VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, January 27, 2009, 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

1. <u>Call to Order</u>

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 Odell Owens gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

On motion of Mrs. Mumpower, second by Mr. Owens, it was resolved to approve the agenda as presented.

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. Recognitions and Special Presentations:

a. Presentation of Administrative Division Employee Service Pins and Certificates

Mr. Reynolds and Mr. Reeter made the following presentations of employee service pins and certificates:

Five Years Service:

William Puckett General Services

Twenty years Service:

Linda Jackson Accounting

Mr. Reynolds and Mr. Reeter recognized the following employee who was unable to attend the meeting:

Ten Years Service:

Carol Dorton Barrett
Community/Economic Development

Mary C. Blevins Solid Waste

Deborah A. Testerman Solid Waste

Kim S. Tuggle Solid Waste

Mr. Reynolds and Mr. Reeter expressed their appreciation for the superior service received from these employees.

b. Presentation of Certificates of Commendation to John S. Battle High School Floriculture

Mrs. Mumpower presented Certificates of Commendation to the 2008 John S. Battle High School Floriculture Team for winning the Virginia State Championship and placing ninth nationally in floriculture competition in 2008 to the following students and their teacher:

Josh Hutton Brittany Justice Whitney Osborne Travis Smith Phillip McCroskey, Teacher Mrs. Mumpower stated that these students should be highly commended for their achievements. She mentioned that there is an article about the Floriculture Team in the national Future Farmers of America's magazine.

Mr. McCroskey thanked the Board for recognizing the students.

Mr. Reynolds on behalf of the Board congratulated the team and their parents for the accomplishments.

5. Consent Agenda:

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

Mr. Price inquired about several of the expenses included in the payment of bills.

Mr. Taylor asked how much of the entire budget remains for the last six months of FY 2008-09. Mr. Seamon explained that approximately 75% of the revenue has been collected and an average of 50% of the expenditures in the general fund have been made.

Mr. Price asked about the types of records being disposed of by the Office of the County Attorney. Mr. Reeter explained the documents that would be disposed of were old records from the 1980's and 1990's that were allowed to be destroyed according to State Law.

a. **Approval of Minutes:**

No minutes presented for approval.

b. Approval of Routine Financial Matters:

- 1. Payment of Bills, December 2008
- 2. Request for Revenue Refunds Washington County Sheriff's Office-Animal Sterilization Fees
- 3. Request for Supplemental Appropriations Washington County sheriff's Office Various
- 4. Request for Supplemental Appropriation Washington County Treasurer's office Expenditure Refund
- 5. Request for Revenue Refund Washington County Commissioner of Revenue Office Personal Property taxes Assessed and Paid in Error
- 6. Budget Status Reports December 31, 2008

01-27-09 16157

- c. Authorization of Bids and Approval of Contracts:
 - 1. Approval of Grant Administration Agreement with Mount Rogers Planning District Commission for Damascus Branch Library & Tourism Center Project
- d. Authorization of Routine Business Matters:
 - 1. Approval of Records Destruction, Office of County Attorney

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

- 7. General Business:
- a. Actionable Items:
- 1. Consideration of Resolution Supporting "Steel Interstate" Rail Demonstration Project

The Board received a presentation from Mr. Reese Shearer, Chair of RAIL Solutions, concerning a proposed "Steel Interstate," and he requested adoption of a Resolution of support for the project. Mr. Shearer distributed copies of a Resolution adopted by the Board in CY 2003 supporting rail alternatives to complement the planned improvements to Interstate 81. He explained that the proposed Resolution petitions the federal government to build through federal grant funds a "Steel Interstate' Railroad from Knoxville, TN to Harrisburg, PA.

Mr. Steven Hopp, Director of Meadowview Famer's Guild, made remarks to the Board concerning the growing demand for produce being farmed along the east cost because of the significant droughts in California, which is where the east coast gets most of its produce. Mr. Hop stated the rail would help with the transport of the produce.

A question and answer period ensued among the Board and Mr. Shearer.

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

RESOLUTION 2009-03

SUPPORTING A MODEL 21ST CENTURY RAIL "STEEL INTERSTATE" SERVICE IN THE I-81 CORRIDOR TO DEMONSTRATE FAST RAIL FREIGHT AND PASSENGER SERVICE TO THE NATION

WHEREAS Europe approaches numerous 21st Century "Steel Interstate" rail service concepts, no rail service in the United States offers this promise, exposing our nation to greater risk from petroleum depletion, cost increases, supply interruptions and economic competitiveness; and

WHEREAS Steel Interstate rail provides reduced dependence on imported fuel, builds modal redundancy, enhances national security, and—when electrified—offers the U.S. opportunity to employ domestic renewable energy sources and efficiency to drive transportation; and

WHEREAS Steel Interstate rail demonstrates vastly greater transportation throughput productivity over equivalent investment in costly interstate highway expansion; and

