

**VIRGINIA:**

At a meeting of the Washington County Board of Supervisors held Tuesday, October 9, 2001, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

**PRESENT:**

Joe W. Derting, Chairman  
 John B. Roberts, Sr., Vice Chairman  
 Bobby D. Ingle  
 Phillip B. McCall  
 Anthony S. Rector  
 Jack H. Barker  
 Dulcie M. Mumpower

Mark K. Reeter, County Administrator  
 Lucy E. Phillips Bright, County Attorney  
 Mark W. Seamon, Accounting/Purchasing Manager  
 Sandra M. Hatfield, CPS, Administrative Supervisor

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1. **Call to Order**

The meeting was called to order by Mr. Joe W. Derting, Chairman of the Board, who welcomed everyone in attendance.

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2. **Invocation and Pledge of Allegiance – Phillip B. McCall**

Supervisor McCall asked Sheriff Newman to give the Invocation and lead the Pledge of Allegiance.

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3. **Approval of Agenda**

*On motion of Mr. Ingle, second by Mr. McCall, it was resolved to approve the agenda, with the following addition:*

17. ***County Attorney Comments***

*a. Request for Board Action Regarding Two 1984 Cassette Tapes of the Board of Supervisors Meeting Held in 1984*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>	<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mr. Rector</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

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4. **Approval of Minutes:**

The following action was taken on the Minutes:

a. **Regular Meeting of September 25, 2001**

*On motion of Mr. Barker, second by Mr. Roberts, it was resolved to approve the Minutes of the regular meeting held Tuesday, September 25, 2001 with the following correction:*

*Page 10258, Agenda Item 4.a, correct the vote to read as follows, reflecting Mr. Barker’s vote in the affirmative:*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>	<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mr. Rector</i>	<i>Aye</i>	<i>Mrs.Mumpower</i>	<i>Aye</i>
<i>Mr. Barker</i>	<u><i>Aye</i></u>				

*The vote on the motion to approve the Minutes of September 25, 2001 was as follows: (7-0)*

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>	<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mr. Rector</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

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b. **Correction of September 11, 2001 Minutes, Agenda Item 9, Page 10255**

*On motion of Mr. Barker, second by Mr. Roberts, it was resolved to correct Agenda Item 9, appearing in the minutes of September 11, 2001, adding the following information that was omitted when the Minutes were approved on September 25, 2001:*

*“Supervisor Jack Barker, filed a statement disclosing he has a personal interest in certain aspects of the Washington County Budget related to appropriations to the Washington County School Board; that he is an employee of the Washington County School Board and appropriations to the Board could indirectly affect his position, salary, employment benefits, etc.; that he is a member of a group of employees which is affected by the amount of the appropriation to the Washington County School Board; that he can participate in this transaction fairly, objectively and in the public interest.*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>	<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mr. Rector</i>	<i>Aye</i>	<i>Mrs.Mumpower</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				



5 **Planning & Zoning Public Hearings**

The following action was taken on Planning & Zoning public hearings:

**Request for Special Use Permit:**

- a. **Sam Blaylock**: Request for a Special Use Permit to construct and operate a small business in general, more specifically, a plumbing contractors office with storage of materials on property located on the north side of State Route 58 near the intersection of State Route 58/Route 700 in an A-2 (Agricultural, General) zone, **Tyler Magisterial District**.

Mr. Derting opened the public hearing and invited comments both in support of and in opposition to application by Sam Blaylock for a Special Use Permit to construct and operate a small business in general, more specifically, a plumbing contractors office with storage of materials on property located on the north side of State Route 58 near the intersection of State Route 58/Route 700 .

There being comments, Mr. Derting declared the public hearing closed.

***On motion of Mr. Barker, second by Mr. Rector, it was resolved to accept the recommendation of the Planning Commission and grant a Special Use Permit to Sam Blaylock to construct and operate a small business in general, more specifically, a plumbing contractors office with storage of materials on property located on the north side of State Route 58 near the intersection of State Route 58/Route 700 in an A-2 (Agricultural, General) zone, Tyler Magisterial District.***

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

<b><i>Mr. Derting</i></b>	<b><i>Aye</i></b>	<b><i>Mr. Roberts</i></b>	<b><i>Aye</i></b>	<b><i>Mr. McCall</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Ingle</i></b>	<b><i>Aye</i></b>	<b><i>Mr. Rector</i></b>	<b><i>Aye</i></b>	<b><i>Mrs. Mumpower</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Barker</i></b>	<b><i>Aye</i></b>				

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- b. **Boardwine Auto Sales, Inc.**: Request for a Special Use Permit to expand an existing commercial activity (automobile sales) to allow the sale of trailers, tractor-truck and trailer sales, rental, repair and services and to include heavy equipment sales, rental, repair and services on property located on the north side of State Route 11 near the intersection of State Route 11/Route 820 in a B-2 (Business, General) zone, **Monroe Magisterial District**.

Mr. Derting opened the public hearing and invited comments both in support of and in opposition to application by Boardwine Auto Sales, Inc. for a Special Use Permit to expand an existing commercial activity (automobile sales) to allow the sale of trailers, tractor-truck and trailer sales, rental, repair and services and to include heavy equipment sales, rental, repair and services on property located on the north side of State Route 11 near the intersection of State Route 11/Route 820.

Ronald Brooks, representing Boardwine Auto Sales, Inc. addressed the Supervisors requesting the special use permit be approved. Mr. Brooks explained he was not properly prepared when he addressed the Planning Commission on September 24, 2001. He commented that, at that meeting, persons opposing the special use permit addressed the Planning Commissioners and presented photographs that did not portray an accurate perception of the Boardwine Auto Sales property. Mr. Brooks distributed for review by members of the Board of Supervisors several photographs he had taken to show the property from different viewpoints.

Mr. Brooks summarized the history of the property stating it has always been zoned commercial. He reported when Boardwine Auto Sales purchased the property, there was an auto repair and upholstery shop on the premises explaining there were 55 automobiles scattered around the property. He elaborated on his on-going efforts to clean up the property, and to be a good neighbor.

Mr. Brooks described the property explaining it is cleaned up regularly, that trade-ins are received for crushing and later hauled out for disposal. He stated the vehicles are stored out of sight at a negative elevation and cannot be seen from the road.

Mr. Brooks referred to the mobile home on the property stating there is a caretaker who lives there to oversee the property and clean it. He emphasized there is not a family living there.

