V I R G I N I A:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, December 9, 2008, 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
Thomas G. Taylor

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

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1. Call to Order

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

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. Owens, second by Mr. Price, it was resolved to approve the agenda with the following amendments:

New Item 5.c.1 - Resolution Honoring Elizabeth Kitchin White Upon the Occasion of Her Retirement as Director of William King Regional Art Center

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

Mr. McCall	***Aye***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Price	***Aye***

Mr. Reynolds ***Aye***
Mr. Taylor ***Aye***

4. Closed Meeting:

a. Request to convene in Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(7) for consultation with the County Attorney regarding specific legal matters requiring the provision of legal advice by such counsel, more specifically for discussion of the Agreement of Purchase and Sale for acquisition of the Johnson-Millsap property and the Closing Date for such acquisition

Mr. McCall abstained from participating in Closed Meeting because of a conflict of interest.

On motion of Mr. Price, second by Mr. Taylor, the Board acted to convene in Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(7) for consultation with the County Attorney regarding specific legal matters requiring the provision of legal advice by such counsel, more specifically for discussion of the Agreement of Purchase and Sale for acquisition of the Johnson-Millsap property and the Closing Date for such acquisition. It was further resolved to include County Administrator Mark Reeter and County Attorney Lucy Phillips in the Closed Meeting.

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

Mr. McCall ***Abstained***
Mr. McCrady ***Aye***
Mrs. Mumpower ***Aye***
Mr. Owens ***Aye***
Mr. Price ***Aye***
Mr. Reynolds ***Aye***
Mr. Taylor ***Aye***

b. Reconvene in Open Meeting and Certification of Closed Meeting

After returning to the meeting, the Chairperson noted that upon motion of Mr. Owens, second by Mr. McCrady, 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. Taylor, 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 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 was heard, discussed, or considered in the closed meeting.

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

Mr. McCall	***Abstained***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Price	***Aye***
Mr. Reynolds	***Aye***
Mr. Taylor	***Aye***

At this time, Mr. Reynolds introduced the 2008 Washington County Leadership Program participants attending the meeting and Leadership Director Barry Firebaugh.

Mr. Firebaugh provided comments to the Board and stated that this year's class was the 16th session of the Washington County Leadership Program.

5. Consent Agenda:

On motion of Mr. Owens, second by Mr. McCall, the Board acted to approve items a, b and c of the Consent Agenda as set forth below.

a. <u>Approval of Minutes</u>:

1. November 25, 2008, Regular Meeting

b. <u>Approval of Routine Financial Matters</u>:

1. Payment of Bills, November 2008

2. Request for Revenue Refunds – Washington County Sheriff's Office – Animal Sterilization Fees

3. Budget Status Reports – August 2008

c. <u>Authorization of Routine Business Matters</u>:

1. Proposed Resolution Honoring Elizabeth Kitchin White Upon the Occasion of Her Retirement as Director of William King Regional Art Center – Approved as follows:

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

Mr. McCall	***Aye***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Price	***Aye***
Mr. Reynolds	***Aye***
Mr. Taylor	***Aye***

6. Public Hearings:

a. <u>Request(s) for Rezoning</u>:

1. Timothy J. Sowder, Property Tax Map #130-3-A: Request to rezone approximately 2.287 acres of property located at the end of Chandler Drive off of State Route683 from R-2 (Residential, General) to A-1 (Agricultural, Limited), Harrison Magisterial District, B-01 Election District

County Zoning and Subdivision Official Cathie Freeman provided the Board with a summary of the presentation made to the Planning Commission concerning the request of Timothy J. Sowder to rezone the above referenced property.

Mrs. Freeman explained that the Planning Commission held a public hearing concerning this rezoning request on November 24, 2008. She noted that the map of this property that was provided to the Board of Supervisors shows that the property adjoining Mr. Sowder is zoned both A-1 and A-2 with a small portion zoned R-2.

Mrs. Freeman explained that in Mr. Sowder's presentation to the Planning Commission, he stated the property would be used for agricultural purposes. She further explained that she advised the Planning Commission that the location of the property was in an area that has a mixture of agricultural uses, as well as a mixture of site built residential and manufactured homes. Also, the road accessing the property is rough.

