VIRGINIA:

At a meeting of the Washington County Board of Supervisors held Tuesday, August 9, 1994, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

PRESENT:

James T. Osborne, Chairman
Dulcie M. Mumpower, Vice Chairman
Kenneth G. Mathews
Bobby D. Ingle
Joe W. Derting
Maurice H. Parris

Bruce E. Bentley, County Administrator Barry Proctor, Interim County Attorney Mark W. Seamon, Director of Accounting Sandra M. Hatfield, CPS, Executive Secretary

ABSENT:

Jackson Barker, Jr. - Military Obligation

1. Call to Order

The meeting was called to order by Mr. James T. Osborne, Chairman of the Board who welcomed everyone in attendance.

2. Invocation and Pledge of Allegiance - J. T. Osborne

Mr. Osborne gave the Invocation and Pledge of Allegiance.

3. Approval of Agenda

On motion of Mrs. Mumpower, second by Mr. Derting, it was resolved to approve the Agenda, with the addition of the following items:

- 18. County Administrator Comments
 - j. County Attorney Interviews
 - k. Resolution on Industrial Park Water Project
- 19 County Attorney's Reports
 - d. Dunn Subdivision

Executive Session pursuant to Section 2.1-344(A)(2) of the 1950 Code of Virginia, as amended, in order to discuss property acquisition, Johnson Memorial Clinic

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

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye Mr. Derting Aye

Mr. Osborne announced Mr. Barker is absent due to his being on military leave.

4. Approval of Minutes of July 26, 1994

On motion of Mr. Mathews, second by Mr. Derting, it was resolved to approve the Minutes of July 26, 1994, as presented.

The vote on this motion was as follows (5-0-1):

Mr. Ingle Abstain Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Mr. Parris Aye Mr. Derting Aye Aye

Mr. Ingle abstained from voting on the minutes for the reason he was absent from the July 26, 1994 meeting.

5. Planning & Zoning Public Hearings

The following action was taken during the public hearings for planning and zoning matters:

Intent to Rezone:

Clyde and Lucille Cole: Request to rezone approximately 1.549 acres of property located on the North side of U.S. State Route 19 near the intersection of Routes 11/1717 from A-2 (Agricultural, General) to B-2 (Business, General), Wilson Magisterial District.

Mr. Osborne invited comments both in support of and in opposition to the application filed by Clyde and Lucille Cole.

Lawrence Campany, explained he is a realtor and is marketing the property for the Cole family. He stated over the years the zoning of surrounding properties has changed but the Cole property zoning has not changed. He stated the property was received through an inheritance and the Coles' want to market it for a potential business. Mr. Campany disagreed with

the opinion of the Planning Commission that rezoning the Cole property would be spot zoning.

Joe McReynolds, resident of Lee Highway living within 1,000 feet of the Cole property, expressed opposition to rezoning for the reason the Supervisors went on record stating they would not spot zone property that is zoned Agriculture and Business; secondly, residential and agriculture zoning should not be mixed.

Jerry Cole, presented petitions containing the signatures of residents in the neighborhood who oppose the rezoning for the reasons of its affect on other properties, significantly increased traffic, and safety. Mr. Cole urged the Supervisors to support the decision of the Planning Commission and deny Mr. Cole's request to rezone his property.

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

On motion of Mrs. Mumpower, second by Mr. Parris, it was resolved to follow recommendation of the Planning Commission and deny request of Clyde and Lucille Cole to rezone approximately 1.549 acres of property located on the North side of U.S. State Route 11 near the intersection of Routes 11/1717 from A-2 (Agricultural, General) to B-2 (Business, General), Wilson Magisterial District.

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

Mr. Ingle Ave Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Mr. Parris Aye Aye Mr. Derting Aye

CLC Corporation: Request to rezone approximately 460' x 250' of (2) property located on the South side of U.S. State Route 11 from R-2 (Residential, General) to B-2 (Business, General), Madison Magisterial District.

