

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, November 10, 2009, at 6:30 p.m., at the County Administration Building in Abingdon, Virginia the following were present:

PRESENT:

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

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

1. Call to Order

The meeting was called to order by Mr. Kenneth O. Reynolds, Chairman of the Board, who welcomed everyone in attendance.

2. Invocation and Pledge of Allegiance

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

3. Approval of Agenda

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

Addition of New Item 7.b.3
Presentation by Green Springs Fire Department

Addition of New Item 9.a.
Request to convene in Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(3) for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; specifically County government office space.

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

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

4. Recognitions and Special Presentations:

a. Presentation of Certificates of Commendation to Damascus Girl’s Senior League 2009 Softball Team

Mr. McCrady presented Certificates of Commendation to the Damascus Girl’s Senior League 2009 Softball Team recognizing them for their success this season as District 1 Champions, Virginia State Champions, Southern Region Champions and placing 8th in the Senior League World Series. Team and coaching staff members recognized are as follows:

Morgan Lowe	Mary Hand	David Morrison, Manager
Megan Honaker	Faith Ritchie	Joe Richardson, Coach
Lauren Fritz	Katie Miller	
Brittany Boyd	Marriah Morrison	
Brianna Thomas	David Morrison	

Mr. McCrady applauded the team and coaches for their accomplishments and said they brought prestige to Washington County and the Town of Damascus.

Mr. Reynolds on behalf of the Board congratulated the team, their parents and coaches for the accomplishments. He stated that the Board encourages youth programs in the County and that the success of the Damascus Girls Senior League Softball Team is an example of what can be accomplished when people work together.

5. Consent Agenda:

Mr. Seamon addressed item 5.c.1 of the Consent Agenda regarding award of bid for a new cooling unit for the Washington County Courthouse. He explained the County received four bids for a new cooling unit, and the Accounting Department recommends awarding the contract to Nor-well Company, Inc. in the amount of \$121,445.00. Mr. Seamon further stated that the General Services Department only had \$51,445.00 currently available for the project. Mr. Reeter commented that a lease purchase arrangement to spread out the payments over three years was originally anticipated, however, tight credit markets are preventing vendors from offering that type of arrangement. Nor-well Company, Inc. has agreed to accept one payment for \$51,445.00 at completion of the contract with the County paying \$70,000.00 plus 4% interest rate for final payment in July. The Board of Supervisors would have to budget \$71,400.00 next fiscal year. Otherwise, the Board could take \$70,000.00 from undesignated capital reserves now to pay the low bidder in full at time of completion.

Discussions ensued among the Board concerning the most cost effective manner in which to pay for the new cooling unit for the County Courthouse. Subsequently, the following action was taken:

On motion of Mr. Owens, second by Mr. Price, the Board acted to transfer \$70,000.00 from the Capital Reserves Account to the General Services Operating Budget to add to the \$51,445.00 currently set aside for a total of \$121,445.00 to purchase the new cooling unit for the Washington County Courthouse.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

Mr. Reynolds addressed the proposed Resolution in recognition of 2009 Veterans Day. He explained that in line 19 of the proposed Resolution the Navy was omitted and needs to be included in the Resolution. The following action was taken by the Board:

On motion of Mr. McCrady, second by Mr. Price, the Board acted to add the word “Navy” in line 19 of the proposed 2009 Veterans Day Recognition Resolution.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

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

a. Approval of Minutes:

- 1. **October 27, 2009, Regular Meeting**

b. Approval of Routine Financial Matters:

- 1. **Payment of Bills – Month of October 2009**
- 2. **Request for Revenue Refunds – Washington County Sheriff’s Office – Animal Sterilization Fees**

3. Request for Supplemental Appropriation – Washington County, Virginia Animal Shelter for Proceeds Received from Estate of Nancy Gammon
 4. Request for Supplemental Appropriation – Washington County Commonwealth’s Attorney Office for Asset Forfeiture Proceeds
 5. Budget Status Report – October 31, 2009
- c. Award of Bids and Approval of Contracts:
1. Award of Bid for New Cooling Unit for Washington County Courthouse
- d. Authorization of Routine Business Matters:
1. Approval of Resolution in Recognition of 2009 Veterans Day – Approved as follows:

**RESOLUTION 2009-38
IN RECOGNITION OF 2009 VETERANS DAY**

WHEREAS, for more than 200 years, individuals from all walks of life have taken up arms and sworn an oath to support and defend the principles upon which our country was founded; and

WHEREAS, throughout the history, courageous men and women have donned the uniform of our Armed Forces and built a noble tradition of faithful and dedicated service to our Nation; and

WHEREAS, Veterans Day has been set aside as both a national and state holiday to honor the 50 million American patriots who answered the call of duty, preserving our freedoms and often making the ultimate sacrifice; and

WHEREAS, we can never fully repay our debt of gratitude to those heroic men and women who served, were wounded, or even died in battle; and

WHEREAS, the unwavering commitment of our soldiers, airmen, marines, navy, coast guardsmen, and merchant mariners has preserved our freedoms and saved millions around the world from tyranny; and

WHEREAS, we continue to draw inspiration from the heroism and dedication of those who currently serve and sacrifice for the cause of liberty and justice; and

WHEREAS, it is fitting that all Washington County, Virginia citizens honor America’s military veterans, including all living veterans from this community, through whose service and sacrifice we today enjoy freedom and liberty.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that the Board does hereby recognize November 11, 2009, as VETERANS DAY and call upon all County citizens to honor the contributions of current and former members of the United States Armed Services.

BE IT FURTHER RESOLVED that the Board does hereby encourage citizens to participate in local Veterans Day activities honoring the men and women who have stood watch over America.

2. Approval of Resolution Making Appointments to Southwest Community Criminal Justice Board – Approved as follows:

RESOLUTION 2009-39

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that the Board makes the following appointments to the Southwest Virginia Community Criminal Justice Board:

The Honorable Elizabeth S. Wills – Juvenile and Domestic Judge Representative

The Honorable Henry A. Vanover – Circuit Court Judge Representative

The Honorable Sage B. Johnson – District Court Judge Representative

Mrs. Allison Steele – Education Representative

Chief William H. Price – Chief of Police Representative

Ruth Hale – Chief Magistrate Representative

Sheriff David Bradley – Sheriff’s Representative

Roy Evans – Commonwealth Attorney Representative

Steve Clear – Regional Jail Representative

Kevin Tiller – Defense Attorney Representative

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

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

6. Public Hearings:

a. Request(s) for Special Exception Permit:

- 1. Farmers Warehouse, Inc., on behalf of Abingdon Health Care Center, LLC., Property Tax Map #'s 086A1-8-1,2,3: Request for a Special Exception Permit to construct and operate a 180 Bed Nursing Facility, a 72 Unit Assisted Living Facility, 24 Independent Living Cottages and 60 Independent Living Apartments to serve senior citizens in need of short term rehabilitation on property located on the east side of State Route 704 (Enterprise road) near the intersection of State Route 704/State Route 11, (Lee Highway) in a B-2 (Business, General) zone, Monroe Magisterial District, A-01 Election District**

County Zoning and Subdivision Official Cathie Freeman provided the Board with an overview of the proceedings before the Planning Commission at their October 26, 2009, meeting in regards to the application of Farmers Warehouse, Inc., on behalf of Abingdon Health Care Center, LLC for a Special Exception Permit. Mrs. Freeman explained that Abingdon Healthcare Center requests 80 months to complete a skilled nursing facility that will be constructed in three phases. The first phase will offer a full range of senior services including construction of 180 skilled nursing beds and an attached 36 bed assisted living unit. The second phase would include 30 independent living apartments and 12 independent living cottages. The third phase includes expansion of the assisted living facility by 36 beds providing for a total of 72 assisted living units. In addition, the third phase will include construction of an additional 30 independent living apartments bringing the total to 60 apartments and the construction of 12 additional independent living cottages bringing the total to 24 cottages. Upon completion of the project there will be a total of 120 nursing beds, 120 assisted living units, 24 cottages and 60 apartments to serve the senior population and to serve those in need of short term rehabilitation.

Mrs. Freeman explained that there was no opposition expressed from the audience at the Planning Commission's hearing. The Planning Commission unanimously recommended approval of the Special Exception Permit application and requested the Board consider the staff recommendations in regards to parking, traffic impact and allowing 80 months for completion of the project.