Mrs. Freeman advised the Board that there was no opposition to the request present at the Planning Commission's public hearing, and the Planning Commission unanimously recommended approval of the request.

Mr. Reynolds opened the public hearing and invited comments concerning the request for rezoning.

Mr. Timothy Sowder addressed the Board requesting that his property be rezoned to agricultural.

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

On motion of Mr. Price, second by Mrs. Mumpower, the Board acted to follow the recommendation of the Washington County Planning Commission and approve the request of Timothy J. Sowder to rezone approximately 2.287 acres of property located at the end of Chandler Drive off of State Route 683 from R-2 (Residential, General) to A-1 (Agricultural, Limited), Jefferson Magisterial District, B-01 Election District.

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

Mr. McCall	***Aye***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Price	***Aye***
Mr. Reynolds	***Aye***
Mr. Taylor	***Aye***

b. Public Hearing and Consideration of Adoption of a Resolution to Grant Ordinance Cable Television Franchise to City of Bristol, Virginia (d/b/a, Bristol Virginia Utilities)

Ms. Phillips explained that this Resolution comes before the Board on the basis of the Board's adoption of an ordinance establishing an ordinance cable television franchise that offers the ability for current franchise holders to "opt into" the ordinance franchise. Bristol Virginia Utilities (BVU) has a franchise to operate a cable television system within the County under a negotiated agreement. BVU is now requesting an ordinance cable television franchise from the County with a term running from January 1, 2009, through December 31, 2024.

Ms. Phillips explained that Mr. Walt Bressler, Legal Counsel for BVU, was planning to attend the Board meeting to speak on behalf of BVU, but became ill and is unable to attend.

Mr. Reynolds opened the public hearing and invited comments regarding the proposed ordinance.

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

Discussions ensued among the Board.

Mr. Taylor expressed disappointment that BVU did not have a representative present at the meeting to answer questions. He discussed the issues he has that BVU has not come before the Board to discuss their plans regarding the placement of infrastructure in the County, nor to seek advice from the County as to where to place infrastructure. Mr. Taylor read portions of the County's Comprehensive Plan that speaks to infrastructure in the County. He requested that the Board delay taking action on the request until a BVU representative is able to attend a meeting to answer questions.

At this time, lengthy discussions ensued among the Board concerning the request of BVU and the issues raised by Mr. Taylor. It was discussed that the Board would like the services BVU offers to be extended throughout the County. Residents in the rural areas of the County are denied access to high speed internet service.

Mrs. Mumpower (member of the BVU Board of Directors) explained that many people in the County would like to have access to the services provided by BVU. However, there are only certain areas of the County that BVU could provide services, and at this point cannot expand outside of their service area. She explained that as a member of the BVU Board she knows that BVU pursues the opportunities to expand their service area as they become available. BVU would like to serve all the citizens of Washington County but legally cannot do so.

After further discussions, the following action was taken:

On motion of Mrs. Mumpower, second by Mr. Price, the Board acted to adopt the following Resolution:

RESOLUTION 2008-54
TO GRANT ORDINANCE CABLE TELEVISION FRANCHISE TO CITY OF BRISTOL, VIRGINIA (D/B/A, BRISTOL VIRGINIA UTILITIES)

WHEREAS, the Board of Supervisors of the County of Washington, Virginia, granted to the City of Bristol, Virginia (d/b/a, BVU Optinet) a negotiated franchise to operate a cable television system within the jurisdictional limits of the County of Washington, Virginia, and the term of the franchise agreement extended from June 10, 2003, until June 9, 2010;

WHEREAS, the Board adopted on July 8, 2008, Ordinance number 2008-10 to establish an ordinance cable television franchise that offered the ability for current franchise holders to "opt into" the ordinance franchise and, by doing so, obtain a franchise for operation of a cable television system within the County for a term of fifteen (15) years;

WHEREAS, the City of Bristol filed with the County a complete application, pursuant to Washington County Code § 19-3, to opt into an ordinance cable television franchise; and

WHEREAS, pursuant to Washington County Code § 19-3(D), after holding a public hearing on the proposed ordinance cable television franchise for City of Bristol, Virginia, the Board finds it in the best interests of the public health, safety, and welfare to allow the City of Bristol (d/b/a, Bristol Virginia Utilities) to opt into the ordinance cable television franchise.