WHEREAS Steel Interstate technology offers positive advantages for communities, the Commonwealth, other I-81 states, and the United States relating to cost, safety, economic growth, tourism development, decreased fuel consumption and greenhouse gas emissions, improved air quality and public health, varied freight and passenger service options, reduced financing and carbon cap and trade risk exposure; and

WHEREAS forty-nine Virginia and four Tennessee governing bodies* have previously voted support for improved rail service over massive widening of I-81; and

WHEREAS no passenger rail and limited public bus service exists in this Corridor south of Staunton/Clifton Forge, west of Lynchburg/Danville, or north of Atlanta/Birmingham, despite efforts by dozens of local governing bodies and private groups in the Commonwealth to restore passenger rail service through the Trans Dominion Express; and

WHEREAS Congress is considering investments in transportation, energy efficiency, fuel conservation, renewable energy, greenhouse gas abatement, and infrastructure as fiscal stimulus for the nation, and the Steel Interstate offers outstanding opportunity in all these areas;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that the Board urgently petitions federal legislators to work in concert with representatives of other I-81 Corridor states to sponsor and secure passage of a Federal transportation demonstration grant to assemble in the I-81 Corridor between Knoxville, Tennessee and Harrisburg, Pennsylvania, the pilot segment of 21st Century rail, the North American Steel Interstate System.

^{*} Virginia bodies: Abingdon, Albemarle Co., Augusta Co., Blacksburg, Blacksburg/Christiansburg/Montgomery Area M.P.O., Botetourt Co., Bristol, Buena Vista, Clarke Co., Clifton Forge, Covington, Craig Co., Edinburg, Floyd Co., Frederick Co., Front Royal, Glade Spring, Harrisonburg, Lexington, Marion, Montgomery Co., Mount Jackson, Mount Rogers P.D.C., New Market, Northern Shenandoah Valley Regional Commission, Page Co., Pulaski, Radford, Roanoke, Roanoke Co., Roanoke Valley-Allegheny Regional Commission, Rockbridge Co., Rockingham Co., Salem, Saltville, Scott Co., Scott Co. Industrial Development Authority, Shenandoah Co., Smyth Co., Staunton, Stephens City, Toms Brook, Vinton, Warren Co., Washington Co., Winchester, Winchester-Frederick Co. M.P.O., Wytheville. Tennessee bodies: Bristol, Jonesborough, Kingsport, and Knoxville.

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

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

2. Consideration of Appointment to Mount Rogers Planning District's Rural Transportation Technical Committee

On motion of Mr. Owens, second by Mr. McCrady, it was resolved to reappoint Tom Counts to the Mount Rogers Planning District's Rural Transportation Technical Committee for a term ending December 31, 2010. It was further resolved to reappoint Joe Derting as the alternate member.

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

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

3. Consideration of 2009 General Assembly Legislation Affecting Local Governments

Mr. Reeter reviewed proposed legislation (in addition to budgetary issues) introduced during the 2009 General Assembly that is of interest to Washington County. He explained that Mr. Reynolds, Mr. McCrady, Mr. Taylor and he would be attending the 2009 Virginia Association of Counties/Virginia Municipal League Legislative Day in Richmond on February 5 and would convey the Boards thoughts to the Southwest Virginia delegation concerning the proposed legislation.

The following are bills of particular interest to the County:

- House Bill 1697 would extend the moratorium on annexation from 2010 to 2018 under the same conditions that the County has enjoyed for a number of years.
- House Bill 1671/2027 and Senate Bills 1094/163 speaks to derelict buildings and structures. Mr. Reeter explained that House Bill 1671 would significantly amend Code of Virginia Section 15.2-906, which is the Code Section that the County recently adopted the ordinance that speaks to vacate and abandoned structures. Ms. Phillips explained that the language in the proposed bill makes it easier for localities to do what the County is now doing concerning the Robert E. Lee Hotel. The proposed legislation provides a definition of what it means for a building to be derelict or abandoned. She further explained that the proposed legislation does not affect what the County is doing with the Robert. E. Lee Hotel, but would affect decisions on future abandoned structures.

- House Bill 1783 would equalize municipal and county taxing authority. House Bill 1784 equalizes municipal and county taxing authority if such county contributes two percent or more toward costs of construction, etc. of urban system highway or street projects.
- Senate Bill 1178 speaks to independent cities. The proposed legislation eliminates reference or use of term "independent" across a variety of statues in the <u>Code of Virginia</u>.
- Senate Bill 1386 adjusts state reimbursement on local/regional jail construction. Lengthy discussions ensued among the Board concerning this proposed legislation.
- House Bill 2249 would allow counties to impose a tax on cigarettes up to \$0.05 per pack.
- House Bill 2311/Senate Bill 1387 allows localities to assess fees as part of costs in each civil, criminal and traffic cases to be used for construction, renovation or maintenance of courthouses.
- Senate Bill 1043 deals with roll-back taxes and would allow localities to assess and collect for up to 15 years under a use value assessment program.
- House Bill 1830/Senate Bill 1291 Setoff Debt Collection Act would allow local governments to
 collect past due local taxes from federal income tax returns. Mr. Reeter explained that if Congress
 passes legislation permitting the garnishments of federal income taxes the Commonwealth would be
 ready.