Mr. McCall inquired if Abingdon Healthcare Center had submitted all documents requested by the County. Mrs. Freeman replied that all the County's requests for reports and documents had been complied with and submitted.

Mr. Reynolds opened the public hearing and invited comments regarding the request for a Special Exception Permit.

Mr. David Hutton, Attorney at Law, addressed the Board and explained that he represents Abingdon Healthcare Center in respect to their application to the County for a Special Exception Permit. The Special Exception Permit is required in order to operate the proposed skilled nursing facility in a B-2 (Business, General) zone. All documents requested by County staff in regards to the project have been submitted. The Planning Commission as well as County staff recommends approval of the Special Exception Permit application. Mr. Hutton further explained there has been some confusion in regards to the Special Permit Application of Abingdon Healthcare Center and an application previously submitted by Abingdon Health Investors (Smith-Packett). The Virginia Department of Health opened a period of time to accept applications for a Certificate of Public Need (COPN). Two applications were made to the Department of Health, one from Abingdon Healthcare Center and another from Abingdon Health Investors. These are two competing applications. One of the two projects will be awarded a COPN in

February/March 2010 and will be able to move forward. Mr. Hutton explained that Ms. Kimberly Clark, Administrator, Valley Healthcare Facility was present at the meeting and prepared to make a presentation to the Board concerning Abingdon Healthcare Center's proposed project.

Ms. Kimberly Clark addressed the Board and made a presentation that outlined the proposed Abingdon Healthcare Center project, the services that would be provided by the center and an overview and mission of CareVirginia, of which Abingdon Healthcare Center would be an affiliate. Valley Healthcare in Chilhowie is also an affiliate of CareVirginia.

Ms. Clark explained that CareVirginia has 67 senior care facilities in the United States operating 9,500 beds and have 35,000 admissions per year. The mission of CareVirginia is to be the health care leaders in the communities they serve to meet both current and future needs. Among services offered at the center would be ventilator care services to meet the growing demand for these services in this region. Also, memory care service will be offered in both the nursing home and assisted living wing. The center would initially include a 180-bed skilled nursing center with an attached 36 private assisted living facility beds. She reviewed phases II and III of the project as outlined in Ms. Freeman's presentation earlier in the meeting.

Ms. Clark explained that the Center would provide Washington County with 180 new nursing beds. There will be 60 nursing beds transferred from Valley Healthcare in Chilhowie to the Abingdon Healthcare facility. Valley Healthcare will gain 48 new, cost effective assisted living beds, a service expansion that is much needed by Smyth and Washington County residents. She noted that Smyth County supports the transfer of the 60 beds to Washington County because of the need in Smyth County for assisted living beds. Ms. Clark further explained the proposal to transfer 60 beds from Valley Healthcare is because Valley currently cares for 60 residents with a Washington County or City of Bristol, Virginia zip code. The economic benefits to Washington County include the employment of approximately 202 full time staff and \$75,000 in real estate tax and \$26,000 in personal property taxes that will be generated by the facility to the County.

In conclusion, Ms. Clark extended appreciation to the County Administrator, County Attorney, County Zoning and Subdivision Official and the Washington County Service Authority General Service Manager for their professionalism and timeliness of response during the process.

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

Substantial discussions ensued among the Board.

Mr. McCall disclosed that he is related to Ms. Clark by marriage and that his brother is a resident of Valley Healthcare. He inquired to County Attorney Lucy Phillips if he could take part in the discussion and vote on this issue. Ms. Phillips replied that he could.

Mr. McCall noted that the decision as to which company is awarded with a COPN will be determined by the Department of Health.

Mr. Price made inquiries regarding the sewer easement for the project. Discussions ensued among the Board concerning sewer related issues.

Mrs. Mumpower explained that the materials presented by Abingdon Healthcare Center are outstanding and they have complied with all requests made by the County. She further explained that the only decision before the Board will be on the Special Exception Permit application.