Mr. Osborne invited comments both in support of and in opposition to the application filed by CLC Corporation.

Russell L. Young, President, CLC Corporation, appeared before the Supervisors to respond to their questions.

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

On motion of Mr. Derting, second by Mr. Mathews, it was resolved to follow the recommendation of the Planning Commission and approve request of CLC Corporation to rezone approximately 460' x 250' of property located on the South side of U.S. State Route 11 from R-2 (Residential, General) to B-2 (Business, General), Madison Magisterial District.

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye Mr. Derting Aye

Request for Special Use Permit:

Roy and Helen Self: Request for a Special Use Permit to place a single wide mobile home on property located on State Route 895 (Self Hill Drive) near the intersection of Route 895/11 in an A-2 (Agricultural, General) zone, Harrison Magisterial District.

Mr. Osborne invited comments both in support of and in opposition to the application filed by Roy and Helen Self.

 $\underline{\text{Roy Self}}$ addressed the Board stating he wants to clear his land and place a single wide mobile home on it.

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

On motion of Mr. Mathews, second by Mr. Derting, it was resolved to approve the request of Roy and Helen Smith for a Special Use Permit to place a single wide mobile home on property located on State Route 895 (Self Hill Drive) near the intersection of Route 895/11 in an A-2 (Agricultural, General) zone, Harrison Magisterial District, with the stipulation requiring Mr. Self to obtain all necessary permits and to remove the existing mobile home from the property site.

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

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye Mr. Derting Aye

6. <u>Public Information Meeting Concerning the County's acquisition</u> of the Johnston Memorial Clinic Building (Smith/Reeter)

Mr. Mark Reeter presented information in narrative form concerning the proposed acquisition of the Johnston Memorial Clinic Building in Abingdon Virginia for the Washington County Health

Center.

Mr. Reeter detailed the project description; cost and financing for building, grounds and equipment, and terms of sale; anticipated space needs and annual rent from leasing suites in the building; County costs; project documents submitted for the preapplication for loan assistance to FmHA.

After his presentation, a question was raised from the audience about the location having adequate parking. Mrs. Mumpower responded stating there were 58 parking places. It was pointed out that the Department of Social

Services Building has an equivalent number of parking spaces at their current facility.

There was no action taken on this item as the purpose is to fulfill a grant requirement to hold a public information meeting.

7. Financial Advisor Report on County Debt Affordability and Procedure for Bond Referendum in November. (John Norman)

Mr. James Johnson, Managing Director, Wheat First Butcher Singer, located in Richmond, VA appeared at the invitation of the Board of Supervisors.

At the County's request, Mr. Johnson prepared a preliminary analysis on the debt affordability and status of Washington County, Virginia, in anticipation of placing a referendum on the ballot in November, 1994.

In studying Washington County's debt affordability and credit status, Mr. Johnson detailed Wheat First Butcher Singer's objectives, assumptions, and recommendations based on the data they received. To best illustrate the results of their examination and recommendations, Mr. Johnson provided each member of the Board with graphic representations for the years 1995 through 2015 of Debt Affordability Analysis - BASE CASE of \$3,475,000 General Obligation Bond Issue; Debt Affordability Analysis - RESULTS of three alternative General Obligation Bond packages to consider and provided data on the impact on the 1998 tax rate for each alternative. Mr. Johnson concluded by recommending Washington County proceed to borrow through Virginia Public School Authority with a potential to issue between \$12-15 million of additional General Obligation Bonds; retain the services of an interim Bond Council; identify projects for voter referendum, and continue to monitor and analyze the financial affordability of these Mr. Johnson stated Washington County would have a strong A projects. credit rating.

Discussion ensued with agreement being reached that the Supervisors develop a concrete plan to present to the voters and that public information meetings be held in each Supervisor's District to present the information to the public, and further be prepared to specify what the bonds will be used for and how the bonds will be spent. Supervisors asked the County Administrator to arrange a meeting between the Board of Supervisors, Washington County School Board, and Washington County Service Authority to begin the process of identifying projects and developing a plan.