During the public hearing session, Chairman Derting commented his understanding that when the permit was first granted, the mobile home unit was to be used as an office. Mr. Brooks responded the purpose of the mobile home unit was for protection. Supervisor Ingle referred to the Minutes of September 9, 1997 when the previous permit was granted. He stated the minutes reflect comments that the mobile office unit would be used for business purposes only and that no one would be living in the unit. Mr. Brooks expressed agreement. Mr. Ingle reported visiting the property on today's date and discovering that a doublewide mobile home was moved on to the property rather than a mobile office unit. He also reported that he learned from his discussions with Mr. Boardwine on today's date that there is a person living in the doublewide. Supervisor Ingle reported that Mr. Boardwine stated he has been selling trailers on the property and will continue to do so regardless of the Board of Supervisor's action and that he would not plant the pine trees that were recommended by the Planning Commission as a condition of approval. Supervisor Ingle concluded his comments stating that the doublewide mobile home is a violation of the special use permit the Board of Supervisors granted.

Lacy Love addressed the Supervisors in opposition to granting a special use permit. He stated that Boardwine Auto Sales misled the Board of Supervisors when it obtained a Special Use Permit for the mobile office unit because there is a person living in the doublewide mobile home on the property. He asked that the request for a special use permit be denied.

Tom Counts, adjoining property owner (on west side) expressed opposition to granting a special use permit to Boardwine Auto Sales. He referred to the Board of Supervisors meeting on September 9, 1997 stating at that time the impression was given there were security concerns. Based on that impression, he stated he supported the permit, understanding that a small office building would be placed on the property, not a doublewide mobile home with a family living in it. Mr. Counts stated if he knew a doublewide mobile home would be moved onto the property, he would not have supported the request for a special use permit in 1997.

James E. Buddy Mitchell, speaking for Mr. Boardwine as a friend and acquaintance rather than as his attorney, stated the mobile home issue is unrelated to the request before the Board of Supervisors, and he did not feel it should have a bearing on it.

Mr. Mitchell explained Mr. Boardwine is concerned about what he views as onerous restrictions on the use of the property stating the intended uses have been in place since the original building was constructed in the 1940's. He stated, Mr. Boardwine is requesting permission to sell trailers on his property. He explained that with a special use permit, Mr. Boardwine could qualify with Department of Motor Vehicles to be a licensed Dealer of tractor/trailers. By doing so, he would no longer be subject to the added expense of titling the trailers first in order to sell them as used trailers. Also, he could get a financial break from the purchases of the trailer units from the manufacturer.

Mr. Mitchell responded to concerns relative to screening the property with pine trees and the matter of the doublewide mobile home.

For clarification purposes, Supervisor Ingle stated his reason for opposing the request on the basis that a special use permit was granted previously allowing Mr. Boardwine to place a mobile office trailer on the property, but, instead, a doublewide manufactured home was moved onto the property and is being used as a residence. Additionally, Mr. Ingle stated Mr. Boardwine said he would not abide by the stipulations on the proposed special use permit, and demonstrated his

tendency not to comply by the conditions placed on the previous permit. Mr. Mitchell responded to Mr. Ingle's comments explaining what he felt was Mr. Boardwine's understanding and intent.

Supervisor McCall referenced the previous permit Mr. Boardwine has and questioned the reason for upgrading it since there are tractor/trailers currently on the property. It was pointed out that these tractor/trailers are owned by the business, and Mr. Boardwine is not selling these.

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

Discussion ensued relative to the status of the previous permit granting use of the property for automotive sales. Ms. Freeman responded that automotive sales and service is permissible outright. She explained a distinction was made in the B-2 zoning code approximately three years ago between automotive, tractor/trucks and trailers. Mr. Reeter pointed out that since 1998 a special use permit has been required for tractor-truck and trailer sales and services, but a special use permit is not required for automobile sales and service in the B-2 zone. Mr. Derting offered clarification that when Mr. Boardwine was granted a special use permit four years ago it was for the mobile office unit and not for operation of the automobile sales and service.

Attention was called to the Application for a Zoning Special Use Permit and the section pertaining to how the property will be used. It was pointed out the Application states, "Sale of trailers, tractor-truck and trailer sales, rental, repair and services, heavy equipment sales, rental, repair and services." Concern was raised by the Board relative to approving the Application and the many uses specified on it. Ms. Freeman responded the Planning Commission authorized the permit as requested with the limitation of no more than six trucks on the property, screening with pine trees, and hours of operation.

A legal discussion ensued relative to the Application for a Special Use Permit. Questions were raised and concerns expressed about the present Application under the name of Boardwine Auto Sales, Inc. and the previous special use permit (granted in 1997 for the mobile office unit) issued under the name of Meadowview Development Corporation. In response to the Board's concern, Mr. Mitchell stated Meadowview Development Corporation owns the property and Boardwine Auto Sales, Inc. is the lessee. A question was asked if the signature on the Application is that of the property owner. It was pointed out that the person who signed the Application is a representative of Boardwine Auto Sales and is not the property owner. Ms. Bright, County Attorney, explained that the property owner, Mr. Boardwine, should have signed the application and for that reason the application is deficient in itself.

Discussion ensued relative to tabling the application until the next meeting so as to resolve concerns and irregularities. Supervisors expressed their concern about the violations of the previous special use permit that have surfaced and that require follow-up attention.

***On motion of Mr. Rector, second by Mr. Ingle, it was resolved to table indefinitely Boardwine Auto Sales, Inc. request for a Special Use Permit to expand an existing commercial activity (automobile sales) to allow the sale of trailers, tractor-truck and trailer sales, rental, repair and services and to include heavy equipment sales, rental, repair and services on property located on the north side of State Route 11 near the intersection of State Route 11/Route 820 in a B-2 (Business, General) zone, Monroe Magisterial District, until such time as:***

- (1) the legal questions relative to the application are satisfied;***
- (2) the mobile home issue on the previous special use permit is investigated to determine if it is being used as a residence, and any deficiency found is corrected;***
- (3) a determination be made that the conduct of sales is in compliance with the zoning ordinance prior to the current application for a special use permit coming back before the Board of Supervisors.***

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>	<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mr. Rector</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

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- c. ***Larry and Deborah Moore***: Request for a Special Use Permit to construct and operate a small business in general, more specifically, a handicraft shop and horse drawn equipment manufacturing with sales and to include the boarding of horses on property located on the west side of State Route 710 near the intersection of State Route 710/Route 674 in an A-1 (Agricultural, Limited) zone, ***Madison Magisterial District, E-01 Election District.***

Mr. Derting opened the public hearing and invited comments both in support of and in opposition to application by Larry and Deborah Moore for a Special Use Permit to construct and operate a small business in general, more specifically, a handicraft shop and horse drawn equipment manufacturing with sales and to include the boarding of horses on property located on the west side of State Route 710 near the intersection of State Route 710/Route 674.

Larry Moore appeared before the Board of Supervisors requesting a special use permit explaining he intends construct a building for the purpose of housing a part-time craft business operated by he and Mrs. Moore approximately four days a week, and he will restore buggies, plows and horse drawn equipment.