On motion of Mrs. Mumpower, second by Mr. Owens, the Board acted to follow the recommendation of the Washington County Planning Commission and approve the application of Farmers Warehouse, Inc., on behalf of Abingdon Health Care Center, LLC., for a Special Exception Permit to construct and operate a 180 Bed Nursing Facility, a 72 Unit Assisted Living Facility, 24 Independent Living Cottages and 60 Independent Living Apartments to serve senior citizens in need of short term rehabilitation on property located on the east side of State Route 704 (Enterprise road) near the intersection of State Route 704/State Route 11, (Lee Highway) in a B-2 (Business, General) zone, Monroe Magisterial District, A-01 Election District and to grant the request for 80 months for anticipated building out with the following conditions:

Require 40 parking spaces for Assisted Living Facilities

Require 39 parking spaces for the Independent Living;

Require 24 parking spaces for the Cottages;

And require 232 parking spaces for Skilled Nursing for a total of 406 parking spaces for development.

It was further resolved to require the developer to place the left-turn lane (w/taper) and separate left and right-turn lanes exiting the site to enhance the safety and facilitate access to the development and to require the developer maximize the distance between the proposed entrance and Alpine Drive.

Mr. Taylor discussed with the Board his concerns with the proposed site. He inquired to Ms. Clark if the skilled nursing facility would be compatible with a truck stop locating on adjacent property and why the site at Exit 22 was selected.

Ms. Clark explained that she is not in a position to make a statement about whether or not a truck stop should be located adjacent from the skilled nursing facility. She further explained that reasons for choosing the site are because it is legislatively written that the facility be located no further than three miles from the corporate seat of Washington County. That created limitations as to where the facility could be located. A second reason is because of the vistas of the proposed property are gorgeous. The third reason is to be able to locate the facility on the I-81 corridor to provide easy access to the facility for emergency/rescue vehicles and families at Exit 22.

Mr. Taylor inquired of Abingdon Healthcare Center is contractually bound to the Exit 22 property.

Ms. Clark explained there is a contract in place for the Exit 22 site. She discussed requirements of the COPN application process that are involved with changing a proposed site.

Mr. Taylor inquired if there is a requirement that the skilled nursing facility be located within a certain distance from a hospital.

Ms. Clark explained that the proposed facility would be within two miles from the new Johnston Memorial Hospital. She further explained that from what she understands there is no distance requirement to a hospital. The requirement is access to the facility for emergency vehicles.

Mr. Taylor presented a scenario that if two years from now the County receives a Special Exception Permit application for a truck stop to locate on adjacent property would the Abingdon Healthcare Facility oppose the Special Exception Permit.

Ms. Clark explained that it is her goal to be a good neighbor and that she would work to provide harmony and services to the region. She stated however that there would be concerns about noise, and she would request candid discussions with the applicant.

Mr. Taylor inquired if it was correct that the entrance to the facility as shown on the site design would be exclusive to the skill nursing facility property.

Ms. Clark explained that was correct. Abingdon Healthcare Center is proposing the entrance to be a boulevard.

Mr. Taylor discussed his concerns and inquired if the property to the left of the facility's entrance would not have access the driveway leading to the facility. Ms. Clark replied that was correct. Mr. Taylor asked if this decision was solid, or if there could be negotiations. He explained the reasons for his concerns and questions are because the property is located close to the Exit 22 entrance/exit ramps and that unless there is an alternate entrance should there be a commercial interest at a future time in purchasing the adjacent property that property would be useless property as far as commercial uses because of access. He asked if consideration would be given to allowing a prospective owner of adjoining property to purchase access to the road.

Mr. Hutton explained that from meetings with the County Administrator and County Zoning and Subdivision Official it is his understanding that the County Zoning regulations would not allow any other property to access other property from the proposed road. It is also his understanding that the road going to the healthcare facility can only exclusively serve the facility's property.

Mr. Reeter explained that depending on additional traffic burden placed on this road by any adjoining development it is entirely possible that the turn lanes are built based on the healthcare facilities traffic models. Should it be desired that the healthcare facility allow additional traffic that is ancillary and not associated with the nursing facility, but would create additional traffic to the road that another traffic study would need to be completed for that interchange to determine based on the turn lane if the road could handle the additional traffic, or if the road would need to be signalized. It would basically depend on the type of development and how it would affect the interchange, could the road as it is proposed to be designed handle the traffic and does Abingdon Healthcare Facility wish to allow the additional traffic on the road. He further explained the proposed road does not abut any property. It goes through the center of the Abingdon Healthcare Facility property. So there would be an issue of whether to accommodate a right of way to the commercial access drive and if so, a series of evaluations completed as to the impact of a right of way.