NOW, THEREFORE, ON THE BASIS OF THE FOREGOING, the Board of Supervisors of the County of Washington, Virginia, hereby resolves to grant to the City of Bristol, Virginia (d/b/a, Bristol Virginia Utilities) an ordinance cable television franchise with a term running from January 1, 2009, through December 31, 2024.

Further discussions ensued among the Board prior to the vote.

Mrs. Mumpower proposed to invite BVU General Manager Wes Rosenbaum to attend a Board meeting to answer Board member questions about BVU's future plans and their services.

Mr. McCrady stated that he does not object to the BVU franchise. However, he is concerned that a group of his constituents are not able to access high speed internet services. He suggested that the General Assembly be asked to encourage service providers to expand high speed internet service to the entire County.

Mr. Taylor stated that his constituents would like to have the services provided by BVU.

Mr. Reynolds stated the County needs to identify what cable/phone/internet service providers serve the County and which areas of the County that they serve. Then try to identify ways to open the County up to additional services. He explained that he receives inquiries from his constituents about when they might receive additional services such as high speed internet access.

Mrs. Mumpower commented that the BVU Board of Directors is working on providing additional services to the County.

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

Mr. McCall	***Aye***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Price	***Aye***
Mr. Reynolds	***Aye***
Mr. Taylor	***Nay***

Mrs. Mumpower asked the County Administrator to contact Wes Rosenbaum to request that Mr. Rosenbaum make a presentation to the Board at the January 27, 2009, Board meeting.

7. General Business:

a. <u>Actionable Items</u>:

1. Consideration of Final Authorization for Conveyance of Property located at 20281 Rustic Lane from Century Developers, L.L.C.

Ms. Phillips explained that the outstanding issues relating to the County's purchase of the former American Electric Power (AEP) Building for use as offices for the Washington County Sheriff's Department have now been satisfied. The lien on the property has been removed from the land records. Further, the concerns regarding potential liability by the County for any environmental issues caused by AEP's prior use of the property have been satisfied. She explained that all of the environmental issues have been identified to date and have been remediated and addressed as fully as possible.

On motion of Mrs. Mumpower, second by Mr. Owens, the Board acted to confirm Resolution 2008-32, originally adopted by the Board on August 20, 2008, and accept the deed of conveyance of property located at 20281 Rustic Lane in accordance with the terms of the purchase agreement and authorize the Chairman to certify the County's acceptance of the property.

Mr. Taylor asked Ms. Phillips if she was satisfied with the remedial measures taken by AEP relating to the environmental issues identified. Ms. Phillips explained that she is satisfied and that the County is protected against liability.

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

Mr. McCall	***Abstained***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Price	***Aye***
Mr. Reynolds	***Aye***
Mr. Taylor	***Aye***

b. <u>Informational Items</u>:

1. Review of Second Draft of Proposed Board By-laws, General Policies and Operating Procedures for Calendar Year 2009

Mr. Reeter provided a review of the second draft of the proposed Board By-Laws, General Policies and Operating Procedures for Calendar Year 2009. He explained that at the request of the County Personnel Committee a new Article 13 concerning Board member expense reimbursements has been added to the General Policies. Mr. Reeter further explained that he would like to postpone Board consideration of the proposed new Section 12 to the General Policies concerning a Fiscal Policy for the County. In light of the Board's decision to go forward with semi-annual tax collections in CY 2010, additional workshops of the Board may be needed to discuss amendments to the Fiscal Policy concerning semi-annual tax collections.

Substantial discussions ensued among the Board concerning amendments to the By-laws, General Policies and Operating Procedures for CY 2009.

