V I R G I N I A:

At a meeting of the Washington County Board of Supervisors held Thursday, July 30, 1992, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

PRESENT:

Joe W. Derting, Chairman
James T. Osborne, Vice Chairman
Kenneth G. Mathews
James P. Litton
Maurice H. Parris
Jackson Barker, Jr.
Cecil K. Simcox

Bruce E. Bentley, County Administrator
Cliff Walsh, County Attorney
Mark W. Seamon, Director of Accounting
Sandra M. Hatfield, CPS

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1. Call to Order

The meeting was called to order by Mr. Joe W. Derting, Chairman of the Board.

2. Invocation and Pledge of Allegiance - James P. Litton

Mr. Litton called upon Mr. Simcox to give the Invocation and lead in the Pledge of Allegiance.

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3. Approval of Agenda

On motion of Mr. Osborne, second by Mr. Barker, it was resolved to approve the agenda with the following additions:

10.a Request for Funds, Small Business Development Center
12.a Declare Photocopy Machines as Surplus Property, Sheriff's Department
14.a Appointment to Washington County Library Board of Trustees to fill vacancy due to resignation of Sue Watson

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye
Mr. Simcox	Aye				

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4. Approval of Minutes of July 13, 1992

On motion of Mr. Litton, second by Mr. Osborne, it was resolved to adopt the Minutes of July 13, 1992, as presented.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye
Mr. Simcox	Aye				

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5. Citizen Comments

At this time, Mr. Derting invited comments from citizens in the audience on items that do not appear on the agenda.

Patrick Mannix addressed the Supervisors alleging official corruption and willful misconduct. He asked the Board of Supervisors for permission to access public records without charge. He referred to a communication he received from the County Administrator advising him of the costs associated with researching the files and providing him with copies of the documents he has requested. Mr. Mannix objected to paying the cost and offered to research the information.

Tom Whittaker addressed the Supervisors asking about certain conference expenses that the County has paid. Mr. Mathews replied to Mr. Whittaker in detail about the redistricting conference he attended in Fredricksburg in preparation for Washington County adjusting its precinct boundaries for the 1991 election pursuant to the 1990 Census results. He explained that in his capacity as a Board Member he officially represented Washington County, that he presented an in-depth guide to the Board of Supervisors on initiating the process to achieve redistricting, and was instrumental in the County receiving a preclearance of election districts through the Department of Justice.

Mr. Whittaker asked if long distance telephone calls were paid.

Fred Tally spoke to the Board of Supervisors regarding a trash compactor site in Tumbling Creek stating that he has property available for the Supervisors to consider. He asked if the property being considered for the site has been cleared by the Environmental Protection Agency.

William C. Hennigan, owner of HiWay Motel, spoke at length about water drainage onto his property from surrounding business properties alleging that the building plans approved by the County did not provide for the protection of adjacent property owners. He restated his business estab-

lishment was in peril of ruins during recent rain storms. He asked the Supervisors to look at the run-off problem and have it fixed. Mr. Hennigan was again referred to the Department of Transportation for their help, however, his contention is the Highway Department has nothing to do with approving the development and expansion of businesses adjacent to his property.

Mr. Hennigan referred to a letter he received from the Treasurer requesting payment of delinquent taxes and expressed his belief that he received the letter as a result of his appearing before the Board of Supervisors concerning a water run-off problem. The Supervisors and the County Attorney assured Mr. Hennigan there was no correlation and that the form letter he received was sent to all residents who were delinquent in their real estate taxes. He asked for an answer by the next meeting of the Supervisors.

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6. Mr. Litton's Reports and Comments There were none.

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7. Request of Local Funds to Subsidize Textbook Cost (Dr. Stainback)

Received request from the Washington County School Board to consider appropriating $74,000 in local funds to ease the burden of textbook costs on families. Dr. George Stainback, Division Superintendent, was present to respond to questions from the Board of Supervisors.

Discussion followed with Supervisors suggesting alternative funding of textbooks for the School Board to consider.

On motion of Mr. Simcox, with no second, it was resolved to deny the request of Washington County School Board for an appropriation of $74,000 in local funds to apply toward the cost of textbooks.

The vote on this motion was as follows (5-2):

Mr. Mathews	Nay	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Nay
Mr. Simcox	Aye				

Mr. Barker filed an affidavit of disclosure stating he has a personal interest in certain aspects of the Washington County Budget; he is an employee of the Washington County School Board and appropriations to the School Board could indirectly affect his position, salary, employment benefits, etc; he is a member of a group of employees, the members of which are affected by the amount of the appropriation to the Washington County School Board; and, affirmed he could participate in the above transaction fairly, objectively, and in the public interest.

