VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, September 23, 2008, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia the following were present:

PRESENT:

Jack R. McCrady, Jr., Vice Chairman Phillip B. McCall Dulcie M. Mumpower Odell Owens Paul O. Price Thomas G. Taylor

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

ABSENT:

Kenneth O. Reynolds, Chairman

1. Call to Order

The meeting was called to order by Mr. Jack R. McCrady, Jr., Vice Chairman of the Board, who welcomed everyone in attendance.

Mr. McCrady noted that Mr. Reynolds is attending a meeting of the National Association of Counties and may not be attending the meeting.

2. Invocation and Pledge of Allegiance

Supervisor Tom Taylor gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

On motion of Mrs. Mumpower, second by Mr. Owens, it was resolved to approve the agenda with the following amendments:

Withdrawal of Item 5.a.2

Consideration of Supplemental Appropriation Requests from Washington County Public Library

Addition of New Item 5.a.2

Consideration of Bids for Financing of Acquisition of Hawkins/Payne and Century Development, LLC Properties

Addition of New Item 5.a.6

Consideration of Rescheduling of November 11 Board Meeting

Addition of New Item 5.a.7

Discussions Pertaining to the Joint County/Town Sports Complex Project

Addition of New Item 8.a

Request to convene in Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(5) for discussion concerning prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; specifically a new industry proposed for location in Oak Park: Center for Business & Industry

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

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

4. Consent Agenda:

Mr. Seamon noted a clarification in Item b.2. of the Consent Agenda explaining that the amount for the supplemental appropriation request for the Department of Criminal Justice should be \$2,240.

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

a. Approval of Minutes:

- 1. September 2, 2008 Recessed Meeting
- 2. September 9, 2008 Regular Meeting

b. Approval of Routine Financial Matters:

- 1. Request for Revenue Refunds Building Permit Fee
- 2. Request for Supplemental Appropriations-Carryover of Funds for Various FY 2007-2008 Grant Projects

c. Award of Bids and Approval of Contracts:

d. Authorization of Routine Business Matters:

1. Consideration of Resolution Requesting Incorporation of Hollyridge Drive into State System of Secondary Highways – Adopted as Follows:

RESOLUTION 2008-40 ADDITION OF 0.19 MILES OF HOLLYRIDGE DRIVE TO SECONDARY SYSTEM OF STATE HIGHWAYS HOLLYRIDGE SUBDIVISION

WHEREAS, the street(s) described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on the plats recorded in the Clerk's Office of the Circuit Court of Washington County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the <u>Subdivision Street Requirements</u> of the Virginia Department of Transportation;

NOW, THEREFORE, be it RESOLVED this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

BE IT FURTHER RESOLVED this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easement for cuts, fills and drainage, and

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: (6-0)

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

5. General Business:

a. Actionable Items:

1. Consideration of Proposed Glade Spring Branch Library Project

Mr. Reeter provided a review of the proposed Glade Spring Branch Library Project. The Glade Spring Library Branch is currently located in a former small church building on Gray Street in Glade Spring. The Library Planning Committee earlier this year began the search for space suitable to relocate the Glade

Spring Library Branch. The Town of Glade Spring has been given Deed of Gift for a building from John S. and Mary L. Perry. The building is 7,200 square feet and is located at the eastern end of the Town's central business district. The structure appears to be in the right location and of the right size to be renovated for use as a branch library. The Deed of Gift to the Town of Glade Spring was recorded on January 2, 2008, and stipulates that the property will revert back to the Perry family if a library is not established in the building prior to January 2, 2011, or if the building is no longer used for a library prior to January 2, 2029. The Town of Glade Spring is offering use of the building to the County for use as a branch library.

Mr. Reeter explained that the building, which is a two story structure, has about 3,600 square feet of space located on each floor. It is proposed that the first floor of this building be renovated for use as a branch library. The second floor would be renovated by the Town of Glade Spring for their use. He further explained that due to time constraints set out in the Deed of Gift, it is proposed to the Board that authorization be given to engage the services of Beeson & Beeson, Architects to design the renovations to the first floor of the building at a cost not to exceed seven percent (7%) of the renovation costs or \$29,000.00, whichever is less. This amount is below the dollar amount that requires the County to formally procure professional services. In the interest of expediting the project, it is recommended that the Beeson & Beeson proposal be accepted pending negotiation of a contract. The total cost of renovating the first floor of the building has been ball parked at around \$400,000.00; however, it is proposed to engage Beeson & Beeson's services to first develop a more accurate preliminary cost estimate for final consideration by the Board before committing to this project and entering into a final design services contract.