Mr. Taylor explained that during the Special Exception Permit application evaluation the Board can consider placing conditions on a permit. He proposed a condition be placed on the Special Exception Permit regarding future prospective property owner's access to the entrance road of Abingdon Healthcare Facility. Mr. Taylor explained that he does not want to see a piece of commercial property be useless because of issues with access. He stated his concerns are strictly for future commercial development in the County.

Further discussions ensued between the Board, Mr. Hutton and Ms. Clark regarding issues pertaining to entrance to the Abingdon Healthcare Facility and access for prospective adjoining property owners.

Mr. Price asked the County Attorney if the Board has a lawful right to add the proposed stipulation.

Ms. Phillips explained that it is her recommendation that the County wait to see how the adjoining property develops and a need for entrance be coordinated with Abingdon Healthcare Center. She further recommended that the issue be discussed at the time the need arises between the private parties. If the County should need to be involved it would be in the context of stating what kind of road standards would have to be met if the Abingdon Healthcare Center entrance would need to be converted to a road rather than a private entrance.

Mr. Taylor explained that it is not his intent to design the entrance, but to place a condition on the Special Exception Permit that would require Abingdon Healthcare Center to negotiate an access should the need arise.

Further discussions ensued among the Board and Ms. Clark concerning the entrance and to issues relating to the timeline involved in the COPN application process.

Mr. Taylor explained that he is glad that Abingdon Healthcare Center is considering the County as a location for their proposed facility, but that he does not support the proposed location because of its proximity to the interchange at Exit 22. He explained that the interchange is better suited for truck traffic and not for the light traffic that will be generated from the healthcare facility.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Nay</i>

b. Public Hearing and Consideration of Resolution Amending the FY 2009-2010 County Operating Budget

Mr. Seamon addressed the Board and explained the purpose of the public hearing is for amendment of the FY 2009-10 County Operating Budget. This is the second request made to the Board for amendment of the FY 2009-2010 County Operating Budget, and will incorporate into the Budget \$10,055,025 of Bond Anticipation Note (BAN) proceeds for the Phase II and the Neff Center School Projects. The requested total amendment to the current County budget of \$11,639,469 also includes all recent supplemental appropriations made by the Board of Supervisors.

Mr. Seamon explained that Board action to supplementally appropriate the BAN proceeds will be taken at a future meeting.

Mr. Reynolds opened the public hearing and invited comments regarding amendment of the FY 2009-2010 County Operating Budget.

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

On motion of Mr. McCall, second by Mr. McCrady, the Board acted to adopt the following Resolution amending the FY 2009-10 County Operating Budget to \$139,667,567.

7. General Business:

a. Actionable Items:

1. Consideration of Use of Surplus Phase I School Bond Proceeds

Washington County School Superintendent Dr. Alan Lee addressed the Board and explained he presents on behalf of the School Board their facility maintenance needs and pending plans for the expenditure of the \$750,000.00 in surplus Literary Bond proceeds originating from the recently completed Phase I school projects. The funds can be utilized only for capital improvement projects in Washington County Schools.

Dr. Lee discussed the situation that occurred a year ago at High Point Elementary School. As a result of the incident security systems were installed at High Point Elementary and Wallace Middle School as pilots. Now the School Board would like to install security systems in all elementary, middle and high schools for a total of 17 sites at an estimated cost of \$60,000.00. This expenditure is one capital expenditure needed in the school system. A second proposed expenditure is roof replacement at the Neff Center (\$350,000.00) and a partial roof replacement at Abingdon High School (\$50,000.00). A third proposed capital expenditure is remodeling restroom facilities at all school sites at a cost of approximately \$240,000.00. Dr. Lee explained some of the restroom facilities in the schools across the County are about 50 years old. He further explained that after completion of these projects there will be approximately \$50,000.00 remaining and the School Board will present to the Board at a later time a plan for the expenditure of these funds.

Dr. Lee explained he presented the plan at this time as information to make the Board aware of the School Board's plans for the use of the surplus Literary Bond proceeds.

Discussions ensued among the Board and Dr. Lee.