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8. Request for funding to restore auditorium at Old Rock School in Damascus (Beth Cessna)

Ms. Beth Cessna, Project Manager, Rock School Association, addressed the Supervisors requesting them to provide funds to the Old Rock School to be used toward the rehabilitation of the auditorium.

Discussion followed. On motion of Mr. Parris, second by Mr. Barker, it was resolved to appropriate $10,000 from the FY 1992-93 budget toward the rehabilitation of the auditorium at the old Rock School in Damascus, and in addition, the Supervisors expressed their intent to budget $10,000 in the FY 1993-94 Budget toward this rehabilitation project.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye
Mr. Simcox	Aye				

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9. Highland Rescue Funds Dispositions (Simcox/Fraysier)

Mrs. Mary Fraysier, Emergency Services Coordinator, reviewed the status of Highlands Rescue Squad's outstanding financial accounts. She reported that the rescue squad equipment is being removed from the Cannery Building and that it will be turned over to the County Administrator.

Mrs. Fraysier presented a proposal from Washington County Fire Company to operate an emergency ambulance service in the territory they service. Discussion of the proposal ensued.

On motion of Mr. Simcox, second by Mr. Parris, it was resolved to appropriate $45,000 to be provided in one payment to the Washington County Volunteer Fire Department No. 1 for the purchase of an ambulance and to operate a primary emergency medical care service to the residents of the territory served by the Washington County Fire Department with the understanding that Washington County Fire Department would apply for an ambulance grant.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne	Nay	Mr. Parris	Aye	Mr. Barker	Aye
Mr. Simcox	Aye				

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10. Virginia Highlands Airport Preapplication for Funds Review

On motion of Mr. Mathews, second by Mr. Parris, it was resolved to recommend a favorable review of Virginia Highlands Airport application for federal and/or state aid for the Virginia Highlands Airport Commission FY 1992-93 preapplication for funding.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye
Mr. Simcox	Aye				

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10.a Request for Funds, Small Business Development Center

Mr. Victor Brungart and Helen Duncan, representing the Southwest Virginia Small Business Development Center, presented a proposal to enhance economic development by providing management and technical assistance to help Southwest Virginians start a business, expand a business or solve business related problems. Mr. Brungart explained their intent to expand operations to include Washington County by placing a full-time business analyst at the Virginia Highlands Community College who will serve as a resource for the Industrial Development Authority, Chamber of Commerce and local government and business associations.

Discussion ensued. On motion of Mr. Mathews, second by Mr. Barker, it was resolved to take the proposal under advisement and place it on the agenda for the August 10, 1992 meeting of the Board of Supervisors.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye
Mr. Simcox	Aye				

Mr. Mathews asked the County Administrator to get input from other counties on the SBA.

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11. Recess

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

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye
Mr. Simcox	Aye				

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16. <u>County Attorney's Reports</u>

a. Dog Damage Claims
:: Frank Hamilton/Dorothy Hamilton, $470

Mr. and Mrs. Frank Hamilton were present to address the Supervisors concerning their dog damage claim.

On motion of Mr. Litton, second by Mr. Parris, it was resolved to approve dog damage claim of Frank and Dorothy Hamilton in the amount of $470.00.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye
Mr. Simcox	Aye				

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12. <u>Surplus Cars from Sheriff's Department</u>

On motion of Mr. Parris, second by Mr. Osborne, it was resolved to declare the following vehicles and copy equipment located at the Sheriff's Department as surplus:

1990 Chevrolet, 4-door Sedan, 1G1BL54E1LA153772
1988 Ford , 4-door Sedan, 2FABP72F7JX168984
1988 Ford , 4-door Sedan, 2FABP72F5JX168983
1988 Ford , 4-door Sedan, 2FABP72F9JX168985

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye
Mr. Simcox	Aye				

On motion of Mr. Barker, second by Mr. Parris, it was resolved to dispose of the 1979 Chevrolet ambulance designated as surplus property on July 13, 1992 to Damascus Volunteer Rescue Squad with the intent that they will share the spare parts with all rescue squads in the County, and further dispose of the following vehicles designated as surplus property:

1990 Chevrolet, 4-door Sedan, 1G1BL54E1LA153772 to Washington County Volunteer Fire Department No. 1;

1988 Ford, 4-door Sedan, 2FABP72F7JX168984 to Damascus Volunteer Fire Department;

1988 Ford, 4-door Sedan, 2FABP72F5JX168983 to Washington County School Board;

1988 Ford, 4-door Sedan, 2FABP72F9JX168985 to Brumley Gap Volunteer Fire Department.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye
Mr. Simcox	Aye				

Mr. Barker filed an affidavit of disclosure stating he has a personal interest in certain aspects of the Washington County Budget; he is an employee of the Washington County School Board and appropriations to the School Board could indirectly affect his position, salary, employment benefits, etc; he is a member of a group of employees, the members of which are affected by the amount of the appropriation to the Washington County School Board; and, affirmed he could participate in the above transaction fairly, objectively, and in the public interest.