Mr. Reeter explained that the a second action requested by the Board is for an appropriation of \$2,000.00 to pay Beeson & Beeson an initial payment for the firm to develop a true preliminary cost estimate. This amount would be deducted from the \$29,000.00 project fee.

Discussions ensued among the Board. Mr. Taylor noted that the old building attached to the Perry building shown in pictures provided to the Board has now been torn down by the Town of Glade Spring by authorization from the Perry's.

Mr. Reeter explained that a summary of actions that are outlined in the proposed Resolution before the Board are:

- 1. To negotiate a Professional Services Agreement with Beeson & Beeson not to exceed \$29,000.00;
- 2. To authorize the County to begin negotiations with the Town of Glade Spring to lease or otherwise use the first floor of the Perry Building for the purpose of the branch library project subject to Board approval at a later date;
- 3. To earmark funds in the Capital Reserve Fund to pay expenses associated with the Professional Services Agreement with Beeson & Beeson (if approved); and
- 4. To approve a supplemental appropriation from reserve for contingencies in the amount of \$2,000.00 to provide an initial payment to Beeson & Beeson for development of a preliminary cost estimate.

After further discussions, the following action was taken:

On motion of Mr. Taylor, second by Mr. McCall, it was resolved to adopt the Resolution as presented regarding the Glade Spring Branch Library Project.

Discussions ensued concerning the motion. Among the issues discussed was the preliminary estimate of \$400,000.00 for renovating the first floor of the Perry Building. Washington County Public Library Director Charlotte Parsons explained that she is not familiar with the cost estimate. Town of Glade Spring Mayor Steve Roland addressed the Board explaining that after his discussion with Charlie Day of Beeson and Beeson it is his understanding that the preliminary estimate of \$400,000.00 is for the renovation both floors.

Mr. Taylor commented that during the FY 2008-2009 budget worksessions it was discussed that the Hayter's Gap and Damascus Branch Library projects would be finished within this fiscal year which would make monies available in the next fiscal year to pay for the Glade Spring Branch Library project.

Mr. McCall (Library Planning Committee member) commented that the Library Planning Committee has searched for properties in the Glade Spring area suitable for use as a branch library. The current location of the Glade Spring Branch Library has some safety issues relating to traffic. The Perry Building appears to be a sound building and suitable for use as a branch library. He explained there are issues with access to the second floor as the building has an antiquated elevator. However, this will be an issue for the Town of Glade Spring to resolve.

The following is the Resolution was adopted by the Board:

RESOLUTION 2008-41 PRELIMINARY AUTHORIZATIONS CONCERNING PROPOSED NEW BRANCH COUNTY LIBRARY FOR GLADE SPRING AREA

WHEREAS, the Town of Glade Spring, Virginia (the Town) has by Deed of Gift dated August 7, 2008 received from Mary L. Peery a certain piece of property identified as County Tax Map 052A2-A-38 consisting of approximately 0.229 acres and containing a former grocery and dry goods store building of approximately 7,200 square feet (the Peery Building), and

WHEREAS, the stipulations of the Deed of Gift call for the establishment of a library within the Peery Building prior to January 2, 2011, and

WHEREAS, the Planning Committee of the Washington County Public Library and Town officials have initially determined the Peery Building to be a suitable location for a replacement branch library to serve the Glade Spring area of the County, and

WHEREAS, the Town is offering to the County use of the Peery Building for a replacement branch library, subject to the terms of a negotiated lease or other agreement between the Town and County for a portion of the building for this purpose, and

WHEREAS, the existing branch library facility located on Grace Street in Glade Spring is inadequate to meet both current and future needs for library services

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that the Board authorizes the following with respect to a project to renovate the Peery Building for use as a new County branch library serving the Glade Spring area:

1. Negotiation of a professional services agreement with Beeson & Beeson, Architects of Abingdon for services needed for the project at a cost not to exceed \$29,000.00, with final approval of said agreement subject to further Board action.

2. That a lease or other agreement be negotiated between the County and Town of Glade Spring for the purpose of renovation, occupancy and use of the Peery Building as a County branch library, with final approval of such agreement subject to further Board action.

BE IT FURTHER RESOLVED that the Board requests a preliminary cost estimate concerning the renovation of the Peery Building for use as a County branch library be generated by Beeson & Beeson, Architects as soon as possible, and that final Board approval to proceed generally with the project shall be withheld pending Board review and consideration of this estimate and terms of lease or use of the Peery Building.