Mr. Moore responded to questions relative to the property location.

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

***On motion of Mr. Roberts, second by Mrs. Mumpower, it was resolved to follow the recommendation of the Planning Commission and grant a Special Use Permit to Larry and Deborah Moore to construct and operate a small business in general, more specifically, a handicraft shop and horse drawn equipment manufacturing with sales and to include the boarding of horses on property located on the west side of State Route 710 near the intersection of State Route 710/Route 674 in an A-1 (Agricultural, Limited) zone, Madison Magisterial District, E-01 Election District.***

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>	<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mr. Rector</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

6 **Public Hearing Concerning Washington County Schools Bond Issuance Proposal**

Ms. Lucy E. Phillips Bright, County Attorney, addressed the Board of Supervisors. She explained Resolution No. 2001-33, made available to the public, requires one change stating the loan amount is less than advertised in the Legal Section of the newspaper.

Mr. Ron Walls, Director of Administration, was present to respond to questions from the Board.

Mr. Derting opened the public hearing to receive comments both in support of and in opposition to proposal concerning Washington County School Bond issuance.

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

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

***Resolution No. 2001-33***

***RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED  
\$1,402,263 GENERAL OBLIGATION SCHOOL BONDS  
OF THE COUNTY OF WASHINGTON, VIRGINIA, SERIES 2001A,  
TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY  
AND PROVIDING FOR THE FORM AND DETAILS THEREOF.***

*WHEREAS, on February 15, 2001, the Commonwealth of Virginia Board of Education (the "Board of Education") placed the application (the "Application") of the School Board of Washington County, Virginia (the "School Board"), for a loan of \$1,402,263 (the "Literary Fund Loan") from the Literary Fund, a permanent trust fund established by the Constitution of Virginia (the "Literary Fund"), for the construction, renovation and expansion of school buildings (the "Project") in Washington County, Virginia (the "County"), on the First Priority Waiting List;*

*WHEREAS, the Board of Education was to have approved the release of Literary Fund moneys to the School Board and make a commitment to loan such moneys to the School Board (the "Commitment") within one (1) year of placement of the Application on the First Priority Waiting List upon receipt of the Literary Fund of an unencumbered sum available at least equal to the amount of the Application and the approval, by the Board of Education, of the Application as having met all conditions for a loan from the Literary Fund;*

*WHEREAS, the Board of Education was thereafter to have given advances on the amount of the Commitment for the Literary Fund Loan to the School Board, as construction or renovation of the Project progressed, in exchange for temporary notes from the School Board to the Literary Fund (the "Temporary Notes") for the amounts so advanced;*

*WHEREAS, after the completion of the Project and the advance of the total amount of the Commitment, the Temporary Notes were to have been consolidated into a permanent loan note of the School Board to the Literary Fund (the "Literary Fund Obligation") which was to evidence the obligation of the School Board to repay the Literary Fund Loan;*

*WHEREAS, the Literary Fund Obligation was to have borne interest at three percent (3%) per annum and mature in annual installments for a period of twenty (20) years;*

*WHEREAS, in connection with the 2001 Interest Rate Subsidy Program (the "Program"), the Virginia Public School Authority (the "VPSA") has offered to purchase general obligation school bonds of the County, and the Board of Education has offered to pay, to the County, a lump sum cash payment (the "Lump Sum Cash Payment") equal to the sum of (i) net present value difference, determined on the date on which the VPSA sells its bonds, between the weighted average interest rate that the general obligation school bonds of the County will bear upon sale to the VPSA and the interest rate that the Literary Fund Obligation would have borne plus (ii) an allowance for the costs of issuing such bonds of the County (the "Issuance Expense Allowance");*

*WHEREAS, the Board of Supervisors (the "Board") of the County of Washington, Virginia (the "County"), has determined that it is necessary and expedient to borrow not to exceed \$1,425,000 and to issue its general obligation school bonds for the purpose of financing certain capital projects for school purposes; and*

*WHEREAS, the County held a public hearing, duly noticed, on October 9, 2001, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code"); and*

*WHEREAS, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Bonds (as hereinafter defined) and, consented to the issuance of the Bonds;*

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

*1. Authorization of Bonds and Use of Proceeds. The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$1,402,263 (the "Bonds") for the purpose of financing certain capital projects for school purposes. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.*

*2. Sale of the Bonds. It is determined to be in the best interest of the County to accept the offer of the Virginia Public School Authority (the "VPSA") to purchase from the County, and to sell to the VPSA, the Bonds at a price, determined by the VPSA to be fair and accepted by the Chairman of the Board and the County Administrator, that is not less than 98% of par and not more than 103% of par upon the terms established pursuant to this Resolution except that in the event the purchase price determined by VPSA would exceed the upper limit of 103%, the County/City, at the request of VPSA, will lower the amount of the local school bonds to be issued to provide a purchase price for such bonds and a proceeds amount that is within 103% of the amount requested pursuant to your application submitted to VPSA. The Chairman of the Board, the County Administrator, and such officer or officers of the County as either may designate are hereby authorized and directed to enter into a Bond Sale Agreement dated as of October 9, 2001, with the VPSA providing for the sale of the Bonds to the VPSA in substantially the form submitted to the Board at this meeting, which form is hereby approved (the "Bond Sale Agreement").*

*3. Details of the Bonds. The Bonds shall be issuable in fully registered form; shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 2001A"; shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 beginning July 15, 2002 (each an "Interest Payment Date"), at the rates established in accordance with Section 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts set forth on Schedule I attached hereto (the "Principal Installments"), subject to the provisions of Section 4 of this Resolution.*

*4. Interest Rates and Principal Installments. The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by the VPSA, provided that each interest rate shall be ten one-hundredths of one percent (0.10%) over the interest rate to be paid by the VPSA for the corresponding principal payment date of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further, that the true interest cost of the Bonds does not exceed five and eighty five one-hundredths percent (5.85 %) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of the VPSA. The County Administrator is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of the VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by the VPSA and Interest Payment Dates and the Principal Installments requested by the VPSA as having been so accepted as authorized by this Resolution.*

5. Form of the Bonds. *The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.*

6. Payment; Paying Agent and Bond Registrar. *The following provisions shall apply to the Bonds:*

(a) *For as long as the VPSA is the registered owner of the Bonds, all payments of principal, premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date or Principal Payment Date, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next preceding such Interest Payment Date or Principal Payment Date.*

(b) *All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds.*

(c) *SunTrust Bank is designated as Bond Registrar and Paying Agent for the Bonds.*