It was determined that a formal resolution requesting a referendum be held will be presented to the Board of Supervisors for their consideration at the August 23, 1994 meeting.

8.a. 1994-95 Secondary Road Improvement Budget

Mr. Derting left the meeting room briefly.

On motion of Mr. Parris, second by Mrs. Mumpower, it was resolved to adopt the following resolution.

WHEREAS, the Washington County, Virginia Board of Supervisors and the Virginia Department of Transportation have prepared a 1994-95 Secondary Road Improvement Budget for Washington County; and

WHEREAS, the Washington County, Virginia Board of Supervisors and the Virginia Department of Transportation conducted a joint public hearing on the proposed budget on July 12, 1994;

NOW, THEREFORE, BE IT RESOLVED, that the Washington County, Virginia Board of Supervisors hereby approves the 1994-95 Washington County Secondary Road Improvement Budget for Washington County as presented at the aforesaid public hearing except the item allocating \$1,000,000 to project 0616-095-142, C501.

The vote on this motion was as follows (5-0):

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye

b. Permission to Advertise Public Hearing on Jonesboro Road Project

On motion of Mrs. Mumpower, second by Mr. Parris, it was resolved to advertise a public hearing conducted jointly by Washington County Board of Supervisors and representatives of the Virginia Department of Transportation on Tuesday, August 23, 1994, 7:00 p.m. for the purpose of revising the project limits for the Jonesboro Road Secondary Construction Budget.

The vote on this motion was as follows (5-0):

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye

Mr. Derting returned to the meeting room.

9. Appointment to the Washington County School Board, Harrison Magisterial District, Term to Expire December 31, 1995

On motion of Mr. Mathews, second by Mr. Parris, it was resolved to appoint Elizabeth P. Lowe to the Washington County School Board, filling the unexpired term of Mary Haviland, representing the Harrison Magisterial District for a term of office to expire December 31, 1995.

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye Mr. Derting Aye

10. Parking of Tractor-Trailers in Meadowview Square (Gary Crookshank)

Mr. Gary Crookshank, representing the Meadowview Community, addressed the Board of Supervisors, explaining there are efforts underway to qualify Meadowview Square for inclusion on

the National Register of Historic Places and the Virginia Landmarks Register. He expressed the Community's hope that this will promote tourism and growth in Meadowview.

Mr. Crookshank asked the Supervisors to have the tractor trailers removed from the Town Square stating they belong to companies from out of the County and the refrigerated trucks run throughout the night.

The question was raised about ownership of the Square. Discussion ensued and it was reported that Judge David Brown claims to have done the legal work for the County. The County Attorney was asked to investigate the issue.

The matter of Virginia Department of Transportation making road improvements and putting up crossing gates at the RR crossing in the Square was raised. Mr. Osborne, in addressing the audience, pointed out that at the request of the Meadowview Community, the Board of Supervisors was urged to take action to place crossing gates at the RR crossing in the Square as a safety measure. He pointed out the Board of Supervisors petitioned the Virginia Department of Transportation to erect the crossing gates. added that the Department of Transportation has acted on the Board of Supervisors request and subsequently a contract was finalized with a contractor to erect the crossing gates and make improvements to the street in the Square. Mr. Osborne, in conclusion, stated that the Board of Supervisors responded to the needs of the Community, however, since that time it appears the specific needs have changed, and it may not be possible for the Department of Transportation to reverse their actions at this time. Mr. Osborne appealed to the Meadowview residents to meet and as a group develop a plan for the Board of Supervisors to follow.

George Murray, Meadowview property owner, questioned why the County did not approach property owners to determine if they wanted the road improvements and crossing gates before the Department of Transportation proceeded to contract the road work. Mr. Murray pointed out the RR crossing is narrow. He suggested if the roadwork is not done, the crossing should be closed off because there is a crossing located at Route 80, a short distance from the Square.