In other matters, Mr. Reeter inquired about an application sent to the County Administrator's office by Dr. Tom Graves that requires his signature. He explained that the application appears to be a bond financing request for \$440,000.00 to fund s school construction project to retrofit the greenhouses. Mr. Reeter inquired if the application was a bond financing or a grant application.

Dr. Lee explained that it was a grant application to be submitted the state to fund energy updates to the four greenhouses in County schools. Washington County Schools Horticulture Programs are outstanding. The students in the Horticulture Programs continually participate in and win competitions. Dr. Lee further explained that the grant program is funded by federal stimulus funds and are for energy related programs. No local matching funds are required.

Mr. Reeter inquired about the changes to the composite index.

Dr. Lee explained that the composite index went down which is to the benefit of the County. Had the new composite index figures been in effect during the current school year, the County would have received an estimated \$400,000-\$500,000 in additional revenue. Dr. Lee further explained that he believes the impact to the County will be positive in the next school year; however, it will depend on enrollment.

Dr. Lee on behalf of the School Board expressed appreciation for the working relationship with the Board of Supervisors.

The Board took a five minute recess at this time.

2. Consideration of State Budget Cuts for Constitutional Offices and County Registrar

Mr. Seamon addressed the Board and explained that Governor Kaine announced his FY 2010 Budget Reduction Plan to address a major funding shortfall for the current fiscal year. On September 16, 2009, the State Compensation Board approved plans to implement the designated reductions. All of the State Compensation Board funding reductions for Constitutional Offices will directly affect Washington County's revenue projections for the current fiscal year. The total reduction in State reimbursement revenue to the County is \$225,000.00. The actual affect on the current County Operating Budget is \$173,600.00 because the County's adopted revenue projections for the Constitutional Officers were conservative.

Mr. Seamon explained that Sheriff Fred Newman provided an e-mail he received from the State Compensation Board providing guidance to the Constitutional Officers. The correspondence suggested that the Constitutional Officers meet with their respective local governing body to determine together how the budget reductions will be met. Mr. Seamon stated the Constitutional Officers are present at this meeting and would like to address the budget reduction issues with the Board and to provide a proposal regarding the revenue shortfall.

County Treasurer Fred Parker addressed the Board on behalf of the Constitutional Officers and presented a plan to address the net budget reductions of \$173,600.00. Mr. Parker explained all the Constitutional Officers will be affected with the Sheriff's Department taking the most cuts because it is the largest department. It would be very difficult for any of the Constitutional Officers to absorb the cuts. For the last several years the Constitutional Officers have returned money to the County at the end of the fiscal year that equals more than the \$173,600.00. He reviewed a report prepared by the Accounting Department at the request of the Commissioner of Revenue that shows the estimated local funds returned to the County for Fiscal Years 2008 (\$276,075.00) and 2009 (\$393,510.00).

Mr. Parker explained that he surveyed Treasurer's Offices in seventeen localities in the region on how the budget reductions were going to be handled. Only two of the seventeen localities are facing layoff of employees. The majority of localities surveyed are absorbing the cuts. The services provided by the Constitutional Officers include court services, revenue collection and law enforcement. It is hard to think about cutting these services. Therefore, the Constitutional Officers collectively ask the Board to absorb the cuts, and the Constitutional Officers will be prudent in spending and will work hard to return to the County enough money at the end of the fiscal year to make up the \$173,600.00. If however the Board mandates the cuts the Constitutional Officers request the Board's guidance as to where the cuts should be made.

Discussions ensued at this time between Mr. Taylor and Mr. Parker concerning issues pertaining to the first quarter budgets for the Constitutional Officers.

Mr. Reeter addressed the Board and explained that the County could absorb the cuts, but doing so may have a detrimental affect on the County Operating Budget toward the end of the fiscal year. He further explained that it is difficult to provide guidance to the Board on this matter. The Board could absorb the cuts, or request the Constitutional Officers present to the Board budget adjustments for their respective departments that show the affect of the budget reductions on their operations.

Substantial discussions ensued among the Board concerning the cuts to the Constitutional Officers and the important services that these offices provide to the citizens of Washington County. It was noted that the Constitutional Officers have been fiscally responsible in the past and have returned money to the County. The Board questioned how the County would make up the revenue shortfall for the Constitutional Officers if a decision was made to absorb the cuts.