BE IT FURTHER RESOLVED that the Board amends the County Operating Budget for Fiscal Year 2008-2009 as follows:

- 1. To establish new Line-Item 94911-5890-07, Earmark-Peery Building, in the amount of \$27,000.00; and
- 2. To transfer \$2,000.00 from Line-Item 91400-5890 to a new Line-Item 94330-3145, Purchased Services-Professional.

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

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

Ms. Parsons commended the Town of Glade Spring for their work on the Glade Spring Branch Library Project.

2. Consideration of Bids for Financing of Acquisition of Hawkins/Payne and Century Development, LLC Properties

The Board received a presentation from Mr. David Rose with Davenport and Company (County's Financial Advisor) and Mr. Dan Siegel with Sands Anderson Marks and Miller (County Bond Counsel) concerning the bids received for the financing of the acquisition of the Hawkins and Payne properties and for the purchase of the American Electric Power Service Center Facility (AEP Building).

Mr. Rose reviewed the financing needs for both acquisitions. He explained that an estimated \$2.4 million is needed for the acquisition of the Hawkins/Payne property and that the options on this property must be exercised by October 31, 2008. An estimated \$2.0 million is needed for the purchase of the AEP Building. The closing on the financing for the AEP Building will happen before the end of this calendar year. The combined financing for both acquisitions are estimated not to exceed \$4.4 million. Mr. Rose explained that the original plan of finance anticipated using the County's remaining tax-exempt bank qualified financing capacity. However, due to the proposed Johnston Memorial Hospital transaction, tax-exempt bank qualified financing is not available. The revised plan of finance will incorporate tax-exempt, non-bank qualified financing for both the bond anticipation note on the acquisition of Hawkins/Payne property and bond financing for the acquisition of the AEP building. Mr. Rose further explained that the County and Industrial Development Authority (IDA) have negotiated an agreement

with Johnston Memorial Hospital to "buy down" the final interest rate to a tax-exempt bank qualified equivalent.

Mr. Rose provided the Board with a summary of the Request for Proposals (RFP) process. He explained that RFP's to provide both bank qualified and non-bank qualified financing were distributed to 13 local, regional and national banking institutions. Proposals were received from three financing institutions as follows:

BB & T (BB & T withdrew its non-bank qualified option); First Bank & Trust (bank qualified option only); and SunTrust Bank (bank qualified option)/SunTrust Leasing (non-bank qualified option).

Mr. Rose explained that based on the need to use non-bank qualified financing, SunTrust Leasing has provided the County with the ability to finance its needs for the purchase of the Hawkins/Payne properties and the AEP Building. The interest rate for the bond anticipated note financing for acquisition of Hawkins/Payne property is 3.778%, and the bond financing for purchase of the AEP Building is estimated at 5.35% (as of September 19, 2008) the actual rate will be determined on September 23 and can be locked in on September 24. He further explained that given the current conditions in the credit markets, in the event SunTrust leasing withdraws its financing as proposed, the County will be positioned to accomplish the financing in a similar manner as that of "The Highlands."

Mr. Rose reviewed the financing summaries for the bank anticipation note on the Hawkins/Payne property acquisition and the bond financing on the purchase of the AEP Building, as well as the timeline for both financings.

Mr. Dan Siegel reviewed with the Board the proposed Resolution pertaining to financing of the acquisition of the Hawkins/Payne Property and the AEP Building.

Substantial discussions ensued among the Board.

Mr. Price questioned why the acquisition of the Hawkins/Payne Property and the AEP Building purchase were being considered in one Resolution. He explained that it is not definite that a sewer agreement will be negotiated for the area of Oak Park, and the Hawkins/Payne Property may not be needed. Mr. Reeter explained that the primary reason for the acquisition of the Hawkins/Payne property is to provide a new industrial access road into Oak Park. In 18 months from now the County/IDA will do a permanent refinancing of the purchase of this property to include an additional borrowing to construct the new access road.

Mrs. Mumpower explained that the County Facilities Committee considered the Hawkins/Payne property as a potential site for a County Government Office Complex. However, there is a major issue with the access to Oak Park: Center for Business and Industry via Westinghouse Road because of the mix of residential and industrial traffic. An engineer has looked at the Hawkins/Payne property and determined it to be a key property to construct a new industrial access road into Oak Park. She commented that the County has lost several industrial parks because of the industrial access road into Oak Park. Therefore, the primary reason to proceed with the purchase of the Hawkins/Payne Property is to use the property to build a new industrial access road into Oak Park.