Robert Vessey, speaking on behalf of the Meadowview Civic Club, and in response to Mr. Osborne's comments, stated the issue then and now was for the safety of citizens who use the crossing to go to the post office or

churches on the other side of the RR tracks. He stated most people would prefer to have a crossing and signal at Meadowview Square.

He expressed hope for economic activity in the Meadowview Square by being placed on the National Register of Historic Places and the Virginia Landmarks Register.

Russell Minetree, owner of a battery shop located in the Meadowview Square, expressed his appreciation to the Supervisors if they would have the trucks removed from the Square. He stated the curbing work that the Department of Transportation is planning would interfere with the square and would eliminate any parking in front of the buildings. He suggested a stripe be painted instead of curbing.

 $\operatorname{Mr.}$ Osborne relinquished the gavel to $\operatorname{Mrs.}$ Mumpower for the purpose of making a motion.

On motion of Mr. Osborne, second by Mr. Ingle, it was resolved to draft a no-parking ordinance for tractor trailers in the Meadowview Square and further, it was resolved to advertise the proposed ordinance for a public hearing.

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

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye Mr. Derting Aye

Mr. Osborne stated an effort will be made to contact the Virginia Department of Transportation to see what can be done about the RR crossing gate project and that if the contract work can be halted, the Board will request it.

<u>Mark Venable</u>, Chief, Meadowview Fire Department, urged the Board of Supervisors to proceed with the RR crossing gate project explaining that it is a dangerous crossing and there is a serious safety concern.

Mrs. Mumpower returned the gavel to Mr. Osborne to resume the meeting as Chairman.

11. Request for Permit for One-Night Community Camp Meeting at Meadowview Square (Tom Taylor)

Received request from Thomas G. Taylor, Chairman, Evangelism Committee, for permit to hold a community evangelical type service on Saturday, August 13, 1994 at Meadowview Square.

On motion of Mrs. Mumpower, second by Mr. Derting, it was resolved to grant a permit for Meadowview community residents to conduct a one-night evangelical service to be held in the Meadowview Square on Saturday, August 13, 1994.

Mrs. Mumpower Aye Mr. Ingle Abstain Mr. Osborne Aye Mr. Mathews Nay Mr. Parris Mr. Derting Aye Aye

12. Recess

On motion of Mr. Parris, second by Mrs. Mumpower, it was resolved to take a brief recess.

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

Aye Mr. Osborne Aye Mrs. Mumpower Aye Aye Mr. Parris Aye Mr. Derting Aye Mr. Ingle Mr. Mathews

13. Mount Rogers Planning District Commission Request for Comments on Virginia Highlands Airport Improvements

Received from Mount Rogers Planning District Commission notification of Virginia Highlands Airport Commission intent to apply for federal and/or state aid for the Virginia Highlands Airport Improvements Project.

On motion of Mr. Parris, second by Mr. Ingle, it was resolved to respond to Mount Rogers Planning District Commission that Washington County recommends a favorable review of Virginia Highlands Airport Commission Airport Improvements Project.

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

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye Mr. Derting Aye

14. Recommendation for Appointment to Mount Rogers Planning District Commission from Glade Spring

Mr. Osborne relinquished the gavel to Mrs. Mumpower for the purpose of making a motion.

On motion of Mr. Osborne, second by Mr. Ingle, it was resolved to appoint Roy Miller to serve on the Mount Rogers Planning District Commission Board of Directors from the Town of Glade Spring.

Mr. Osborne Mrs. Mumpower Mr. Ingle Aye Aye Mr. Mathews Mr. Parris Aye Aye Mr. Derting Aye

Mrs. Mumpower returned the gavel to Mr. Osborne to continue the meeting as Chairman.

15. Request for School Board Property (Frank Canter)

Received report from Frank Canter, member of the Building Site Search Committee, on the efforts to obtain a site and construct a building to house the Department of Social Services.