7. No Redemption or Prepayment. *The Principal Installments of the Bonds shall not be subject to redemption or prepayment. Furthermore, the Board covenants, on behalf of the County, not to refund or refinance the Bonds without first obtaining the written consent of the VPSA or the registered owner of the Bonds.*

8. Execution of the Bonds. *The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto.*

9. Pledge of Full Faith and Credit. *For the prompt payment of the principal of and premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.*

10. Use of Proceeds Certificate and Certificate as to Arbitrage. *The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Certificate as to Arbitrage and a Use of Proceeds Certificate each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds except as provided below. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Certificate as to Arbitrage and such Use of Proceeds Certificate and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.*

11. State Non-Arbitrage Program; Proceeds Agreement. *The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby*

*authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved.*

12. Continuing Disclosure Agreement. *The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12 and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).*

13. Filing of Resolution. *The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.*

14. Further Actions. *The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.*

15. Effective Date. *This Resolution shall take effect immediately.*

**EXHIBIT A  
(FORM OF TEMPORARY BOND)**

NO. TS-1

\$1,402,263

**UNITED STATES OF AMERICA  
COMMONWEALTH OF VIRGINIA  
COUNTY OF WASHINGTON**

**General Obligation School Bond  
Series 2001 A**

*The COUNTY OF WASHINGTON, VIRGINIA (the "County"), for value received, hereby acknowledges itself indebted and promises to pay to the VIRGINIA PUBLIC SCHOOL AUTHORITY the principal amount of ONE MILLION FOUR HUNDRED TWO THOUSAND TWO HUNDRED SIXTY-THREE DOLLARS (\$1,402,263), in annual installments in the amounts set forth on Schedule I attached hereto payable on July 15, 2002 and annually on July 15 thereafter to and including July 15, 2021 (each a "Principal Payment Date"), together with interest from the date of this Bond on the unpaid installments, payable semi-annually on January 15 and July 15 of each year, commencing on July 15, 2002 (each an "Interest Payment Date"; together with any Principal Payment Date, a "Payment Date"), at the rates per annum set forth on Schedule I attached hereto. Both principal of and interest on this Bond are payable in lawful money of the United States of America.*

*For as long as the Virginia Public School Authority is the registered owner of this Bond, SunTrust Bank, as bond registrar (the "Bond Registrar"), shall make all payments of principal, premium, if any, and interest on this Bond, without the presentation or surrender hereof, to the Virginia Public School Authority, in immediately available funds at or before 11:00 a.m. on the applicable Payment Date or date fixed for prepayment or redemption. If a Payment Date or date fixed for prepayment or redemption is not a business day for banks in the Commonwealth of Virginia*

*or for the Commonwealth of Virginia, then the payment of principal, premium, if any, or interest on this Bond shall be made in immediately available funds at or before 11:00 a.m. on the business day next preceding the scheduled Payment Date or date fixed for prepayment or redemption. Upon receipt by the registered owner of this Bond of said payments of principal, premium, if any, and interest, written acknowledgment of the receipt thereof shall be given promptly to the Bond Registrar, and the County shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final payment, this Bond shall be surrendered to the Bond Registrar for cancellation.*

*The full faith and credit of the County are irrevocably pledged for the payment of the principal of and the premium, if any, and interest on this Bond. The resolution adopted by the Board of Supervisors authorizing the issuance of the Bonds provides, and Section 15.2-2624, Code of Virginia 1950, as amended, requires, that there shall be levied and collected an annual tax upon all taxable property in the County subject to local taxation sufficient to provide for the payment of the principal, premium, if any, and interest on this Bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.*

*This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia 1950, as amended, and resolutions duly adopted by the Board of County Supervisors of the County and the School Board of the County to provide funds for capital projects for school purposes.*

*This Bond may be exchanged without cost, on twenty (20) days written notice from the Virginia Public School Authority, at the office of the Bond Registrar on one or more occasions for two or more temporary bonds or definitive bonds in fully registered form in denominations of \$5,000 and whole multiples thereof, and; in any case, having an equal aggregate principal amount having maturities and bearing interest at rates corresponding to the maturities of and the interest rates on the installments of principal of this Bond then unpaid. This Bond is registered in the name of the Virginia Public School Authority on the books of the County kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for definitive Bonds as hereinabove provided, such definitive Bonds to be registered on such registration books in the name of the assignee or assignees named in such assignment.*

*The principal installments of this Bond are not subject to redemption or prepayment.*

*All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia.*

*IN WITNESS WHEREOF, the Board of Supervisors of the County of Washington has caused this Bond to be issued in the name of the County of Washington, Virginia, to be signed by its Chairman or Vice-Chairman, its seal to be affixed hereto and attested by the signature of its Clerk or any of its Deputy Clerks, and this Bond to be dated October 9, 2001.*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>	<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mr. Rector</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

Supervisor Jack Barker, filed a statement disclosing he has a personal interest in certain aspects of the Washington County Budget related to appropriations to the Washington County School Board; that he is an employee of the Washington County School Board and appropriations to the Board could indirectly affect his position, salary, employment benefits, etc.; that he is a member of a group of employees which is affected by the amount of the appropriation to the Washington County School Board; that he can participate in this transaction fairly, objectively and in the public interest.

7 **Public Hearing Pursuant to ' 15.2-2507 of the 1950 Code of Virginia, as amended Concerning Amendment of County Operating Budget for Fiscal Year 2001-2002**

Mr. Derting opened the public hearing to receive comments on amending the FY 2001-02 County Operating Budget.

Patrick Mannix read the public hearing advertisement aloud. He commented about funds for economic development purposes being given to Bristol Compressors.

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

*On motion of Mr. Ingle, second by Mr. Roberts, it was resolved to approve the following amendment to the FY 2001-02 County Operating Budget:*

*FY 2001-02 County Budget Amended on August 14, 2001* *\$90,628,240*

*Amendment of County Budget:*

**01 GENERAL FUND**

<i>Health &amp; Welfare</i>	<i>\$ 25,000</i>
<i>Public Works</i>	<i>\$ 7,338</i>
<i>Economic Development</i>	<i>\$ 250,000</i>
<i>Public Safety</i>	<i>\$ <u>54,627</u></i>

*Total General Fund* *\$ 336,965*

**02 FEDERAL ASSET SHARING FUND** *\$ 2,152*

**312 SCHOOL OPERATING FUND** *\$ 912,727* *\$ 1,251,844*

*Proposed Amended FY 2001-2002 County Budget* *\$91,880,084*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>	<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mr. Rector</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

8 **Consideration of Resolution Approving Support Agreement Between Member Localities and Southwest Virginia Regional Jail Authority**

County Administrator, Mark K. Reeter, presented a **proposed** Resolution approving Support Agreement between the member localities and the Regional Jail Authority.