Mr. Owens stated that the Board has identified a new industrial access road into Oak Park as a critical need. When the new road is built it will open Oak Park to new industry.

Mr. McCall commented that the rail service at the back of the property is another factor that makes the property attractive.

Further discussions ensued primarily concerning the traffic on Westinghouse Road, and the need for a new industrial access road to serve Oak Park.

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

RESOLUTION 2008-42

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF WASHINGTON APPROVING A
PLAN OF FINANCING WITH THE INDUSTRIAL DEVELOPMENT AUTHORITY OF
WASHINGTON COUNTY, VIRGINIA, FOR THE

PURCHASE OF PROPERTY LOCATED FOR USE AS COUNTY OFFICE FACILITIES AND FOR AN ALTERNATIVE ACCESS CORRIDOR TO OAK PARK CENTER FOR BUSINESSS AND TECHNOLOGY

WHEREAS, the Board of Supervisors (the "Board of Supervisors") of the County of Washington, Virginia (the "County"), desires to undertake, in conjunction with the Industrial Development Authority of Washington County, Virginia (the "Authority"), a program for financing the purchase of property for use as County office facilities for the County Sheriff's Department (the "Sheriff's Facilities") and for the purchase of land for an alternative access corridor to Oak Park Center for Business and Technology (the "Oak Park Alternative Access Facilities") (the Sheriff's Facilities and the Oak Park Alternative Access Facilities are referred to collectively as the "Projects");

WHEREAS, the Authority, pursuant to the Industrial Development and Revenue Bond Act (the "Act") under which it was created, is authorized to exercise all of the powers set forth in the Act, which powers include, among other things, the power to enter contracts and agreements; to finance facilities for use by, among others, a county, and to issue revenue bonds, notes and other obligations from time to time for such purpose; and to pledge all or any part of the revenues and receipts derived from payments received from the use of such facilities or from any source as security for the payment of principal of and interest on any such obligations;

WHEREAS, in furtherance of the purposes of the Act, the County has requested the Authority to undertake the Projects, and the Authority has determined to issue its revenue bonds and notes and to use the proceeds there from to finance costs incurred in connection with the Projects for the benefit of the County;

WHEREAS, the County and the Authority adopted Joint Resolutions on August 20, 2008, in connection with the Projects, which, among other things directed Davenport & Company LLC as financial consultants and Sands, Anderson, Marks & Miller, a Professional Corporation, as the County's Bond Counsel (together, the "Consultants"), to evaluate financing options and to recommend a plan of financing for the Projects (the "Plan of Financing");

WHEREAS, the Consultants have presented the Plan of Financing to the Board of Supervisors as described below, and in turn, the Board of Supervisors desires to direct the Consultants to prepare the appropriate documentation to complete and fund the Plan of Financing for the Projects;

WHEREAS, the Plan of Financing includes the issuance of lease revenue bonds by the Authority for the purchase of the Sheriff's Facilities in an amount of approximately \$2,000,000 (the

"Bonds") and the issuance of lease revenue bond anticipation notes by the Authority for the purchase of the Oak Park Alternative Access Facilities in an amount of approximately \$2,400,000 (the "BAN"), each to be repaid by the moral obligation of the Board of Supervisors under a subject to appropriation lease arrangement;