Mr. Canter presented the Committee's recommendation to request a minimum of 2.5 acres from the Washington County School Board located East of the School Board Office and bordering Stanley Street.

On motion of Mrs. Mumpower, second by Mr. Ingle, it was resolved to request the School Board to consider making a minimum of 2.5 acres of land located East of the School Board Office and bordering Stanley Street available for a Social Services building.

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

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Parris Mr. Mathews Aye Aye Mr. Derting Aye

 $\operatorname{Mr.}$ Bentley was requested to contact the School Board and ask that the matter be placed on their meeting agenda. Messrs. Canter, Meade, and McKinney are asked to be present at that meeting.

16. Delinquent Taxes for the 1993 Tax Year

Treasurer Fred Parker submitted the Delinquent Tax List pursuant to Virginia Code 58.1-3924.

On motion of Mr. Derting, second by Mr. Ingle, it was resolved to obtain bids to publish the list of delinquent taxes on properties in the County and Towns, omitting properties involved in litigation proceedings.

Mr. Ingle Mr. Osborne Aye Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Mr. Derting Aye Aye

17. Citizen Comments

At this time, Mr. Osborne invited comments from citizens on items that do not appear on the Agenda.

Thomas Whittaker referenced the advertisement in the paper for a part-time clerk for the County Administrator's office and asked when the money was appropriated. He stated he is going to court to get access to the County records.

18. County Administrator Comments:

The following action was taken on County Administrator Comments:

Request for Payment of \$560.00 for Installation of Credit Card a. Terminal and Printer for Juvenile & Domestic Relations Court

On motion of Mr. Ingle, second by Mr. Derting, it was resolved to authorize transfer of funds from Reserves for Contingency to Department 21500, Account 8202, for the purchase of a credit card terminal and printer for Juvenile & Domestic Relations Court.

The vote on this motion was as follows (5-1):

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Mr. Parris Nay Aye Mr. Derting Aye

Mr. Mathews expressed his strong objection to unfunded mandates.

Meadowview Fire Department Request to dispose of 1976 Ford F750 b. Tanker, SN C750FVW90170, and Retain Proceeds

On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved to authorize Meadowview Fire Department to dispose of the 1976 Ford F750 Tanker, SN C750FVW90170, Body 1439-0, and

further, it was resolved to allow the Meadowview Fire Department to retain the proceeds from the sale of the 1976 Ford F750 Tanker.

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

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye Mr. Derting Aye

c. Lease Agreement of Clinchburg Senior Citizen Center

On motion of Mr. Ingle, second by Mr. Parris, it was resolved to approve Lease Agreement between Henry and June Green and the Board of Supervisors of Washington County, Virginia, in the amount of \$3,875 for a period of three years beginning July 1, 1994 for the use of the Clinchburg Community Center.

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

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye Mr. Derting Aye

d. Additions to Endangered Species

Board Members received notification from United States Department of Interior, Fish and Wildlife Service, of a recent Federal Register publication proposing that five freshwater mussels (cumberland elktoe, oyster mussel, cumberlandian combshell, purple bean, and rough rabbitsfoot) be added as an endangered species to the Federal list of endangered and threatened species.

Mr. Ingle made a motion to deny adding five freshwater mussels to the endangered species in the Federal list of endangered and threatened species. There was no second to Mr. Ingle's motion, therefore, it died for lack of a second.

e. County Representatives to Transportation Board Concerning Route $\underline{58}$

On motion of Mr. Parris, second by Mrs. Mumpower, it was resolved to authorize the County Administrator, and the Board Chairman to attend the Transportation Board Meeting and Workshop on the 3rd Thursday of each month, and further, it was resolved to take \$2,000 from Reserves placing \$1,000 in the Board of Supervisors Travel Budget, Account 5510, and \$1,000 in the County Administrator's Travel budget, Account 5510 to cover travel expenses.

