission from the State to give the revised numbers and have money set aside for the School System to spend. At that time, the School Board and Board of Supervisors has options up to \$12,900,000 and can decide how much of the loan funds they want to expend. The proposed Resolution before the Board allows the School Board and Board of Supervisors to have the opportunity to receive the Literary Loan funds. Dr. Graves stated that without the Resolution there would be no opportunities until two or three years down the road when the process could be started again.

The Board discussed at length the questions raised by Ms. Phillips concerning the Resolution. Board members expressed concerns that the Resolution would set forth the procedures for the expenditure of the Literary Loan funds. Many Board members felt they needed more time to review the issues and to conduct a joint meeting with the School System. Further, many Board members felt that the County may not be able to afford to complete all of the projects in Phase I and Phase II of the School System's Literary Loan projects, and that a joint meeting with the School Board would be beneficial to determine the projects that are priority. Some Board members felt that if the Resolution were adopted then the School System could proceed with submitting the revised figures to the State. Then a joint meeting could be scheduled with the School Board to determine a maximum dollar figure that the County could afford and then decide on the projects that could be completed.

Dr. Graves explained that the proposed resolution is a standardized resolution used by the State and is included in the Literary Loan application package. He further explained that if the Resolution is not approved then all the County would be eligible for is approximately \$5,000,000.00 in the original Literary Loan application. Some of the projects would have to be dropped from the list.

Lengthy discussions continued among the Board. Board members expressed their support of the School System and stated that they recognized that the projects are needed. Most Board members felt that they were being asked to make a decision to quickly and that they needed time to gather more information and to schedule a joint meeting with the School Board to discuss the Literary Loan project in detail.

After lengthy debate concerning the issue, the following action was taken:

*On motion of Mr. Price, second by Mr. McCrady, the Board acted to table action on the Resolutions to allow time to have discussions with the construction company that completed the last project for the School System to verify the square footage figures are accurate, and further to conduct a joint meeting between the Board of Supervisors and the School Board.*

*The vote on this motion was as follows: (4-3)*

<i>Mr. McCall</i>	<i>Nay</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Nay</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Nay</i>

**14. Recess**

The Board took a ten-minute recess.

**7. Consideration of Request for Supplemental Appropriation by Smyth-Washington Regional Industrial Facilities Authority for U. S. Highway 11 Drainage Improvement Project**

Assistant County Administrator Christy Parker on behalf of the Smyth-Washington Regional Industrial Facilities Authority presented a request to the Board for local funds to fund a shortfall on the U. S. Highway 11 Drainage Improvement Project that benefits the Highlands Business Park. Ms. Parker explained that Washington and Smyth Counties funded this project through the VDOT Revenue Sharing Program. The project has been completed; however, VDOT has reported there is a small shortfall in funding of \$31,647.33. Reasons for the unexpected increase in cost were that rock was encountered during construction and that the constructions costs had increased. VDOT will accept responsibility for one-half of the shortfall. The local share is \$15,823.67 or \$7,911.84 per County. The Smyth County Board of Supervisors has approved their share.

*On motion of Mr. Rector, second by Mr. Owens, the Board acted to approve a supplemental appropriation from Reserves for Contingencies for a VDOT Revenue Sharing Project for Highlands Business Park/U. S. Highway 11 Drainage Improvements in the amount of \$7,911.84 and further to*

*authorize the County Administrator to apply for a supplemental appropriation from VDOT's Revenue Sharing Program from its current year Revenue Sharing Allocation. Washington County's share (\$7,911.84) to be transferred from Line item 91400-5880 to Line Item 94420-5688, Smyth County's share (\$7,911.84) to be appropriated to Line Item 94420-5688 with disbursement of funds contingent upon receipt of \$7,911.84 from Smyth County.*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

**8. Consideration of Proposal for Development of New Branch County Library Facility for Town of Damascus**

Washington County Library Director Charlotte Parsons addressed the Board reviewing a proposal that was presented to the Damascus Town Council for the development of a new branch library facility in the Town of Damascus. The proposal requests that the Town make a financial contribution of 10% of the total project cost not to exceed \$30,000.00 payable to the County by installments over three fiscal years. The Town would donate the land for the Library facility in fee-simple to the County at no cost (or \$1) with a deed covenant that land and any improvements would be used solely for construction of a library facility. The land would be titled to the Washington County Board of Supervisors. Should the library cease to operate the land would go back to the Town of Damascus.