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

- 1. The following Plan of Financing for the Projects is hereby approved.
- (a) The Authority will issue the Bonds in an aggregate principal amount of approximately \$2,000,000. The Authority will use the proceeds of the Bonds to finance the costs of the Sheriff's Facilities and to pay the costs of issuing the Bonds. The County will enter into a lease financing agreement, wherein the rental payments will be paid to the Authority in amounts sufficient to amortize the Bonds, to pay the fees or expenses of the Authority, costs of issuance and to pay certain other related costs. The obligation of the Authority to pay principal of and premium, if any, and interest on the Bonds will be limited to payments received from the County. The Bonds will be secured by an assignment of such payments along with a leasehold interest on the Sheriff's Facilities.
- (b) The Authority will issue the BAN in an aggregate principal amount of approximately \$2,400,000. The Authority will use the proceeds of the BAN to finance the costs of the Oak Park Alternative Access Facilities and to pay the costs of issuing the BAN. The County will enter into a lease financing agreement, wherein the rental payments will be paid to the Authority in amounts sufficient to pay interest and principal on the BAN, to pay the fees or expenses of the Authority, costs of issuance and to pay certain other related costs. The obligation of the Authority to pay principal of and premium, if any, and interest on the BAN will be limited to payments received from the County. The Bonds will be secured by an assignment of such payments along with a leasehold interest on the Oak Park Alternative Access Facilities
- (c) The undertaking by the County to make payments under such lease financing agreements will be subject to the appropriation by the County Board of Supervisors from time to time of sufficient amounts for such purposes. The plan of financing for the Projects may contain such additional requirements and provisions as may be approved by the County Administrator and the Chairman.
- 2. The Plan of Financing includes the acceptance of the proposals from SunTrust Leasing for the purchase of the Bonds and the BAN, with the Bonds having maturing in 2028 and a preliminary interest rate of 5.41% and the BAN maturing in 2011 and a preliminary interest rate of 3.78%, with the final interest rates, principal amounts and amortization to be determined prior to closing. The County Administrator and Chairman are each authorized to make such changes and modifications to the Plan of Financing, upon the recommendation of the Consultants, as they may deem necessary or appropriate, including, but limited to such other financing alternatives due to the volatility of the financial markets as recommended by the Consultants. The execution and delivery of the documents relating to the Plan of Financing by the County shall constitute conclusive evidence of the County Administrator's and Chairman's approval of the final terms of the Bonds and the BAN.
- 3. The Authority is hereby requested to undertake the issuance of the Bonds and the BAN and to loan the proceeds of the Bonds and the BAN to the County for the Projects.

- 4. The Board of Supervisors, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make the payments under the lease financing agreements and hereby recommends that future Boards of Supervisors do likewise during the terms thereof. The Board of Supervisors further directs the County Administrator or other officer charged with the responsibility for preparing the County's Annual Budget to include in the proposed budget for each fiscal year, as a single appropriation, the amount of all of such payments coming due during such fiscal year.
- 5. All costs and expenses in connection with the undertaking of the Projects and the issuance of the Bonds and the BAN shall be paid from the proceeds of the Bonds and the BAN. If for any reason the Bonds and the BAN are not issued, it is understood that all such expenses shall be paid by the County from its legally available funds and that the Authority shall have no responsibility therefor.
- 6. The Board of Supervisors recommends to the Authority that Sands, Anderson, Marks & Miller, a Professional Corporation, Richmond, Virginia, be appointed as Bond Counsel.
- 7. The Board of Supervisors hereby declares, in accordance with U.S. Treasury Regulation Section 1.150-2, as amended from time to time, the County's intent to reimburse the County with the proceeds of the Bonds and the BAN for expenditures with respect to the Projects. The County and the Authority reasonably expect that the County or the Authority will reimburse itself for the expenditures, with the proceeds of the Bonds and the BAN. The maximum principal amount of the Bonds and BAN expected to be issued for the Projects is \$5,100,000.
- 8. 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.
- 9. All other acts of the County Administrator and other officers of the County that are in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds and the BAN and the undertaking of the Projects are hereby approved and ratified.
 - 10. This Resolution shall take effect immediately.

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

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

3. Consideration of Washington County Erosion and Sedimentation Control Program

Mr. Reeter explained that in April of this year, the Virginia Department of Conservation and Recreation (DCR) performed a Local Program Review of the County's Erosion and Sedimentation Control (ESC) Program as required by County Code. The DCR's review found the County's ESC Program inconsistent with DCR requirements in almost all key Program areas. He explained that since the DCR review,

County Attorney Lucy Phillips and he have been communicating with DCR concerning the County's ESC Program. DCR required the County to enter into a Corrective Action Agreement which indicates the County's willingness to correct the deficiencies. The County requested an extension to complete the items contained in the Corrective Action Agreement and was granted an extension to November 11 of this year.

Mr. Reeter explained that the County's ESC Program is a state-mandated program. The DCR was given legal authority by the General Assembly to oversee how Virginia's local governments implement and enforce ESC regulations. The State provides no funding specifically for the localities to hire the necessary personnel to operate the ESC program. Essentially it is an unfunded mandate. DCR expects a locality to conduct their own review of ESC documents and plans; to conduct their own field work; and to file civil claims. In the last five years, DCR has begun to focus on the way a locality is enforcing ESC ordinances, especially rural areas. DCR does allow a locality to charge fees for ESC plan review and land disturbing permits. However, the fee program does not offset the costs to operate the ESC Program.

