

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, May 22, 2007, 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 (Arrived at 7:09 PM)
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

1. Call to Order

The meeting was called to order by Mr. Kenneth Reynolds, Chairman of the Board, who welcomed everyone in attendance. Mr. Reynolds stated that Mrs. Mumpower will be late for the meeting.

2. Invocation and Pledge of Allegiance

Supervisor Paul Price gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

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

New Item 4.a.a.

Presentation by Tom Whittaker

New Item 6.a.

Consideration of Approval of Lease Agreement for Property in Town of Damascus for Development of a Recreational Facility.

New Item 6.b.

Consideration of Certificate of Commendation to Abingdon Veterans Memorial

10. Consent Agenda

New Item d. Supplemental Appropriation-Washington County Public Library

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</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 Mr. Rector, it was resolved to approve the following minutes as presented:

- May 1, 2007 Recessed Meeting***
- May 2, 2007, Recessed Meeting***
- May 8, 2007 Regular Meeting***
- May 10, 2007 Recessed Meeting***

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</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.a. Presentation by Tom Whittaker

Mr. Tom Whittaker addressed the Board requesting that they consider re-naming the County Administration Building after the late James Litton and Bobby Sproles. Both of these gentlemen were past members of the Board of Supervisors. Mr. Whittaker distributed to the Board a copy of a letter from a former County Administrator Dennis Sparks, which addresses this same request.

Discussion ensued among the Board. Chairman Reynolds inquired if the County had a process for the naming of County buildings. Mr. Reeter explained that he was not aware of any formal procedures. However, there is a bronze plaque located on the County Administration Building that lists the names of Bobby Sproles and James Litton. He further explained that the County Administration Building is owned

by the William King Regional Art Center Foundation Board; therefore, the Board could not formally rename the County Administration Building.

The Board asked the County Administrator to look into the request.

5. Presentation by Virginia aCorridor

Mr. Tom Elliott, Executive Director of the Virginia aCorridor, a regional economic development organization made a presentation to the Board. Mr. Elliott reviewed the 2006 announcements for existing industry expansion and new industries. There were a total of 14 existing industry announcements creating 519 jobs and \$27.8 million in investments. There were four (4) new industry announcements creating 254 jobs with \$141.54 million in investments. The 2007 announcements year-to-date include five existing industry expansions creating 169 jobs with \$433.3 million in investments. Mr. Elliott explained that overall 2006 was a good year. He reviewed the current activity for 2007. There are 12 projects active with a potential of creating 1,665 jobs and \$275 million in investments. Mr. Elliott stated that the Virginia aCorridor’s priorities are prospect activity, marketing and being a support resource for local economic development professions.

Mr. Elliott thanked Washington County for their support, and he stated that the County’s financial support has been crucial.

6. Consideration of Appointments to Various Boards, Authorities and Commissions Expiring June 30, 2007

Washington County Public Library Board of Trustees

On motion of Mr. Price, second by Mr. Owens, it was resolved to reappoint Joan Worley to represent the Jefferson Election District on the Washington County Library Board of Trustees for a four year term beginning July 1, 2007, and expiring June 30, 2011.

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>

6.a. Consideration of Approval of Lease Agreement for Property in Town of Damascus for Development of a Recreational Facility

Ms. Phillips addressed the Board explaining that at their February 27, 2007, meeting, the Board appropriated funds for development of a recreational facility in the Town of Damascus. The Town and County representatives identified land suitable for this purpose. She explained that the Lease Agreement

is setup to give the County the ability to develop a recreational facility for a number of purposes all related to recreation. The lease gives the County management authority over the property. The period of the lease is for twenty-five years, with automatic renewals of ten-year periods. Ms. Phillips stated that the only time the Town of Damascus has requested special consideration is during the annual Appalachian Trail days. The site is a popular area for camping, and the Town would like to continue to have the ability to allow people to camp during Trail Days.

Ms. Phillips explained that she drafted a Lease Agreement that was sent to the Town of Damascus. The Damascus Town Council reviewed the draft Lease Agreement at their last meeting and made some changes. She further explained that the draft Lease Agreement in the Agenda materials includes the proposed changes for Board consideration. Ms. Phillips explained that in the version returned from the Town of Damascus they used the expression that the Town would have unfettered access to the property during Trail Days and during other events recognized by the Town. She suggested to the Board these are broad and vague terms. Ms. Phillips further explained that the version presented to the Board for approval includes language that provides the Town would be able to open the park for camping for Trail Days. The proposed language would limit that no camp fires be allowed on the property during Trail Days. It also provides that the Town would be responsible for cleanup of the park and restoring to its pre-event condition after the camping happened. It doesn't allow the Town to have unilateral authority to decide what events would be recognized by the Town at which the park would be open to them for camping, but instead, Ms. Phillips explained she included a sentence that says "Lessee agrees to consider the Town's request for use of the premises for other local events and may allow such use if it may be reasonably accommodated with other scheduled activities on the premises." This proposed language would keep the control of the park and use of it in the hands of the County with cooperation extended for use by the Town as possible. Another provision that the Town added is found in Paragraph 9 and says "that the County would defend and indemnify the Town against any and all claims arising against the Town for activities on the premises." Ms. Phillips explained that she added a clause to say "to the extent permissible under the law." The reason for this clause is because the County is under the Dillon Rule, and there is not specific authority that would allow the County to indemnify another party.