In his comments, Mr. Reeter explained the interim financing activities related to the construction of the regional jail system serving Southwest Virginia, and authorization for bond counsel to issue bonds.

***On motion of Mr. Ingle, second by Mr. Roberts, it was resolved to adopt the following Resolution, and further, it was resolved to approve Support Agreement requesting the Southwest Virginia Jail Authority to issue revenue bonds in the amount of \$1,100,000:***

**RESOLUTION NO. 2001-35**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF WASHINGTON,  
A PARTICIPATING MEMBER OF THE SOUTHWEST VIRGINIA REGIONAL JAIL  
AUTHORITY APPROVING SUPPORT AGREEMENT**

***WHEREAS, the Southwest Virginia Regional Jail Authority (the "Authority") was created by the Counties of Buchanan, Dickenson, Lee, Russell, Scott, Smyth, Washington and Wise and the City of Norton (together, the "Participating Members"), by each of its Board of Supervisors and City Council (the "Governing Bodies") pursuant to Section 53.1-95.2 of the Code of Virginia of 1950, as amended (the "Act"), for the purpose of constructing and operating a regional jail facility or facilities (the "Jail Facilities"); and***

***WHEREAS, the Participating Members have requested the Authority to initiate the design, acquisition, construction and equipping of the Jail Facilities and to finance the initiation of the same through the issuance of the Authority's revenue bond anticipation note or notes for a total amount of \$1,100,000 (the "Notes") and each Participating Member will allocate to the Authority a portion of its "bank qualified" designation in the same amount as its estimated percentage use of the Jail Facilities as shown in the Support Agreement (as defined below); and***

***WHEREAS, the Authority is willing to issue the Notes to finance the initiation of the design, acquisition, construction and equipping of the Jail Facilities and the Participating Members are each willing to enter into a Support Agreement (the "Support Agreement") with the Authority to provide sufficient monies for the Authority to pay the principal and interest on the Notes when due, each to provide for the health, safety and welfare of the citizens of each Participating Member; and***

***WHEREAS, the Authority proposes to use the proceeds of the Notes to pay a portion of the costs of the design, acquisition, construction and equipping of the Jail Facilities (including the issuance costs of the Notes) to be secured by the revenues payable under the Support Agreement between the Participating Members and the Authority and the pledge of proceeds from the issuance by the Authority of long-term revenue bonds for the Jail Facilities; and***

***WHEREAS, the Authority anticipates issuing up to \$5,000,000 in additional revenue bond anticipation notes to finance a portion of the costs of the design, acquisition, construction and equipping of the Jail Facilities which additional notes will be issued on parity basis with the Notes subject to approval by each of the Governing Bodies of the Participating Members; and***

***WHEREAS, there have been presented to this meeting drafts of the following documents (the "Documents") which the Authority and/or the Participating Members propose to execute to carry out the transactions described above, copies of which shall be filed with the records of the Participating Members:***

***(a.) The Authority's Revenue Bond Anticipation Note or Notes in the form attached hereto, in an amount not to exceed \$1,100,000 with the terms and conditions, including***

*but not limited to, the interest rate at a rate per annum not to exceed 5.50% to be determined by the Chairman of the Authority, with a maturity of October 31, 2003, with interest payable on the last day of each April and October, and with principal due along with interest on October 31, 2003, with the option to prepay or redeem the Notes on or after September 30, 2002; and*

*(b.) The Support Agreement between the Authority and the Participating Members, whereby the Participating Members agree to make payments thereunder sufficient to pay principal and interest on the Notes when due.*

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WASHINGTON:**

*1. The following plan for financing the initial costs of the Jail Facilities is approved by the Board of Supervisors (the "Governing Body") of the County of Washington (the "Participating Member"). The Authority shall use the proceeds from the issuance of the Notes to finance the initiation of the design, acquisition, construction and equipping of the Jail Facilities. The obligation of the Authority to pay principal and interest on the Notes will be limited to payments received from the Participating Members under the Support Agreement and/or the proceeds from the sale of long term revenue bonds of the Authority for the Jail Facilities. The obligation of the Participating Members to make payments under the Support Agreement will be subject to the Governing Bodies making annual appropriations for such purpose. The Note will be secured by the Support Agreement and the pledge of the proceeds from the sale of long-term revenue bonds for the Jail Facilities. The Governing Body hereby irrevocably allocates to the Authority for the Note, a portion of its "qualified tax-exempt obligation " amount for the calendar year 2001, within the meaning of Section 265(b)(3) of the Tax Code, equal to its estimated percentage of use of the Jail Facilities as shown in the Support Agreement (17.8% of \$1,100,000 or \$195,800) which allocation bears a reasonable relationship to the respective benefits received by the Participating Member. It is anticipated that additional notes in an amount up to \$5,000,000 will be issued by the Authority to pay a portion of the costs of the Jail Facilities, on a parity with the Notes subject to approval by each of the Governing Bodies of the Participating Members.*

*2. The Chairman or Vice Chairman of the Governing Body, or either of them, is hereby authorized and directed to execute the Support Agreement and such other documents as are necessary to finance the initial costs of the Jail Facilities.*

*3. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.*

*4. All other acts of the officers of the Participating Member that are in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the Notes by the Authority, the execution and delivery of the Support Agreement by the Participating Members and the undertaking of the design, acquisition, construction and equipping of the Jail Facilities is hereby approved and ratified.*

*5. Nothing in this resolution or in the Support Agreement is or shall be deemed to be a lending of the credit of any Participating Member to the Authority or to any holder of any of the Notes or to any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the Participating Member. Nothing herein contained nor in the Support Agreement shall bind or obligate the Governing Body to appropriate funds to the Authority for the purposes described herein nor shall any provision of this resolution give the Authority or any holders of the Notes or any other person any legal right to enforce the terms hereof against the Governing Body or the Participating Member.*

*6. This resolution shall take effect immediately.*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>	<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mr. Rector</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

9                    **Update from Washington County Department of Social Services (Doug Meade, Director)**

Mr. Doug Meade, Director, Department of Social Services, and Ms. Barbara Farmer, Department of Social Services, were present to address the Supervisors on the Food Stamp Electronic Transfer of Benefits Card, "The Cardinal Card."

Ms. Farmer distributed a sample card stating that when it is distributed to food stamp recipients, it will eliminate the paper food stamp coupons. She explained the electronic card will be used as a debit type card to purchase food products at any participating grocery retailers in the United States displaying the "QUEST" sign, and is scheduled for implementation in Washington County effective July 2002. Ms. Farmer stated she will be working with staff, community leaders and patrons on use of the card.