Mr. Reeter explained that two of the County's Building Inspectors were trained and certified by DCR to do the basic plan review and field inspection work required by the Program regulations. However, the DCR's training is minimal and the regulatory requirements for the type of grading plans to be submitted for review are increasingly technical and complicated especially for major land-disturbing construction projects such as residential subdivisions and commercial plaza developments. Added to this are rather onerous and frequent field-inspection requirements for construction projects underway and significant recordkeeping for each land-disturbing project. The County Engineer earlier this year took some initial steps to review erosion and sediment control issues. However, now the County Engineer's position is vacant with no guarantee that the County will be able to refill the position in the near future. Because there is not sufficient County staff to oversee the County's ESC Program to DCR standards, it is proposed that the ESC work be contracted to a professional engineering firm. DCR is asking the County to take steps in the short term to improve its administration and enforcement of the County ESC Ordinance while building the in-house resources through a new engineer and possibly a new field inspection position and then eventually take back the administration and enforcement of the County ESC Ordinance. engineering firm would conduct the ESC plan reviews, conduct the field inspections and when necessary work with the County Attorney regarding enforcement actions for violators of the County ESC Ordinance.

Mr. Reeter added that the main reasons for the deficiencies found in the DCR review is because of the lack of County personnel and technical expertise within the County government to be able to administer the requirements of the ESC program in a way satisfactory to DCR.

Ms. Phillips commented on the strict regulations the DCR places on the ESC Program. She specifically discussed the field inspections that are required within 72 hours of a rain event on all projects that have ESC plans. This alone is a major task and very time consuming. She further commented that the County Building Inspector's first priority is their building inspection duties. Ms. Phillips explained that the Corrective Action Agreement presents the County with a tough list of things to accomplish before November 11. However, as long as DCR sees progress on the County's part they will mark the item as the County working toward compliance.

Discussions ensued among the Board. Among the issues discussed were the fines that could be levied against the County for violations of the ESC Program, the fee structure for the ESC Program which is currently \$100.00 to review ESC plans and the land disturbance permit fee is \$25.00. Also, Mr. Reeter provided the Board with a brief description as to how the County's ESC Program works.

On motion of Mr. Taylor, second by Mr. McCall, the Board acted to authorize the County Administrator to solicit proposals for professional services for firms to administer the County's Erosion and Sedimentation Control Program and further to appoint the County Administrator, County Attorney and a member of the Board to the Section Team for this purpose.

Discussions ensued concerning the proposed action.

Mr. Taylor explained that he proposes that three or more engineering firms be selected to oversee the County ESC Program. This is proposed in order to avoid conflicts of interest that might arise if the engineering firm selected by the County has another client with ESC issues. In this case the engineering firm could not review that client's plans. If there are several firms selected then one of the other firms could review the plans.

Further discussions ensued.

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

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

4. Consideration of Draft Ordinances for Authorization for Public Hearing:

Ms. Phillips provided the Board with a review of two draft ordinances for Board review and authorization to schedule public hearings on the proposed ordinances.

a. Amendment of County Erosion and Sedimentation Control Ordinance (County Code Chapter 30, Article V)

Ms. Phillips explained this proposed ordinance would amend the County Erosion and Sedimentation Control Ordinance to conform to State law, which has been amended through the years to include provisions that are not currently in the County's ordinance. The main difference is that there is inclusion of definitions in the proposed amendments. Further adoption of the updated form of the ordinance is one of the factors included in the County's Corrective Action Agreement with DCR to bring its Erosion and Sedimentation Control Program in compliance with state standards.

b. Adoption of New County Code Chapter 14, Article II, Unsafe Structures

Ms. Phillips explained that this proposed ordinance would amend Chapter 14 of the County Code to authorize the County abatement or removal of unsafe structures. It allows the County to secure, repair or remove a structure that poses a threat to public health and safety. The proposed ordinance would also establish a procedure to give the owner of the property a reasonable time to remove, repair or secure an unsafe structure. State law requires that the owner have 30 days after the date of notice to submit to the County a plan for correction. The proposed ordinance requires the owner to submit a plan for remedial action within a period of time not less than thirty days nor more than ninety days. The ordinance further

establishes procedures to allow for a public hearing to give residents an opportunity to voice concerns and allow time for the property owner to respond to the concerns. The Board of Supervisors will make the final determinations. The proposed ordinance applies to industrial and business zoned areas in the County. However in the event of an imminent and substantial threat to public health and safety the ordinance would apply to any zoning district of the County.