Mr. Reeter explained if the Board chooses to absorb the cuts that the County will look at the situation as revenue that will not be received by the County. The total revenues the County will receive will be looked at with hopes that those revenues are more than projected and will make up for the \$173,600.00. He further explained that no action is needed by the Board. The County will realize they will not receive the \$173,600.00 that was projected. The Board will not ask the Constitutional Officers to make cuts to their respective budgets, but will ask them to monitor their budgets to try to make up for the reductions.

Further discussions ensued among the Board with it being their consensus that the County would absorb the \$173,600.00 in cuts to the Constitutional Officers budgets and request the Constitutional Officers monitor their budgets and try to reduce spending in order to make up for the cuts.

b. Informational Items:

1. Review of First Draft of Proposed Board By-Laws, General Policies and Operating Procedures for Calendar Year 2010

Mr. Reeter addressed the Board and provided a review of the first draft of the By-Laws, General Policies & Operating Procedures of the Board of Supervisors for Calendar year 2010. There are a number of proposed amendments to the By-laws and General Policies that he would like the Board to review and provide feedback on by the November 24 regular meeting. He requested that all proposed changes to the documents be made by the December 8 regular meeting so that the documents can be approved without further discussion at the January 12 organizational meeting.

A summary of the proposed amendments follows:

Proposed By-law Amendments:

Article 9 – Minutes of the Meetings of the Board of Supervisors Sections 9.9 and 9.10 (Page 23 of 31):

These sections deal with preservation of audio/video and audio-only recordings of Board meetings.

Proposed General Policies Amendments:

Article 6 – Budget Policy – Section 6.2. – Budget Preparation (Pages 12-16 of 30):

The General Policies governing the County Operating Budget preparation process need to be substantially redrafted to reflect the new budget process to be implemented in the early part of 2010 as a result of the move to semi-annual tax collection and the need to establish the County tax rates by no later than the fourth Tuesday in March each year. Mr. Reeter stated that the redraft of this Section is still a work-in-progress.

Article 6 – Budget Policy – Section 6.7. – Appropriation of County Funds to Incorporated Entities and Charitable Donations (Page 18 of 30):

A new Section 6.7 has been drafted to establish that all annual recipients of County funds through the County Operating Budget must either be governmental agencies or legally incorporated entities. The Board may make ‘charitable donations’ up to \$2,500.00 per fiscal year to unincorporated groups and private individuals, but no such group/individual may receive donations of County funds more than two fiscal years in a row. The new policy further requires evidence of legal incorporation be submitted prior to any appropriated funds being disbursed.

Mr. Reeter explained that the Board could discuss the proposed amendments at this point, or contact him at a later time with their comments.

Mr. McCrady stated that sometime back the County gave the United Way a specific amount of funds to be distributed to certain charitable organizations. He mentioned that some senior groups did not apply for monies from Untied Way, and he wants to know what happens to the leftover money. Mr. McCrady feels that the United Way needs to provide the Accounting Department with an explanation of how the money given by the County is distributed. Mr. Seamon said that he would provide a report concerning United Way Funding using County funds at the next meeting.

Mr. Reeter asked the Board to review the FY2010-11 County Operating Budget Calendar with particular attention to the scheduled meetings of January, February and March 2010 especially the budget adjustment worksessions. With the new fourth-Tuesday-in-March annual deadline to establish County tax rates in time for the County Treasurer to process and distribute the tax tickets for the May 20 semi-annual collection, there is now very little flexibility in rescheduling budgeted-related meeting dates.

Mr. McCall requested that as changes are made to the FY2010-11 County Operating Budget Calendar that Board members be provided with a hard copy.

At this time, Mr. Seamon provided the Board with a review of a proposed new budget page format.

2. County Attorney Report on Regulation of Noise Disturbances

Ms. Phillips addressed the Board and explained that the Board was provided with materials inspired by the discussion from the October 27 Board meeting concerning the noise ordinance and problems with off road vehicles, which is the commonly used term for motor cross, dirt bikes, four wheelers and other vehicles people ride on property without taking them on the road.