Mr. Ingle Aye Mr. Osborne Abstain Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye Mr. Derting Aye

f. Annexations Statutes Meeting August 14, 1994

Received notice of meeting to discuss annexation statutes in Virginia, Sunday, August 14, 1994, 2:30 p.m., Charlottesville, Virginia. Mr. Osborne and Mr. Derting agreed to attend.

g. IBM Midrange Technical Conference - Nadine S. Culberson

On motion of Mrs. Mumpower, second by Mr. Ingle, it was resolved to authorize the attendance of Nadine S. Culberson at the IBM Midrange Technical Conference, September 25-29, 1994, Nashville, TN.

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

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye Mr. Derting Aye

h. Communications

The following communications were received:

Interoffice Communications:

- :: County Administrator to James P. Moran concerning support for economic development administration funding;
- :: Director of Accounting to Jackson H. Barker, Jr. concerning insurance coverage on personal property contents at Hayter's Gap and Mendota Community Center Buildings;
- :: Data Processing Manager concerning AS/400 E10 & E25 Computer Upgrade;
- :: Washington County Industrial Development Authority report on local industry visitation as of July 3, 1994;
- :: Washington County Public Schools Meeting Schedule for preparation of school board meeting packets/staff meetings 1994-95;

Federal, State and Local Representatives:

- :: United States Senator Charles S. Robb concerning Board of Supervisors resolution regarding state and local government relief from unfunded federal mandates;
- :: United States Environmental Protection Agency concerning Saltville Waste Disposal Ponds Superfund Site Meeting
- :: Department of Criminal Justice Services concerning Community Crime Prevention Grant No. 94-A8475AD and Enhancing Drug Enforcement Grant No. 94-A84-70AD;

- :: Department of Economic Development News Release concerning Recertification of City of Bristol, Virginia;
- :: Virginia Department of Transportation concerning Great State Trash-Off to be held October 22, 1994; Virginia Connections;
- :: Judge Charles H. Smith, Jr. concerning appointment of Beulah S. Lambert to Washington County Board of Zoning Appeals, term ending January 1, 1999;

General Correspondence:

- :: CableVision concerning update on serving customers in Washington County;
- :: Mount Rogers Planning District Commission to:
 - :: Virginia State Corporation Commission concerning development of the Sprint-United business plan for telephone services;
 - :: Roanoke Times concerning Editorial relative to reconstruction of US Route 58 to a four-lane highway from Virginia Beach to Cumberland Gap;
- :: NADO communication concerning EDA Appropriations Conference Committee Action;
- :: Senior Services, Inc. letter of appreciation for supplemental donation;
- :: Southwest Virginia Emergency Medical Services Council, Inc. Fourth Quarter 1993-94 Report, and Annual Report;
- :: Virginia Highlands Community College Small Business Development Center, Second Quarter 1994 Report;

Reminders of meetings were received.

j. County Attorney Interviews

Received report from the Screening Committee with their recommendation that the Board of Supervisors interview the following candidates:

Joseph B. Lyle
Jon L. Duncan
James E. Butchholtz
James R. Jump
Joe Fay
Arthur B. Larson

By consensus agreement, the full Board of Supervisors will interview these candidates for the County Attorney position on September 10, 1994, beginning at 9:00 a.m. and terminating at 1:30 p.m., with no lunch break.

k. Resolution on Industrial Park Water Project

On motion of Mr. Derting, second by Mr. Parris, it was resolved to adopt the following resolution:

WHEREAS, the Washington County Board of Supervisors recognizes the importance of expediting the Washington County Industrial Park Water supply improvements Project previously identified as a top priority for the County by Resolution of the Board of Supervisors adopted July 12, 1994, and

WHEREAS, in the interest of expediting this project it is necessary at this time to commit local funds to the project in a total amount of Five Hundred and Sixty-Seven Thousand, One Hundred Dollars (\$567,100.00), and

WHEREAS, these local funds shall be used in conjunction with other available state/federal grant funds if needed and as necessary to support the total project cost of One Million, Three Hundred and Sixty-Seven Thousand, One Hundred Dollars (\$1,367,100.00);

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia, that it hereby commits these local funds to the Washington County Industrial Park Water Supply Improvements Project and appropriates Three Hundred Seventeen Thousand, One Hundred Dollars (\$317,100.00) from the County's General Fund Balance as of June 30, 1994 to be combined with previously appropriated funds for this project.