Discussions ensued among the Board concerning proposed revisions to the draft ordinance. Mrs. Mumpower requested that the language be amended in Section 14-23, Paragraph (d.), and subsection 1 to say that the property owner would be required to submit a remedial action plan within a specified period of time within not less than thirty days nor more than sixty days. Further discussions ensued concerning the County's ability to recover costs in situations where the County secures the building. Ms. Phillips explained that Section 14-27 of the proposed ordinance addresses this issue and states that costs incurred by the County to secure a structure shall be chargeable to and paid by the owners of the property and may be collected by the County as taxes are collected. She further explained that any unpaid assessments against the owner shall constitute a lien against the property ranking on parity with liens for unpaid local taxes and enforceable in the same manner.

Ms. Phillips reviewed the process of how a structure is determined to pose a threat to public health and safety.

After further discussions, the following action was taken:

On motion of Mr. Owens, second by Mrs. Mumpower, the Board acted to authorize the scheduling of public hearings on the draft ordinances as presented.

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

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

5. Consideration of Proposed FY 2009-10 County Operating Budget Calendar

Mr. Reeter reviewed the proposed FY 2009-2010 County Operating Budget Calendar. He explained that the proposed calendar sets a deadline of December 30 for departments/agencies to submit budget requests to the Accounting Department. The Board is asked to approve the proposed calendar at this time so that the Accounting Department may proceed with notifying departments/agencies.

On motion of Mr. Taylor, second by Mrs. Mumpower, the Board acted to approve the proposed FY 2009-2010 County Operating Budget Calendar.

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

Mr. McCall Aye
Mr. McCrady Aye
Mrs. Mumpower Aye

Mr. Owens	Aye
Mr. Price	Aye
Mr. Taylor	Aye

6. Consideration of Rescheduling of November 11 Board Meeting

Mr. Reeter explained that the regular Board meeting of Tuesday, November 11 falls on the observed Veteran's Day holiday. It is proposed that this Board meeting be rescheduled to Wednesday, November 12.

On motion of Mr. McCall, second by Mr. Owens, the Board acted to reschedule the first November meeting to Wednesday, November 12.

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

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

7. Discussions Pertaining to the Joint County/Town Sports Complex

Mr. McCrady reported that he and Chairman Kenneth Reynolds met with the Town of Abingdon Mayor and Vice Mayor to discuss issues pertaining to the Joint County/Town Sports Complex. The following recommended proposal was agreed upon:

- A 60% County/40% Town Financial Arrangement;
- The RFA will be comprised of four appointments by the County and three appointments by the town;
- The RFA Chairman shall be appointed by the RFA and shall have not voting rights except in cases of a tie vote;
- No elected official shall serve on the RFA;
- The 60% County/40% financial arrangement shall remain through build out of the sports complex facility. After build out of the sports complex facility is completed, the County will assume maintenance costs of the facility that are above the revenues that the Sports Complex Facility brings in:
- Both the County/Town has the right to review the appointments of the other party.

Substantial discussions ensued among the Board concerning the proposal with the following action being taken:

On motion of Mr. Taylor, second by Mr. Price, the Board acted to adopt the recommendation of the Board Chairman and Vice Chairman and the Town of Abingdon Mayor and Vice Mayor pertaining to the Joint County/Town Recreational Facilities Authority (RFA) and Sports Complex Project as follows:

• A 60% County/40% Town Financial Arrangement;

- The RFA will be comprised of four appointments made by the County and three appointments made by the town;
- The RFA Chairman shall be appointed by the RFA members and will have no voting rights except in cases of a tie vote;
- No elected official shall serve on the RFA;
- The 60% County/40% financial arrangement shall remain in effect through build out of the sports complex facility. After build out of the sports complex facility is completed, the County will assume maintenance costs of the facility that are above the revenues that the sports complex facility brings in:
- Both the County/Town has the right to review the appointments of the other party.

Lengthy discussions ensued.

Mrs. Mumpower stated for the record that the Joint County/Town Sports Complex facility is needed; however, this facility will not take care of all the needs in the County so far as other sports fields are concerned. There will be issues in other districts such as the Monroe, Tyler and Wilson Districts. She explained that the sports complex project began when representatives of soccer groups in the County came before the Board with the need for fields. She stressed that that the Joint County/Town Sports Complex facility would not take care of issues in other areas of the County. At some point the Board will have to address the other needs.

Mr. Owens asked that the Board consider tentative approval of the proposal pending confirmation that the Abingdon Town Council accepts the proposal. Further discussions ensued.

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

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

6. Board Member Reports

Mr. Taylor reported that he is receiving complaints about barking dogs from people outside of the Monroe District. He stated that the County needs to work on this issue.