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12.a <u>Declare Photocopy Machines as Surplus Property, Sheriff's Department</u> (See action in Item 12)

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13. <u>Appointment to Industrial Development Authority to fill vacancy due to resignation of W. H. Walton, Wilson District (term will expire February 14, 1993)</u>

On motion of Mr. Simcox, second by Mr. Litton, it was resolved to appoint Mr. Ted Cox to the Washington County Industrial Development Authority representing Wilson District to fill the vacancy due to the resignation of W. H. Walton for a term of office that will expire February 14, 1993.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye
Mr. Simcox	Aye				

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14. Appointment to Recreation Advisory Commission to fill vacancy due to resignation of R. E. Pruitt, Monroe District (term will expire June 30, 1993)

On motion of Mr. Osborne, second by Mr. Mathews, it was resolved to appoint Rebecca Selfe to the Recreation Advisory Commission representing Monroe District to fill the vacancy due to the resignation of R. E. Pruitt for a term of office that will expire June 30, 1993.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye
Mr. Simcox	Aye				

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14.a Appointment to Washington County Library Board of Trustees to fill vacancy due to resignation of Sue Watson

On motion of Mr. Osborne, second by Mr. Parris, it was resolved to appoint Georgia Polk to the Washington County Library Board of Trustees representing Monroe District to fill the vacancy due to the resignation of Sue Watson for a term of office to expire June 30, 1994.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye
Mr. Simcox	Aye				

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15. County Administrator Comments:

The following action was taken on County Administrator's comments:

a. Route 58 Corridor Resolution

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

U. S. ROUTE 58 CORRIDOR RESOLUTION

WHEREAS, through the extensive study and considerable time, the Washington County Board of Supervisors and the U. S. Route 58 Corridor Committee strongly advocated and encouraged the Southern Corridor known as the Maguire 2E Forecast;

WHEREAS, the recommended Southern Corridor known as the Maguire 2E Forecast would have begun at Exit 19 off I-81 to the intersection of Route 858 and 58 and continuing South of Damascus to Laureldale, South of Taylors Valley to Green Cove and would allow a direct route into Virginia from our neighboring State of Tennessee to connect.

WHEREAS, a coordination of efforts was made to seek public input from residents, various clubs and organizations; and

WHEREAS, the Maguire 2E Forecast would have provided a transportation system for efficient movement of people and goods within Washington County and other parts of the region; and

WHEREAS, the intent of the legislation was to improve U. S. Route 58 which would have enhanced and encouraged Economic Development and promoted an industrial environment with the potential to attract a broad range of industrial firms and provided employment opportunities for residents throughout Washington County and other parts of the region; and

WHEREAS, Washington County remains strong in their conviction the Maguire 2E Forecast will be in complete harmony with environmental aims such that trout streams, trails or areas containing endangered species, scenic views, or camping facilities need not be significantly disturbed.

NOW THEREFORE BE IT RESOLVED that the Washington County Board of Supervisors and the U. S. Route 58 Corridor Committee express their total disappointment and dissension with the proposed acceptance of the Maguire Forecast 11 by the Virginia Department of Transportation because of the detrimental effects to Washington County's economic growth, and the lack of safe and efficient transportation for the movement of people and goods within Washington County and other parts of the region.

BE IT FURTHER RESOLVED that the Board of Supervisors and the U. S. Route 58 Corridor Committee request the Virginia Department of Transportation evaluate Maguire Alternative 2E, figure 2-6 in accordance with routing noted above since this route was never properly evaluated for cost and environmental impact.