10                    **Southwestern Virginia Technology Commission (Nicole Sikora, Blane Clark)**

Nicole Sokora, Executive Director, and Blane Clark, President, Southwest Virginia Technology Council, appeared before the Board of Supervisors presenting the Who, What, When, Where and Why of the technology foundation. Ms. Sokora explained the origin of the technology foundation; its mission statement; their goals, objectives, and accomplishments. Ms. Sokora encouraged the Washington County contact the SWVTC for technology assistance. She concluded by inviting the Board of Supervisors to join membership in the organization.

11                    **Recess**

*On motion of Mr. Barker, second by Mr. Roberts, it was resolved to take a brief recess.*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>	<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mr. Rector</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

12                    **Consideration of Resolutions Requested by Virginia Department of Transportation Concerning Completed Road Projects:**

Received communication from Virginia Department of Transportation requesting the Board of Supervisors to adopt resolutions closing out previously constructed or reconstructed streets that have been taken into the secondary system.

*On motion of Mrs. Mumpower, second by Mr. Barker, it was resolved to approve the following resolutions:*

a. No. 36, Project 0605-095-223, M502, Widener's Valley Road

**RESOLUTION NO. 2001-36**

*WHEREAS, the Virginia Department of Transportation has provided the Washington County, Virginia Board of Supervisors with a sketch dated March 31, 1998, additions, discontinuances and abandonments required in the secondary system of state highways as a result of Project 0605-095-223, M502, Widener's Valley Road, which sketch is hereby incorporated herein by reference;*

*WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need; and*

*NOW, THEREFORE, BE IT RESOLVED, the Washington County, Virginia Board of Supervisors requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of road identified by the sketch to be added, pursuant to §33.1-229 of the Code of Virginia; and*

*BE IT FURTHER RESOLVED, the Washington County, Virginia Board of Supervisors abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to §33.1-155 of the Code of Virginia;*

*BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.*

b. No. 26, Project 0605-095-223, M501, Widener's Valley Road

**RESOLUTION NO. 2001-26**

*WHEREAS, the Virginia Department of Transportation has provided the Washington County, Virginia Board of Supervisors with a sketch dated August 4, 1998, additions, discontinuances and abandonments required in the secondary system of state highways as a result of Project 0605-095-223, M501, Widener's Valley Road, which sketch is hereby incorporated herein by reference;*

*WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need; and*

*NOW, THEREFORE, BE IT RESOLVED, the Washington County, Virginia Board of Supervisors requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of road identified by the sketch to be added, pursuant to §33.1-229 of the Code of Virginia; and*

*BE IT FURTHER RESOLVED, the Washington County, Virginia Board of Supervisors abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to §33.1-155, Code of Virginia;*

*BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>	<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mr. Rector</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

c. No. 27, Project 0091-095-102, C503, Nordyke Road

**RESOLUTION NO. 2001-27**

*WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated July 13, 1998 depicting the additions, discontinuances and abandonments required in the secondary system of state highways as a result of Project 0616-095-142, C501, Nordyke Road, which sketch is hereby incorporated herein by reference;*

*WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need; and*

*NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of road identified by the sketch to be added, pursuant to §33.1-229 of the Code of Virginia; and*

*BE IT FURTHER RESOLVED, this Board abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to §33.1-155, Code of Virginia;*

*BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.*

d. No. 28, Project 0616-095-142, C501, Nordyke Road

**RESOLUTION NO. 2001-28**

*WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated July 14, 1998 depicting the additions, discontinuances and abandonments required in the secondary system of state highways as a result of Project 0091-095-102, C503, Nordyke Road, which sketch is hereby incorporated herein by reference;*

*WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need; and*

*NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of road identified by the sketch to be added, pursuant to §33.1-229 of the Code of Virginia; and*

*BE IT FURTHER RESOLVED, this Board abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to §33.1-155, Code of Virginia;*

*BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.*

e. No. 29, Project 0081-095-109, C501, 704 Enterprise Rd/Exit 22

**RESOLUTION NO. 2001-29**

*WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated June 16, 1998 depicting the additions, discontinuances and abandonments required in the secondary system of state highways as a result of Project 0081-095-109, C501, 704 Enterprise Road/Exit 22, which sketch is hereby incorporated herein by reference;*

*WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need; and*

*NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of road identified by the sketch to be added, pursuant to §33.1-229 of the Code of Virginia; and*

*BE IT FURTHER RESOLVED, this Board abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to §33.1-155, Code of Virginia;*

*BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.*

f. No. 30, Project 0058-095-110, C501, Gate City Highway

*RESOLUTION NO. 2001-30*

*WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated September 11, 2000 depicting the additions, discontinuances and abandonments required in the secondary system of state highways as a result of Project 0058-095-110, C501, Gate City Highway, which sketch is hereby incorporated herein by reference;*

*WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need; and*

*NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of road identified by the sketch to be added, pursuant to §33.1-229 of the Code of Virginia; and*

*BE IT FURTHER RESOLVED, this Board abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to §33.1-155, Code of Virginia;*

*BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.*

g. No. 31, Project 0700-095-160, C501, Rich Valley Road

*RESOLUTION NO. 2001-31*

*WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated August 11, 1999 depicting the additions, discontinuances and abandonments required in the secondary system of state highways as a result of Project 0700-095-160, C501, Rich Valley Road, which sketch is hereby incorporated herein by reference;*

*WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need; and*

*NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of road identified by the sketch to be added, pursuant to §33.1-229 of the Code of Virginia; and*

*BE IT FURTHER RESOLVED, this Board abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to §33.1-155, Code of Virginia;*

*BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.*

**h. No. 32, Project 0647-095-258, M501, Old Jonesboro Road**

**RESOLUTION NO. 2001-32**

*WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated March 11, 2000 depicting the additions, discontinuances and abandonments required in the secondary system of state highways as a result of Project 0647-095-258, M501, Old Jonesboro Road, which sketch is hereby incorporated herein by reference;*

*WHEREAS, the new road serves the same citizens as those portions of old road identified to be abandoned and those segments no longer serve a public need; and*

*NOW, THEREFORE, BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add to the secondary system of state highways those portions of road identified by the sketch to be added, pursuant to §33.1-229 of the Code of Virginia; and*

*BE IT FURTHER RESOLVED, this Board abandons as part of the secondary system of state highways those portions of road identified by the sketch to be abandoned, pursuant to §33.1-155, Code of Virginia;*

*BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>	<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mr. Rector</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

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**13 Presentation by Residents of Chipp Ridge Subdivision Concerning Status of Vintage View Drive**

Stanley Haynes, resident of Chipp Ridge Subdivision, addressed the Supervisors. He explained when the Subdivision was first developed, the road Vintage View Drive was not built to Virginia Department of Transportation specifications by the developer. He reported as a result of this, the school bus will not pick up children living on Vintage View Road and the postal department will not deliver mail to Vintage View addresses. He stated their efforts to get the developer to correct the road deficiency have been unsuccessful. On behalf of the residents of Vintage View Road, Mr. Hayes expressed hope that the Board of Supervisors would provide financial assistance to bring the road up to state standards.