Mrs. Mumpower requested that the proposed new Section 6 concerning webcast of the Board of Supervisors meetings be removed from the Operating Procedures for CY 2009. She explained that when the Board authorized the webcast project they gave the Information Systems a year for implementation.

Mrs. Mumpower commented that the webcast recordings should not be edited unless it is to take out dead space. The context of the meetings should not be edited.

Discussions ensued among the Board concerning webcast recordings of Board meetings.

Mr. Price commented that when this issue was first brought to the Board that it was his understanding the webcast would be live stream of Board meetings and not recordings for later viewing by the public. He explained that in regards to editing of the recordings that the Information Systems staff controls the audio equipment during the Board meetings and could take care of situations that might occur.

Mr. Price requested that language be added in Section 2.2 of the General Policies that designates smoking areas be located away from the entrances to the County Administration building.

Discussions ensued among the Board regarding the proposed amendment to the By-laws adding a new Section 8.3.h that clarifies that only an affirmative vote of the Board can adopt a motion to authorize a Board action.

Mr. McCrady requested that language be added to Section 7.2.e of the Board's By-laws (order of business for regular meetings) that reads "(limited to single (1) urgent topic as determined by the County Administrator, County Attorney or Board of Supervisors as determined at the time of Approval of the Meeting Agenda).

Mr. Reeter initiated discussions concerning a proposal to begin all regular Board meetings at 6:30 PM where a Closed Meeting is on the Agenda. He explained that where there is no Closed Meeting, the regular meeting would begin at 7:00 PM. Mr. Reeter further explained that there would be public notification of the change in meeting time and also the starting time would be on the Agenda.

Discussions ensued among the Board concerning the proposal. A concern that some Board members expressed is the confusion the proposed change may cause to the public.

The Board devoted discussion to Article 7 of the Board's General Policies concerning audit requirements of recipients of County funds. The language in Article 7.1 states that recipients of County funds in the amount of $15,000.00 or more per County fiscal year be subject to an annual independent financial review or audit. Mr. Taylor requested that because of the costs to have an audit performed that the words "or audit" be removed from Article 7, and that only an independent financial review be required. Further discussions ensued concerning Mr. Taylor's request. It was noted that the Board several years ago raised the limit from $10,000.00 to $15,000.00 so that agencies receiving less than $15,000.00 would not have to pay for an audit. No action was taken by the Board on Mr. Taylor's request.

Mr. Taylor requested that a new line item be established in the Board of Supervisors budget for travel expenses, and the $50.00 per supervisor mentioned in Article 13.2.2.a of the proposed Board of Supervisors Expense policy, and the $150.00 per supervisor mentioned in Article 13.2.2.b be combined and placed into the proposed new line item. He asked that Board member travel expenses be taken from the proposed new line item. Mr. Taylor further requested that in Article 13.2.2.b that travels to regular board meetings not be eligible for travel reimbursement. Discussions ensued among the Board concerning this issue. No action was taken at this time.

Further discussions ensued among the Board at this time concerning the proposal to begin regular meetings at 6:30 PM when there is a Closed Meeting scheduled. Chairman Reynolds stated that the Board could discuss this proposal again at the January 13, 2009, Organizational Meeting.

The Board took a five minute recess at this time.

2. Review of January 13, 2009 Board Organizational Meeting for Calendar Year 2009

Mr. Reeter provided a review of the items that will be before the Board at their January 13, 2009, organizational meeting for Calendar Year 2009, which includes the establishing/re-establishing of Boards, Committees and Advisory Boards of the Board of Supervisors; a list of expiring appointments through February 28, 2009; a list of expiring appointments through June 30, 2009; and a list of annual appointments to be made at the organizational meeting.

Mr. Reeter explained that the County Purchasing Practices Review Committee, Joint City/County Relations Committee, Joint Town of Abingdon/Washington County Sports Complex Steering Committee and the Joint County Parks & Recreation Committee have either not met formally in CY2008, or their purpose has been fulfilled. He further explained that in regards to the County Purchasing Practices Review Committee that he recommends reformatting this committee as a joint committee with appointments from the School Board. Mr. Reeter stated that it is at the Boards discretion whether or not to re-establish these committees.