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

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye Mr. Derting Aye

19. County Attorney's Reports

The following action was taken on County Attorney's Reports

Bond Counsel for Washington County

Received memorandum from County Administrator providing four names of recognized Bond Counsel attorneys and their firms. He stated the information was obtained from Farmer's Home Administration.

Mr. Webster Day, Esq., Wetherington, Melchionna, Terry, Day & Amar

Mr. Sam Darby, Esq., Glenn, Flippin, Feldman & Darby

Mr. George Clemo, Esq., Woods, Rogers & Hazelgrove

Ms. Mary Jo White, Esq., Hunton & Williams

Discussion ensued.

On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved to obtain the Bond Counsel Services of Mr. Webster Day, Esq., Wetherington, Melchionna, Terry, Day & Amar.

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye Mr. Derting Aye

b. Ronald T. Kimberlin vs. Board of Supervisors

Received Subpoena in Chancery and Bill of Complaint in the matter of Ronald T. Kimberlin, Plaintiff, requesting the Court to consider the facts surrounding the Board of Supervisors denial of a special use permit to allow him to sell custom horse trailers from his property.

There was no action taken as this was provided for information only.

c. Mannix Request for Payment

Received from Patrick Mannix a second request for reimbursement of \$75.00 for Court Stenographer services in the case of Washington County vs. Patrick J. Mannix, Sr. Board received request and there was no action taken. Mr. Proctor stated this is a second request he received, he has not changed his opinion on the matter, and there will be no additional correspondence from him concerning the request for reimbursement.

d. Dunn Subdivision

Received memorandum from Barry L. Proctor advising a lien exists in favor of the County for road improvements against Lot 6 of the Dunn Subdivision. He explained that a double assessment in the amount of \$2,875 was made against Lot 6 and a lien in that amount recorded in the land records for the County.

Further, he explained there was no lien recorded against Lot 17 of the Dunn Subdivision and should have been recorded against this lot in the amount of \$1,437.50.

After discussion, the following action was taken:

On motion of Mr. Derting, second by Mr. Ingle, it was resolved to authorize the Treasurer to release the lien against Lot 6 of the Dunn Subdivision upon payment of the appropriate amount of \$1,437.50.

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

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye Mr. Derting Aye

Mr. Proctor advised since no lien was recorded against Lot 17 of the Dunn Subdivision, the money cannot be legally recovered by the County and would be a loss.

20. Consent Agenda:

On motion of Mr. Parris, second by Mr. Derting, it was resolved to approve the following consent agenda items:

- a. Payment of Bills 7-1-94 through 7-15-94
- b. Request for Refund, Building Permit No. 7906 Issued to Earnie D. and Susan R. Roark, \$125.00
- c. Drawdown #8, Southwest Virginia Microenterprise Development Project, CIG 93-33

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

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye Mr. Derting Aye

21. Board Member Reports

The following reports were given by Supervisors:

<u>Joe Derting</u> announced that Phil Blevins has been selected to receive a national distinguished service award which will be presented to him in Wyoming, September 26-29, 1994.

On motion of Mr. Derting, second by Mrs. Mumpower, it was resolved to appropriate \$500.00 to County Extension Services, Dept. 83100, Account No. 5510, to assist Mr. Blevins with his travel expenses.