Mrs. Parsons explained that proposal was fairly well received by the Town Council. Town Council members had several questions of which are outlined in a letter sent to Mr. Reeter. Mrs. Parsons further explained that during the presentation the property became an issue. The Town Council proposed an alternate property owned by the Town near the swimming pool (the Trestle Street parcels) rather than property previously considered on Water Street. The Town just recently learned of their ownership of this newly proposed property. Town Council took action to accept the proposal, but that the location of the new library facility would be identified at a later date.

Mrs. Parsons explained that the Library is working with engineers to create a matrix comparing both sites. This matrix will include constructions costs for each site, which will assist in determining the site best on which to build.

Mrs. Parsons stated that the request before the Board is for authorization for obligation of funds for the development of the new library facility in Damascus.

Discussion ensued among the Board.

*On motion of Mr. McCrady, second by Mr. Price, the Board acted to authorize the development of a new branch library facility within the Town of Damascus and obligation of up to \$300,000.00 in County Capital Reserve Account funds for this purpose.*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

**9. Consideration of Appointment of Commissioner to Washington County Planning Commission, E-01 “Taylor” Election District**

*On motion of Mr. McCrady, second by Mr. Owens, it was resolved to appoint Dr. John Lentz to the Washington County Planning Commission representing the E-01 “Taylor” Election District to fill the remainder of the unexpired term of Mr. Richard Rhea through June 30, 2007.*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

**10. Review of Final Draft of Proposed By-Laws, General Policies and Operating Procedures for Calendar Year 2007**

County Administrator Mark Reeter presented the Board with the final draft of the proposed By-Laws, General Policies and Operating Procedures for Calendar Year 2007 for their review.

Supervisor Odell Owens proposed adding language to Article 6.6 of the By-Laws pertaining to Closed Meetings that would state all participants of a Closed Meeting including Board members, County staff and outside participants understand that any and all discussions held in Closed Meetings are to be kept in strict confidence.

Discussion ensued among the Board. It was consensus of the Board to direct the County Administrator to add the proposed recommendation to Article 6.6 of the Board’s By-Laws.

Mr. Owens inquired if the Board members were comfortable with the language of Article 6.16 of the General Policies.

**11. Review of Board of Supervisors Committees and Advisory Boards for Calendar Years 2006 and 2007**

Mr. Reeter reviewed the Board of Supervisor Committees and Advisory Boards for Calendar Year 2007. He explained that he recommends the dissolution of the Washington County Transportation Advisory Board because with VDOT’s new regulations the Board should look at all road issues. He further proposed that the Recreation Advisory Board be dissolved because the Joint Parks and Recreation Committee essentially is doing the same functions. Lastly, Mr. Reeter recommended that the Early Retirement Committee be dissolved. He stated that he recommends the re-establishment of all other committees.

Discussion ensued among the Board. Supervisor Jack McCrady proposed that the structure of the Park Authority and Joint Parks and Recreation Committee be reviewed and consider combining the two boards. Supervisor Paul Price suggested that a Budget Committee be established.

Mr. Reeter asked the Board to let him know of any other committees they may wish to establish.

**12. Review of Appointments Scheduled for January 9, 2007 Organizational Meeting**

Mr. Reeter reviewed the list of appointments that will be placed on the Agenda for the January 9, 2007 Organizational meeting.

**13. Review of Expiring Appointments to Boards, Authorities and Commissions through June 30, 2007**

The Board was provided with a list of expiring appointments to Boards, Authorities and Commissions through June 30, 2007.

**13.a. Consideration of Resolution Authorizing Grant Agreement for White’s Mill Renovation and Trail Project SAFETEA-LU Grant**

Mr. Reeter addressed the Board explaining that at the November 14 meeting, the Board authorized Washington County to act as fiscal agent to receive up to \$426,178.00 in SAFETEA-LU grant funds from the Virginia Department of Transportation for the White’s Mill Renovation and Trail Project. VDOT is requesting a Resolution of the Board authorizing the County Administrator to execute grant agreements for this project.