The Board further authorizes and directs that copies of this Resolution be forwarded to John G. Milliken, Secretary of Transportation, Ray D. Pethtel, Commissioner of the Virginia Department of Transportation, Chris Lloyd, Vice-President, Maguire Associates, Inc. and to the County's representatives in the General Assembly.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye
Mr. Simcox	Aye				

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b. <u>Exit 19 Sewer Easement Acquisitions</u>

On motion of Mr. Mathews, second by Mr. Osborne, it was resolved to authorize the use of condemnation procedures against property owners in order to acquire necessary easements for the sewer line located at Exit 19, and further to hire condemnation legal counsel to acquire necessary easements.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye
Mr. Simcox	Aye				

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c. Communications

The following communications were received:

:: Bruce E. Bentley:
to Billie Fleenor concerning status of E-911 implementation;
to Board of Supervisors concerning new Landfill guidelines effective July 1, 1992;

:: Congressman Rick Boucher concerning legislation to give local governments the power to ban the importation of out-of-state waste into privately owned local landfills;

:: Jim O'Quinn, Regional Representative for Senator Charles S. Robb, expressing appreciation for visit to County Office;

:: Governors Advisory Commission concerning Dillon Rule & Local Government;

:: Marine Resources Commission concerning Green Cove Creek;

:: Department of Health concerning waterline at Widener Valley Waterline Extension;

:: Washington County School Board expressing appreciation for contribution of $10,000 toward the lights on the Abingdon High School Athletic Field;

:: County Planner to Bruce E. Bentley concerning establishment of a Geodetic High Accuracy Reference Network (HARN) in the Commonwealth of Virginia;

:: Patrick Mannix concerning request for information pursuant to the Virginia Freedom of Information Act;

:: Lucky May to Congressman Rick Boucher concerning Washington County Park;

:: Sidney Wike, M. D. concerning trash collection rates by Waste Management of Tri-Cities;

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d. Reminders

Supervisors received a schedule of upcoming meetings and events.

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Mr. Cliff Walsh distributed copies of the updated Washington County Code to the Board of Supervisors.

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16. Consent Agenda:

On motion of Mr. Parris, second by Mr. Osborne, it was resolved to approve the following Consent Agenda items:

a. Supplemental Appropriations: $989.46, Clerk of Circuit Court; $2,828.50, Library Fund for Literacy Program
b. Approval of Change Orders (No. 8 and No. 9) Renovation of County Courthouse
c. Transfer from Reserve for Contingencies in the amount of $6,300 to Planning and Zoning Department to cover the increase in compensation for the Planning Commission approved by the Board of Supervisors on June 10, 1992.

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

Mr. Mathews	Nay	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye
Mr. Simcox	Aye				

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On motion of Mr. Osborne, second by Mr. Mathews, it was resolved to approve request of Sheriff Joe D. Mitchell for an appropriation of $1,500 from Federal Seizure Asset funds received, to be placed under salary line item Department 3102, Account 1030, to be included in the salary of Investigator Sheets as part of his recent assignment with the Drug Enforcement Agency as well as the Bureau of Alcohol, Tobacco and Firearms.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye
Mr. Simcox	Aye				

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17. Board Member Reports

Mr. Jackson Barker reported on the Mendota Festival, and the status of the Elected School Board Member Petition. He commented on the revised acreage for placing Single Wide mobile homes in A-2 zoning.

On motion of Mr. Litton, second by Mr. Osborne, it was resolved to communicate with Highlands Cable Company and strongly urge their cooperation with regard to installing cable service in the area of Routes 750 and 748.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye
Mr. Simcox	Aye				

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18. Executive Session Pursuant to Section 2.1-344(A)(4) of the 1950 Code of Virginia, as amended, in order to discuss prospective business or industry locating in Washington County; and Section 2.1-344(A)(2) of the 1950 Code of Virginia, as amended, in order to discuss property acquisition, specifically the Health Department and Social Services Building

On motion of Mr. Barker, second by Mr. Osborne, it was resolved to go into executive session pursuant to Section 2.1-344(A)(4) of the 1950 Code of Virginia, as amended, in order to discuss prospective business or industry locating in Washington County; and Section 2.1-344(A)(2) of the 1950 Code of Virginia, as amended, in order to discuss property acquisition, specifically the Health Department and Social Services Building.

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

Mr. Mathews	Nay	Mr. Litton	Aye	Mr. Derting	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye
Mr. Simcox	Aye				

At 9:55 p.m. Mr. Mathews left the meeting.

On motion of Mr. Barker, second by Mr. Osborne, it was resolved to come out of executive session and proceed with business at hand in public.

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

Mr. Derting	Aye	Mr. Litton	Aye	Mr. Barker	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Simcox	Aye

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion of convening the executive meeting were heard, discussed or considered by the Washington County Board of Supervisors.

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

Mr. Derting	Aye	Mr. Litton	Aye	Mr. Barker	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Simcox	Aye

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19. Adjournment

On motion of Mr. Parris, second by Mr. Osborne, it was resolved to adjourn the meeting.

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

Mr. Derting	Aye	Mr. Litton	Aye	Mr. Barker	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Simcox	Aye

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Joe W. Derting, Chairman