Mrs. Mumpower recommended that the Joint City/County Relations Committee not be re-established. She explained that if a meeting is needed then one could be called.

Discussions ensued among the Board concerning the Washington County Park Authority.

Discussions ensued regarding appointments to the Smyth-Washington Industrial Facilities Authority. Subsequently, the following action was taken:

On motion of Mr. Taylor, second by Mr. McCall, the Board acted to reappoint Russell Owens to represent Washington County on the Smyth-Washington Industrial Facilities Authority for a four year term beginning January 1, 2009, and expiring December 31, 2012.

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

Mr. McCall	***Aye***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Price	***Aye***
Mr. Taylor	***Aye***
Mr. Reynolds	***Aye***

Mr. McCall asked if the Board representatives to the Washington County Library Planning Committee need to be reappointed. Mr. Reeter stated that he would check with the Library Director.

Mr. Taylor inquired about the number of terms that the Monroe Election District representative on the Washington County Service Authority has served. Mr. Reeter stated that he would provide this information to Mr. Taylor.

8. <u>Board Member Reports</u>

Mrs. Mumpower reported that the members of the committee to select an architectural firm to complete the Adaptive Reuse Study of Johnston Memorial Hospital for a County Government Office Complex recently took a trip to Winchester, VA and Richmond, VA to tour adaptive reuse projects of the top two architectural firms. She explained that the group saw some outstanding work in taking old hospitals and renovating them into other uses. Mrs. Mumpower commented that one of the adaptive reuse projects was a project in Richmond, VA where an old hospital was converted into luxury condominiums. She explained that the firm that completed this project has good ideas about the historic value of Johnston Memorial Hospital regarding tax incentives that would be beneficial in the renovation of the hospital.

Mr. Price reported that the County Fireman's Association and Emergency Volunteers Association are working on a grant to fund a new emergency services system. These groups will be making a presentation to the Board at a later date.

Mr. Owens added to Mrs. Mumpower's comments about the recent trip to Winchester/Richmond, VA. He explained that the group saw three hospitals that had been converted to other uses. Mr. Owens stated that the Committee will bring a recommendation about an architectural firm to the Board at a later date.

Mr. McCrady reported that the Washington County Park Authority has completed the construction of a new boat ramp ($22,000) at the Washington County Park.

Mr. McCrady asked the County Administrator to schedule an Emergency Services Committee meeting as soon as possible to discuss a situation concerning an emergency services organization in the Monroe District. He asked that the crew involved in the situation be invited to this meeting. Discussions ensued among the Board.

9. Board Information and Reminders

Mr. Reeter reviewed the following Board Information:

- There will be no second regular meeting of the Board in December. The next meeting will be the January 13, 2009, organizational meeting.

- Reminder that the Offices will be closed as follows in observance of the Christmas/New Year's holidays:

  Christmas – December 24, 25 & 26, 2008
  New Year's – December 31, 2008 and January 1 & 2, 2009.

- Reminder that the Administrative Staff Christmas Lunch will be held on December 19, 2008.

- Correspondence from the Washington County Registrar's Office concerning 2008 Election Costs.

- Correspondence from the Tennessee Valley Authority regarding their payments-in-lieu-of-taxes.

Ms. Phillips reviewed the following information:

- Report on the status of the property acquisition in the Benhams area for the possible construction of a branch library.

- Reminded the Board to return their Economic Interest Statements.

10. Adjourn or Recess

On motion of Mr. Price, second by Mr. Owens, it was resolved to adjourn the meeting.

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

Mr. McCall	***Aye***
Mr. McCrady	***Aye***
Mrs. Mumpower	***Aye***
Mr. Owens	***Aye***
Mr. Price	***Aye***
Mr. Taylor	***Aye***
Mr. Reynolds	***Aye***

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Prepared by:

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Naoma A. Norris, Recording Clerk

12-09-08 16133

Approved by the Washington County Board of Supervisors:

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Kenneth O. Reynolds, Chairman