*On motion of Mr. Price, second by Mr. Rector, the Board adopted the following Resolution:*

***RESOLUTION 2006-25***

***WHEREAS, agreements between the county and state are required for Enhancement and SAFETEA-LU projects which are designed, constructed, and administered by Washington County; and***

*WHEREAS, the agreements mentioned above and any associated amendments have to be executed by Washington County; and*

*WHEREAS, the \$426,178 SAFETEA-LU project for the Whites Mill Renovation and Trail Project (the Project) was duly approved by the Washington County Board of Supervisors pursuant to appropriate action taken at their meeting of November 14, 2006; and*

*WHEREAS, the Virginia Department of Transportation requires the official signatory for Washington County to have authority specifically designated by the Washington County Board of Supervisors to execute all agreements related to the Project and any subsequent future projects;*

*NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Supervisors does hereby authorize the Washington County Administrator to sign all such agreements related to the Project and any subsequent amendments to the Project.*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

**15. County Administrator Reports:**

- a. Proposed Cancellation of December 26 Regular Meeting

*On motion of Mr. McCrady, second by Mr. Rector, the acted to cancel the December 26 regular Board meeting.*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

b. Christmas and New Years Holiday Schedule

Mr. Reeter stated that County Offices would be closed the following dates in observance of the Christmas and New Years Holidays:

- Friday, December 22, 2006
- Monday, December 25, 2006
- Tuesday, December 26, 2006
- Monday, January 1, 2007
- Tuesday, January 2, 2007

**16. County Attorney Reports**

County Attorney Lucy Phillips addressed the Board explaining that a County resident has purchased a six-acre tract of land in Fairway Oaks Subdivision and would like the Board to consider vacating the land from the subdivision plat so that it could be further subdivided. Ms. Phillips asked for Board authorization to schedule a public hearing on this matter.

*On motion of Mr. Price, second by Mr. Rector, the Board authorized the County Attorney to schedule a public hearing for the January 23, 2007, Board Meeting.*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

In another matter, Ms. Phillips reported that she received a request from Sheriff Fred Newman regarding animals that the court determines have been cruelly or negligently treated. State law provides that the local animal control officers can take the animal from the person and either sell it, humanely destroy it, donate it to certain specified institutes, or offer it for adoption. Sheriff Newman seeks clear authority from the Board of Supervisors that he may determine the most suitable option for disposition of animals that have been confiscated by his department and determined by a court to have been cruelly or negligently treated by their owner and seek a court order for such disposition. Ms. Phillips explained the need for this request has arisen because in a matter currently pending in General District Court, the possibility has developed that the County would not be fully reimbursed its expenses for maintaining the animals pending court determination of the matter. The court has requested a statement of clear authority from the governing body of the County that the Sheriff may waive full recovery of those expenses if the Sheriff has determined it to be in the best interests of the County and of the animals.

Discussion ensued among the Board. A primary issue discussed was if the Board should be involved in this matter. Ms. Phillips stated that the Commonwealth's Attorney prosecuted this case and that the General District Court Judge, Commonwealth Attorney and Sheriff's Office is waiting for a decision by the Board.

*On motion of Mrs. Mumpower second by Mr. Rector, the Board acted to resolve that the Sheriff may seek, as necessary, orders of the Court to dispose of animals determined to have been cruelly or negligently treated in the manner, as allowed by state law, that the Sheriff determines most suitable to the circumstances without mandate for full recovery of costs to the County for maintenance and veterinary expenses for the animals for the period of time pending judicial review and decision.*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Abstained</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

**17. Board Information**

Mr. Reeter reviewed the following Board Information:

- Leo Sholes Park & Pool Preliminary Final Financial Report for 2006
- Correspondence from Washington County Public Schools dated December 4 and August 14, 2006

Mr. Reeter explained that the School System is requesting authorization to use approximately \$65,000.00 in funds that remain from the Transportation Facility Project on projects that were outlined in correspondence dated August 14, 2006.