Mr. Owens explained that there is some confusion as to which governing body (Board of Supervisors/Library Board of Trustees) oversees a library capital project such as renovation of one of the library branches or new construction. He stated that the issue needs to be clarified as to who has sole responsibility for the renovating of library facilities or construction of new library facilities. Discussions ensued among the Board concerning this issue. Mr. Reeter explained that traditionally the Library Board of Trustees does not have clear contracting powers. The Library's budget is approved by the Board of Supervisors. He further explained that contracts especially for a new construction project should be issued through the County of Washington under the Board of Supervisors. If there is a lease on a library

facility the leases can be between the Library Board of Trustees and the owner of the property, but subject to appropriation of funds by the Board of Supervisors.

Mr. McCall asked if the Joint County/Town Sports Complex Committee would proceed with their work if the Abingdon Town Council accepts the proposal. Mr. Reeter explained that the Committee may wish to wait until the Recreational Facilities Authority (RFA) is established and then hand the project off to the RFA.

Mr. McCrady stated that Mr. McCall had some serious surgery last week and it is good to see him in attendance at the meeting.

Mr. McCrady commented that the Joint County/Town Sports Complex will answer one need in the County. The needs of the County and the demographics will change, and the Board will handle one request at a time.

Mr. Price expressed his appreciation to the Board for the financial support provided to assist with the purchase of playground equipment at Hayter's Gap Community Center and announced that a ceremony to dedicate the playground equipment will be held Saturday, September 27 at 4:00 PM at the Community Center.

7. **Board Information and Reminders**

Ms. Phillips reviewed the following information:

An article from <u>the Public Lawyer</u> that describes the process for bailout from the Voting Rights Act. She explained that she received notice from the legal counsel handling the bailout case for the County that it is anticipated that an order will entered soon that the County was successful with their bailout request.

Ms. Phillips advised the Board that Clifton Stewart Developers has offered an extension on the closing date of the property for the Joint County/Town Sports Complex Project until January 31, 2009, if the contract for the property is amended to basically state that all the contingencies have been met. She explained that with permission of the Board, and if the Abingdon Town Council, at their October 6 meeting approves the proposal adopted by the Board tonight, then she will meet with the legal counsel for the Town of Abingdon and Clifton Stewart to work out the details of a new contract for the purchase of the property. It was consensus of the Board to authorize the County Attorney to initiate the meeting as requested.

8. Closed Meeting(s):

a. Request to convene in Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(5) for discussion concerning prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; specifically a new industry proposed for location in Oak Park: Center for Business & Industry

On motion of Mr. McCall, second by Mr. Price, the Board acted to convene in Closed Meeting pursuant to Pursuant to Virginia Code Section 2.2-3711(A)(5) for discussion concerning prospective

business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community; specifically a new industry proposed for location in Oak Park: Center for Business & Industry. It was further resolved to include County Administrator Mark Reeter, County Attorney Lucy Phillips, Assistant County Administrator Christy Parker and Industrial Development Authority Chairman Russell Owens in the Closed Meeting.

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

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

The Board took a five minute recess before entering into Closed Meeting.

After returning to the meeting, the Chairperson noted that upon motion of Mr. Owens, second by Mr. Price, and favorable vote, the Board of Supervisors reconvened in open meeting. The Chairperson called for any participant in the closed meeting(s) who believed that there was a departure from the requirements of the Virginia Freedom of Information Act during the closed meeting(s), to state the substance of the departure that they believed took place. No members of the Board responded to the Chairperson's call for statements.

On motion of Mr. McCall, second by Mr. Price, the members of the Board certified the closed meeting(s) in accordance with the requirements of the Virginia Freedom of Information Act. By vote in favor of this motion, each member certified that the closed meeting was conducted in conformity with Virginia law, and that only public business matters lawfully exempted from open meeting requirements and identified in the motion by which the closed meeting was convened was heard, discussed, or considered in the closed meeting.

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

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

Mr. McCrady asked that staff get information from the Sheriff's Department concerning a grant relating to hazardous material trucks traveling Interstate 81.

9. Adjourn

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

The vote on this motion was as follows: (6-0)	The vote on	this motion w	vas as follows:	(6-0)
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Mr. McCall Aye
Mr. McCrady Aye
Mrs. Mumpower Aye
Mr. Owens Aye
Mr. Price Aye
Mr. Taylor Aye

Prepared by	y:				
Naoma A. N	orris, Re	cording Clerk			
Approved Supervisors	•	Washington	County	Board	(
Kenneth O. 1	 Revnolds	. Chairman			