Residents of Vintage View Road who addressed the Supervisors were: Karen Mullins, Dr. Helen Johnson, Eddie Meade, John Johnson, and David Hollyfield.

An exchange of conversation ensued between the Supervisors, administrative staff and the residents. Mr. Reeter commented on meetings held between the County, VDOT and the residents. Discussion ensued relative to legal issues, the lack of a surety bond by the developer, and the obligation of the developer to bring the road up to state standards rather than the County.

The Board of Supervisors stated their position that the residents need to pursue their efforts to remedy the road issue as a private matter between themselves and the developer.

14                    **Consideration of Application for Grant Funds, Washington County Sheriff's Office**

Sheriff Fred Newman addressed the Board of Supervisors requesting authorization to participate in a records improvement grant. He explained local matching funds are required stating these funds will be taken from his current operating budget.

*On motion of Mr. Barker, second by Mr. Rector, it was resolved to authorize Washington County Sheriff's Office to participate in an application for an Incident Based Reports (IBR) records improvement grant offered by the Virginia Department of Criminal Justice Services being administered by the Town of Richlands Police Department; further, it was resolved that a 25% local matching amount of \$7,011.25 is required for the records improvement grant, and that the funds will be taken from the Sheriff's FY 2001-02 operating budget.*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>	<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mr. Rector</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

15                    **Quarterly County Budget Status Report, September 30, 2001**

Mr. Mark Seamon distributed copies of the quarterly County budget status report as of September 30, 2001, explaining it is presented for informational purposes.

16                    **County Administrator Comments**

The following County Administrator reports were given:

a.                    **Open House for Relocated County Central Dispatch, October 15, 2001, 5:00-8:00 p.m., Valley Street Office Building**

Noted new location and Open House for Central Dispatch to be held October 15, 2001 at the Valley Street office building.

b.                    **Voting Delegate, Virginia Association of Counties 2001 Annual Meeting, The Homestead, Bath County**

*On motion of Mr. Roberts, second by Mr. McCall, it was resolved to authorize the County Administrator to attend the Virginia Association of Counties 2001 Annual Meeting, November 10-13, 2001, at the Homestead; further, it was resolved to designate the County Administrator to cast Washington County's proxy vote at the Annual Business Meeting.*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>	<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mr. Rector</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

**c. Groundbreaking Ceremony, Poor Valley-Brumley Gap Water Project**

Noted the Groundbreaking Ceremony for the Poor Valley-Brumley Gap Water Project is scheduled for Wednesday, October 24, 2001, 2:00 p.m. at the Brumley Gap Community Center.

17 County Attorney Comments

**a. Consideration of Resolution to Request Carroll Street be Taken Into the State System of Secondary Highways**

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

**RESOLUTION  
REGARDING CARROLL STREET  
IN THE WILSON MAGISTERIAL DISTRICT**

*WHEREAS, by Resolution adopted by this Washington County, Virginia, Board of Supervisors (Board) on January 9, 2001 (Resolution 2001-02), the Board found that a portion of Carroll Street, as described below, (Project Street) met the eligibility requirements stated in section 33.1-72.1(C) of the 1950 Code of Virginia, as amended, to participate in the process described in that section for the taking of streets into secondary system; and*

*WHEREAS, by Resolution 2001-02, the Board resolved to request the Virginia Department of Transportation (Department) to improve Project Street to the prescribed minimum standards, funding said improvements according to special assessments as allowed by section 33.1-72.1(C) of the 1950 Code of Virginia, as amended; and*

*WHEREAS, the Department honored the Board's request and accepted Project Street as eligible for the procedures prescribed by section 33.1-72.1(C) of the 1950 Code of Virginia, as amended; and by letter dated September 27, 2001 from the Resident Engineer of the Department, the Department reported to the Board, that such improvements were completed and the Project Street meets the standards required for acceptance into the secondary system of state highways, pursuant to section 33.1-72.1(C) of the 1950 Code of Virginia, as amended; and*

*WHEREAS, the Department reported that, as a result of its services in improving Project Street, it incurred expenses in the total amount of \$11,440.64, which is \$4,559.36 less than was anticipated in calculation of the maximum amount to be assessed against Landowners, based on the Department's final pre-project cost estimate of \$16,000; and*

*WHEREAS, by Resolution 2001-02, the Board resolved that, upon payment to the Department of the expense for improvements to Project Street, Washington County shall collect from owners of properties abutting Project Street (Landowners) a special assessment as described in detail in said Resolution; and*

*WHEREAS, Landowners pre-paid such special assessments to the County and the pre-payments are held in the County account pending the County's receipt from the Department of the final invoice for the Department's services required to complete improvements to Project Street.*

*NOW, THEREFORE, BE IT RESOLVED, this Board requests that Project Street, as described by the following information, be added to the secondary system of state highways, pursuant to section 33.1-72.1(C) of the 1950 Code of Virginia, as amended:*

<i>Name of Project Street:</i>	<i>Carroll Street</i>
<i>Length:</i>	<i>362 Feet</i>
<i>From:</i>	<i>Route 1715</i>
<i>To:</i>	<i>Cul-de-sac</i>
	<i>Guaranteed Right-of-Way Width: 40 feet</i>
<i>Plat Approval Date:</i>	<i>August 6, 1954 (Plat Book 7, Page: 23, Slide 93)</i>

*And,*

*BE IT FURTHER RESOLVED, that a certified copy of this resolution and county check for the total amount due from the County in accordance with the requirements of section 33.1-72.1(C) of the 1950 Code of Virginia, as amended, and in accordance with Resolution 2001-02, be forwarded to the Resident Engineer of the Virginia Department of Transportation. Said certified check shall be in the amount \$5,720.32; and*

*BE IT FURTHER RESOLVED, that the County Attorney shall direct the Treasurer of Washington County to issue refund checks in the amount of \$569.92, each, to each contributing Landowner to reimburse the amount of the pro-rata shares they paid, based on the Department's final pre-project cost estimate, that exceeded the pro rata share due to the Department upon completion of the project.*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>	<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mr. Rector</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

**b. Proposal to Seek IRS Private Letter Ruling in Support of Refinance of School Board Early Retirement Bonds to Tax Exempt Status**

Ms. Bright presented communication from McGuire Woods concerning bonnm d proposal to obtain an IRS Private Letter Ruling related to lowering the interest rate n VRS bonds to the tax exempt rate, Ms. Bright reported there are three additional Virginia counties who agree to share the cost for legal fees, stating Washington County's share to engage McGuire Woods would be \$5,000.