*On motion of Mr. McCall, second by Mr. Owens, it was resolved to authorize the Washington County School Board to use the funds remaining, approximately \$65,000.00, from the Washington County Transportation Facility Project to complete projects outlined in correspondence dated August 14, 2006.*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

**18. Consent Agenda**

*On motion of Mr. Rector, and Mr. Owens, it was resolved to approve the following Consent Agenda items:*

- a. *Payment of Bills - November 2006*
- b. *Revenue Refunds – Animal Sterilization Fee and Adoption Fee*
- c. *Supplemental Appropriation – Washington County Sheriff’s Office*
- d. *Revenue Refunds – Building Permit Fee*
- e. *Supplemental Appropriation – SWIFA Tax Revenue Sharing Program*
- f. *Budget Status Reports for November of 2006*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

**19. Board Member Reports**

Supervisor Dulcie Mumpower reported that Bristol Virginia Utilities is proposing a major upgrade to their water and sewer system. If the upgrade happens, it would probably mean a significant increase in costs to the County for water supplied by the City of Bristol.

Supervisor Paul Price commented on his first year on the Board.

Supervisor Odell Owens reported on an article in a recent issue of the NACo Newsletter concerning a new budget concept. Any agency or group that would request funds from the County would submit a budget request based on their actual justified need and not on the prior year’s allocation. Once all the budget requests have been received, a budget committee is formed comprised of representatives from various agencies and departments within the County to review the requests. The committee’s responsibility would be only to determine the relevancy of the request to the County’s mission and not to decide if the request would be funded. If the committee determines that a request is not relevant to the County’s mission it would be set aside and not included on the committee’s list. Instead it would be placed on a list of non-qualifiers and given to the Board of Supervisors for them to review. Mr. Owens explained that the State of Minnesota first implemented the concept and saved a lot of money. He further explained that a book has been written about this concept and that if the Board is interested it would be good to purchase the book and review it during the Board’s Retreat.

Supervisor Paul Price stated that he would purchase the book for Board use.

Mr. Owens reported that the County Facilities Committee has been looking at different facilities to see what other counties have in way of county facilities. He explained the next step would be to contract with a professional engineer/architect to determine what the County current has in facilities and to determine what is needed. A report will be given to the Board for their review.

Chairman Kenneth Reynolds reported that he has received positive comments that Washington County has a great Board of Supervisors and that other localities often models after Washington County. Mr. Reynolds stated that it has been a pleasure to serve as the Board’s Chairman for the last year.

Supervisor Jack McCrady wished everyone a Merry Christmas.

**19.a. Closed Meeting:**

Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(5) for discussion concerning prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; specifically prospective industry proposed for location in the Highlands Business Park of the Smyth-Washington Regional Industrial Facilities Authority

*On motion of Mr. Rector, second by Mr. McCall, the Board acted to convene in Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(5) for discussion concerning prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; specifically prospective industry proposed for location in the Highlands Business Park of the Smyth-Washington Regional Industrial Facilities Authority. It was further resolved to include County Administrator Mark Reeter, County Attorney Lucy Phillips and Assistant County Administrator Christy Parker in the Closed Meeting.*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

*After returning to the meeting, the Chairperson noted that upon motion of Mr. Owens, second by Mr. Rector, and favorable vote, the Board of Supervisors reconvened in open meeting. The Chairperson called for any participant in the closed meeting(s) who believed that there was a departure from the requirements of the Virginia Freedom of Information Act during the closed meeting(s), to state the substance of the departure that they believed took place. No members of the Board responded to the Chairperson's call for statements.*

*On motion of Mr. McCrady, second by Mr. Rector, the members of the Board certified the closed meeting(s) 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 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 meeting were convened were heard, discussed, or considered in the closed meeting.*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>

<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

**20. Adjourn to January 9, 2007 Organizational Meeting**

*On motion of Mr. Rector, second by Mr. Owens, it was resolved to adjourn to January 9, 2007 Organizational Meeting.*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

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**Prepared by:**

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Naoma A. Mullins, Recording Clerk

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

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Kenneth O. Reynolds, Chairman