The vote on this motion was as follows (5-1):

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Nay Mr. Parris Aye Mr. Derting Aye

On motion of Mr. Derting, second by Mr. Parris, it was resolved to request the Roadviewer Committee and the Virginia Department of Transportation to do a feasibility study with the possibility of improving the road on Sugar Bush Lane and Sand Castle Road.

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

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye Mr. Derting Aye

On behalf of the residents of the Wallace Community, Mrs. Mumpower conveyed their appreciation to the Board of Supervisors for the appropriation of money for the waterline project.

On motion of Mrs. Mumpower, second by Mr. Derting, it was resolved to request Mr. Ken Brittle of the Virginia Department of Transportation to do a safety study in the area of Exit 10 on Highway 11, and report to the Board of Supervisors

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

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye Mr. Derting Aye

Mr. Mathews called attention to the Report on Local Industry Visitations which appeared in the County Administrator's Correspondence. He requested the Board extend appreciation to all the participants who visited sites and spoke to company representatives to determine if problems exist and suggest corrective measures.

On motion of Mr. Mathews, second by Mrs. Mumpower, it was resolved to respond to the Industries in Washington County who participated in the visitation program, and extend an invitation to attend a future meeting so the Board of Supervisor's can address their concerns and work toward resolving them.

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

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye Mr. Derting Aye

Mr. Bentley was asked to send a communication to each industry who expressed concern over specific issues and/or resolution.

On motion of Mr. Mathews, second by Mr. Ingle, it was resolved to encourage the Planning Commission to schedule a joint meeting with the Virginia Highlands Airport Commission in an effort to develop an ordinance complying with the Circuit Court Judge's Ruling for the Board of Supervisors to consider.

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

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye Mr. Derting Aye

In his comments, Mr. Osborne encouraged Messrs. Seamon, Bentley, representatives of Washington County School Board, representatives of Washington County Service Authority, and any other County Agency to meet to develop a plan on the bond feasibility.

 ${\tt Mr.}$ Osborne relinquished the gavel to ${\tt Mrs.}$ Mumpower for the purpose of making a motion.

On motion of Mr. Osborne, second by Mr. Ingle, it was resolved to do a bond referendum study of potential projects or expenditure/improvements the County needs to make, compile the data into a report from which a plan can be developed, and present the information to the voters.

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

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye Mr. Derting Aye

Mrs. Mumpower returned the gavel to Mr. Osborne to resume the meeting as Chairman.

22. Executive Session pursuant to Section 2.1-344(A)(3) of the 1950 Code of Virginia, as amended, in order to discuss property acquisition, Johnston Memorial Clinic

On motion of Mr. Derting, second by Mrs. Mumpower, it was resolved to go into executive session pursuant to Section 2.1- 344(A)(3) of the 1950 Code of Virginia, as amended, in order to discuss property acquisition, Johnston Memorial Clinic.

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

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye Mr. Derting Aye

On motion of Mr. Derting, second by Mr. Ingle, it was resolved to come out of executive session and proceed with business at hand in public as required by law.

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

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye Mr. Derting Aye

On motion of Mr. Derting, second by Mr. Ingle, it was resolved to adopt the following certification:

WHEREAS, the Washington County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, 2.1-344.1 of the Code of Virginia requires a certification by the Washington County Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to

which this certification resolution applies, and (ii) only such public business matters as were identified in the motion of convening the executive meeting were heard, discussed or considered by the Washington County Board of Supervisors.

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

Mr. Osborne Aye Mrs. Mumpower Aye Mr. Parris Aye Mr. Derting Aye Mr. Ingle Aye Mr. Mathews Aye

There was no action taken.

Mr. Bentley reported Bill Bish issued a complaint concerning the release of E911 Addresses to the Registrar.

23. Adjournment

On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved to adjourn the meeting.

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

Mr. Ingle Aye Mr. Osborne Aye Mrs. Mumpower Aye Mr. Mathews Aye Mr. Parris Aye Mr. Derting Aye

James T. Osborne, Chairman