At this point, discussion ensued among the Board. Mr. McCrady explained that when the Damascus Town Council voted unanimously to set aside the eight acres for the park, the only requirements were that the County develop and maintain the park, and the Town would have access to the park during Appalachian Trails day. Further discussions ensued.

On motion of Mr. McCrady, second by Mr. McCall, the Board acted to approve the lease as amended and to authorize the Chairman to sign it on behalf of the Board.

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>

Sciuener's Note: The Lease Agreement referenced above is included as Minutes Exhibits Item 2007-05-22-A.

6.b. Consideration of Certificate of Commendation of Abingdon Veterans Memorial

On motion of Mr. McCrady, second by Mr. Owens, the Board acted to approve the Certificate of Commendation.

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>

7. County Administrator Reports

Mr. Reeter explained that at Board stations is the Agenda for the May 23 Budget Adjustment Worksession. It is anticipated that his will be the final worksession. However, May 29 has been scheduled if the Board should need a fourth worksession. He further explained that he will be working on an Agenda for the June 5 joint meeting with the Town of Abingdon. At present, there are two topics of discussion, the proposed County Recreation Complex, and the Town wishes to discuss a proposed joint Teen Center.

8. County Attorney Reports

Ms. Phillips explained that in late April of this year the County received notice from Atmos Energy concerning a proposed rate increase. Each year the company goes through an adjustment process and if it is determined they are not making money they can petition for a rate increase. She further explained that Atmos gas service territory in Southwest Virginia is contiguous with the Company’s gas service territory in Tennessee, and the two territories are operated as a single system. The Tennessee Regulatory Authority, which regulates Atmos’ service, has approved a rate increase requested by Atmos. Therefore, Atmos has petitioned the Virginia State Corporation Commission for a rate increase that would affect only their Southwest Virginia customers because they are included in the Tennessee territory. Ms. Phillips explained that she was contacted by the County Attorney for Pulaski County to sign-on with other Southwest Virginia localities to comments objecting the petition of Atmos Energy filed with the State Corporation Commission. She further explained that she would like approval from the Board to submit comments on behalf of Washington County.

Discussion ensued among the Board.

On motion of Mr. Owens, second by Mr. Price, the Board acted to authorize the County Attorney to officially sign onto the comments with the Boards of Supervisors of Montgomery, Pulaski, Smyth and Wythe Counties to the Petition of Atmos Energy Corporation for declaratory judgment.

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>

Ms. Phillips advised the Board that the County has received a judicial opinion on the annexation matter. The decision is the same as was announced in the fall of last year. She explained that based on the judicial opinion, an order will be prepared and the attorneys involved will sign the order and enter the order into the court records.

9. Board Information

Mr. Reeter reviewed the following Board Information:

- Minutes of the Meeting of the Washington County Service Authority, March 26, 2007.
- Correspondence regarding the nomination to place the Moonlite Theatre on the National Register of Historic Places.

10. Consent Agenda

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

- Authorization to Dispose of Certain Records of the Office of County Attorney*
- Authorization to Dispose of Certain Records of the Accounting Department*
- Supplemental Appropriation – Washington County Sheriff’s Office*
- Supplemental Appropriation – Washington County Public Library*

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>

11. Board Member Reports

Mrs. Mumpower commented on the national recognition given to Nadine Culberson and the Information Systems Department

Mr. Price discussed the annexation case. He stated that the County should assist the landowners involved in the annexation case in providing services needed to development their property. Mr. Price further stated that if the property sits idle then nobody wins.

Mr. McCall reported that the Service Authority has interviewed one candidate for the General Manager's position and have another interview scheduled in June. It is hopeful that a General Manager will be hired in June.

Mr. Reynolds reported that he attended the business and industry appreciation dinner on May 16. He stated that the industries expressed their appreciation to the Board for their support. Washington County has a positive image.

Mr. Reynolds discussed the comments made about the annexation case. He stated that the gentleman replacing Frank Goodpasture on the Bristol City Council has expressed interest in working with the County. Mrs. Mumpower stated that she has spoken with Jim Rector and Farnham Jarrard, and they are also interested in a joint meeting.

Mr. McCrady explained that he proposes that the County establish an Ad Hoc Committee to study other forms of government and to review purchasing practices. He further explained that once the budget process is over, that the Board has no control over the way money is spent. Mr. McCrady stated he would like two Board members, the County Treasurer and the County Accounting Manager to serve on the committee. The committee would take about six months to review other forms of government and purchasing practices then make a report to the Board.

Discussions ensued among the Board. It was consensus of the Board to direct the County Administrator to draft a Resolution establishing the Ad Hoc Committee.

12. Closed Meeting(s)

- a. 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 a prospective industry proposed for location on privately-owned property within Washington County

On motion of Mr. McCrady, 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 for a prospective industry proposed for location on privately-owned property within Washington County. It was further resolved to include County Administrator Mark Reeter, County Attorney Lucy Phillips and Assistant County Administrator Christy Parker.

The Board took a five minute recess prior to beginning 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. Rector, second by Mr. Owens, 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. McCall, 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>

13. Recess to May 23, 2007, 6:30 PM Third Budget Adjustment Worksession Meeting

On motion of Mr. Rector, second by Mr. Price, it was resolved to recess to May 23, 2007, 6:30 PM for the third budget adjustment worksession 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>

Mr. Rector *Aye*
Mr. Reynolds *Aye*

Prepared by:

Naoma A. Mullins, Recording Clerk

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

Kenneth O. Reynolds, Chairman