*On motion of Mr. Ingle, second by Mr. Rector, it was resolved to appropriate \$5,000 from Reserves for Contingencies representing Washington County's share of the cost of legal fees to retain McGuire Woods for the purpose of obtaining an Internal Revenue Service Private Letter Ruling related to lowering the interest rate on Virginia Retirement System Bonds to the tax-exempt rate.*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>	<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mr. Rector</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

c. **VROIA Advisory Council Guidance Regarding Motion to Enter Closed Meeting**

Received communication from Virginia Freedom of Information Advisory Council advisory opinion in response to a question from County Attorney Lucy E. Phillips Bright as to the sufficiency of the motion under the procedural requirements of FOIA, as well as to whether the subject of the discussion was a proper topic for a closed meeting. In the advisory opinion, Maria J. K. Everett, Executive Director, concluded the motion to enter the closed meeting satisfies the three procedural requirements of FOIA, in that it stated the specific statutory exemption, the subject, and the purpose of the closed session.

d. **Notice re Smoking Ban in City of Bristol Sheriff's Offices**

Received informational communication from the Washington County Bar Association giving notice effective October 1, 2001 Bristol, Virginia Sheriff's Office will ban smoking in various locations at their facility.

e. **Request for Board Action Regarding Two 1984 Cassette Tapes of the Board of Supervisors Meeting Held in 1984**

Ms. Bright requested authorization to destroy two audio cassette tapes from 1984 under seal of the court and placed in the County safe deposit box.

*On motion of Mr. Rector, second by Mr. Ingle, it was resolved to authorize the County Attorney to destroy two audio cassette tapes from 1984; further, it was resolved that these two tapes will not be made available to the public, that they will remain a confidential record until destroyed.*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>	<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mr. Rector</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

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**Consent Agenda**

a. **Payment of Bills, September 2001**

b. **Supplemental Appropriations:**

:: **Washington County School Board, \$912,726.75:**

21<sup>st</sup> Century Community Learning Centers \$138,555.00

School/Community Health Services Grant \$200,000.00

Sliver Grant \$ 14,918.00

Title VI \$ 61,227.00

County of Washington, VA (Scholarships) \$ 12,000.00

School to Work State Implementation Grant\$ 61,437.75

21<sup>st</sup> Century Community Learning Centers \$424,589.00

:: **Fire Fund Program, \$1,396.42**

:: **Clerk of Circuit Court in the amount of \$60,141.35 to FD #1 Dept 21600 from the Compensation Board amending the equipment budget**

- for the Washington County Circuit Court Clerk; further it was resolved that these additional funds are the Clerk's Technology Trust Funds;
- c. Cancelled Check No. 116650, Brumley Gap Community Center, in the amount of \$5,988.49
  - d. Request for Payment of Remaining Balance of Funds – William King Regional Arts Center, \$61, 875

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>	<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mr. Rector</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

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### **Board Member Reports**

Mrs. Mumpower advised the Board she will not be present at the October 16, 2001 Board of Supervisor's meeting, that she will be out of town due to a family illness.

Mr. Roberts reported that Konnarock Physicians, Inc. was not successful in being funded in their application to the State Health Department. He reported there it is anticipated they will be considered for funding in the next cycle of applications, and requested a follow-up resolution be forwarded to the Health Department.

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

#### ***RESOLUTION NO. 2001-34***

#### ***IN SUPPORT OF STONE MOUNTAIN HEALTH SERVICES' APPLICATION TO THE BUREAU OF PRIMARY HEALTH CARE FOR A CHANGE OF SCOPE TO PROVIDE PRIMARY MEDICAL CARE IN KONNAROCK, VIRGINIA***

*WHEREAS, the Konnarock community presently receives essential primary medical services from Konnarock Physicians; and,*

*WHEREAS, the Konnarock community has benefited from the medical services provided by Janice F. Gable, M. D. since 1971, and in recent years, the practice incorporated and became Konnarock Physicians; and,*

*WHEREAS, the provision of these services in a clinic, hospital, nursing home, patient's home or nursing home is essential in an area with a substantial elderly population where transportation resources are often limited; and,*

*WHEREAS, Konnarock Physicians must soon cease providing medical services due to inadequate operating funds, increasing costs, changes in reimbursement patterns and a disadvantaged population thus leaving the Konnarock community without primary care medical services; and,*

*WHEREAS, Konnarock Physicians seeks to affiliate with Stone Mountain Health Services, a consortium of Community Health Clinics serving Southwest Virginia, which has the administrative and technical capacity to provide primary medical services in under served rural communities, and*

*WHEREAS, a change in scope of Stone Mountain Health Care Services application would allow Stone Mountain to provide this much needed service in Konnarock, and*

*WHEREAS, Stone Mountain Health Services has tentatively agreed to provide a full service Community Health Center for the Konnarock community with two practicing physicians, pending a successful grant application to the Bureau of Primary Health Care and subsequent grant funding;*

*WHEREAS, the Washington County, Virginia Board of Supervisors understands the Konnarock community qualifies as a site for a community health center;*

*NOW, THEREFORE, BE IT RESOLVED, the Washington County, Virginia Board of Supervisors strongly endorses Stone Mountain Health Services' Application; and,*

*BE IT FURTHER RESOLVED, the Washington County, Virginia Board of Supervisors is extremely concerned about the potential for the Konnarock community to be without needed primary health care and recommends the Bureau of Primary Health Care give urgent and favorable consideration to Stone Mountain Health Services providing this essential and primary medical service.*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>	<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mr. Rector</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

Mr. McCall commended the Chamber of Commerce and Leadership Washington County for their efforts in encouraging future community leaders through the Chamber leadership program.

Mr. Derting reported on attending Congressman Boucher's technology announcement.

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20                    **Citizen Comments**

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

The following individuals addressed the Board of Supervisors:

Lacy Love;  
Patrick Mannix;  
Thomas Whittaker

At 10:25 p.m. Mr. Ingle left the meeting.

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21                    **Recess to Tuesday, October 16, 2001, 7:00 p.m., Conference Room 1, County Administration Building, for Joint Worksession Meeting with Washington County Planning Commission for Presentation on Status of County Website and Update on Development of County GIS**

*On motion of Mr. Barker, second by Mr. Rector, it was resolved to recess to Tuesday, October 16, 2001, 7:00 p.m. for the purpose of holding a joint work*

*session meeting with Washington County Planning Commission for presentation on the status of County Website and Update on Development of County GIS.*

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

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>	<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>	<i>Mr. Barker</i>	<i>Aye</i>

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Joe W. Derting, Chairman