Substantial discussions ensued among the Board concerning the proposed legislation.

Mr. Reeter provided a brief review of legislation that was proposed by the Southwest Virginia members of the General Assembly.

8. Board Member Reports

Mrs. Mumpower asked that County Attorney or Administrative Staff to send a letter to the owners of the Kwik Stop on Lee Highway (that burned down) asking them to tear down the structure.

Mr. Price asked the Board to do something for the family of the late Dorothy Boucher to let them know how much the Board appreciates all that Mrs. Boucher did for Washington County.

Mr. Price commented that President Barack Obama visited Southwest Virginia twice during the election. He asked that something be sent to President Obama expressing the Board's appreciation for his visits.

Mr. Price commented on the proposed legislation introduced that would reimburse Ms. Botswana Imani for the damages incurred to her home several years ago during a safety check by the Washington County Sheriff's Department.

Mr. Taylor reported on the recent budget session he attended in Richmond, VA. He reported that there were discussions about the Personal Property Tax Relief Act. The State is reimbursing localities across Virginia approximately \$1,900,000,000.00. This amount is approximately \$1,000,000,000.00 short of balancing the State's budget. Mr. Taylor stated that the Personal Property Tax Relief Act does not make

good financial sense and encouraged the County to speak to the candidates in the upcoming gubernatorial election about rescinding this legislation if elected to office.

Mr. Taylor reported that the Smyth Washington Industrial Facilities Authority (SWIFA) has some activity concerning prospects interested in the Highlands Business Park. He further reported that SWIFA and the Workforce Consortium has cut back significantly on their budget requests to Smyth and Washington Counties.

Mr. Taylor reported that the District III Governmental Coop is experiencing cutbacks in transportation. However, he does not believe these cutbacks will result in an increase to their budget request to the County.

Mr. Taylor reported on the recent meeting with the Joint School Budget Committee meeting.

Mr. McCall reported on the recent 4-H Awards Program banquet. He explained that approximately 200 people attended the event. The 4-H Program has a big impact on the lives of the students involved with the program. He proposed that the County consider recognizing these students at some point.

Mr. Taylor commented that something should be sent to the County 4-H leaders recognizing them for the work they are doing with the 4-H Program.

Mr. Reynolds reported that he has received a request from the Washington County Farm Bureau to host a dinner meeting prior to the Board's regular meeting on February 10. The dinner meeting would be held at 5:45 PM on February 10 at the Greenway Haven Party House. It was consensus of the Board to ask the Farm Bureau to schedule the meeting.

Mr. McCrady reported that he recently attended a meeting with legislators and representatives of Virginia Highlands Community College concerning the Adult Education Program. He explained that Virginia Highlands Community College President Dr. David Wilkin is very supportive of the College taking the Adult Education Program from the Washington County Schools. There are financial issues that Senator William Wampler is working on. Hopefully the College can take over the program in the next few years.

9. **Board Information and Reminders**

Mr. Reeter reviewed the following Board Information:

• Reminder of the Joint Board of Supervisors/School Board Budget Meeting on Thursday, January 29, 7:00 PM at School Board Offices.

Ms. Phillips reviewed the following information:

- Ms. Phillips reported on the lawsuit between Clifton Stewart and the County and Town of Abingdon.
- Ms. Phillips reported on a request from Gerald Hebert, who successfully represented the County in its petition to the U. S. Department of Justice in the bailout of the Voters Rights Act. Mr. Hebert is requesting the County to sign on to a legal brief that he would like to prepare in relation to another bailout case involving a public utility in Texas. She explained that there would be no liability or expense to the County and recommends that the County signs on to the legal brief.

01-27-09 16162

On motion of Mr. Price, second by Mr. Owens, the Board authorized the County Attorney, on behalf of the County, to sign on to a legal brief prepared by Gerald Hebert relating to a bailout request of the Voters Rights Act for a public utility in Texas.

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

10. Adjourn or Recess

On motion of Mr. McCrady, second by Mr. Price, it was resolved to recess to 7:00 PM on January 29, 2009, for a joint meeting with the Washington County School Board to be held at the School Board Offices located at 812 Thompson Drive, Abingdon, Virginia.

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

s. Mumpower	Aye	
Owens	Aye	
Price	Aye	
Taylor	Aye	
Reynolds	Aye	

		Prepared by:
		Naoma A. Norris, Recording Clerk
		Approved by the Washington County Board of Supervisors:
		Kenneth O. Reynolds, Chairman