Ms. Phillips provided the Board with a report on the Local Government Attorneys (LGA) Conference she attended where a presentation was made concerning the recent Virginia Supreme Court decision to overturn the City of Virginia Beach Noise Ordinance because it was based on a reasonable person standard. Washington County’s noise ordinance is for the most part based on this same standard. The Virginia Supreme Court also held that because any particular provisions of the ordinance that were more objective, for example saying that certain kinds of sounds could not happen between particular hours of the day is an absolute, but the Court held that because those provisions were so closely intertwined with the reasonable person standard provisions that the whole ordinance was struck down. This being the case, Ms. Phillips stated it is her opinion that the Washington County Noise Ordinance would have a good chance of being struck down or not being held enforceable if the County were to pursue a noise violation. She explained that the LGA session went on to provide two alternatives for revision of the Noise

Ordinance. One alternative is using a scientific measure of decibels and then putting in place some limitations by decibel for how loud sounds can be at particular distances. The second alternative proposed was based on proximity saying a sound should not be heard from a particular distance. Ms. Phillips stated that she does not believe the second alternative would be useful under very many circumstances and believes it would be more useful in urban areas.

Ms. Phillips explained that in addition to the information offered at the LGA Conference she researched and found additional reference materials. She reviewed the following documents with the Board:

1. Noise Control by Lucy P. Bright from 1997
2. American Motorcycle Association Model Ordinance
3. Off-Road Vehicle Noise Study & Recommendations from 2006

She explained that the report on Noise Control of which she wrote in 1997 talks about the way the State of Washington controls noise. It is a good model to use if a decibel based system was implemented. Ms. Phillips further explained that the noise problems are a national issue and not isolated to Washington County. The model ordinance provided by the American Motorcycle Association provides good points that could be used if the Board directed that the County's Noise Ordinance be amended. However, she does not recommend the model ordinance be adopted in its entirety. The Off-Road Vehicle Noise Study & Recommendations is a good report from the State of Washington.

Ms. Phillips requested the Board review the materials provided and allow staff time to look at enforcement issues and to bring a recommendation back at a later time and suggested having a Closed Meeting to discuss the issues.

Lengthy discussions ensued among the Board concerning the noise ordinance.

Mr. Reynolds asked the County Attorney to continue work on the issues and bring another report to the Board.

3. Presentation by Green Springs Fire Department

Mr. Lynn Hall, Chief with the Green Springs Fire Department, addressed the Board and requested that a letter from the County be written to the Tennessee Valley Authority (TVA) supporting the expansion of the Green Springs Fire Station. The expansion of the fire station is needed to house the department's cascade truck that now sits out in the weather and also will bring the building into compliance with the Americans with Disabilities Act. Mr. Hall explained the letter of support is requested because TVA has issued a stop work order on the construction project. TVA believes the fire station expansion is being constructed too close to their 1747 easement. He asserted that three years ago TVA representatives provided fire station representatives with verbal approval for the construction project if the construction did not approach TVA's new 1747 easement. Mr. Hall expressed his belief that the expansion does not interfere with TVA's easement.

Mr. Hall explained that the Fire Department has a meeting scheduled on November 13 with TVA representatives, Laura Lee with Congressman Boucher's Office and the Fire Department's Surveyor Ken Addison to discuss this issue. He said that he would like to present the letter of support from the County at this meeting.

Discussions ensued among the Board. The County Administrator was directed to send a letter to TVA stating that the Board of Supervisors supports the Green Springs Fire Department expansion project and that a copy of the letter be sent to Congressman Boucher.

Mr. Reynolds stated that the Green Springs Fire Department does an excellent job. He asked Mr. Hall to keep the Board apprised of the situation and to feel free to come back if more assistance is needed.

8. Board Member Reports

Mr. Taylor reported that he obtained information at the Virginia Association of Counties Annual Conference about a grant program that funds comprehensive planning for urban development areas. He would like for the County to submit a grant application. The application deadline is November 15.

On motion of Mr. Taylor, second by Mr. McCall, the Board directed the County Administrator to submit a grant application for funding to do comprehensive planning for urban development areas.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

Mr. McCrady thanked the Board for their support of the Damascus Girl’s Senior League 2009 Softball Team.

Mr. McCrady reported that the Beaverdam Creek Park Project will be put out to bid soon and the bids are scheduled to be opened on December 12.

Mr. McCrady reported that a status on the Damascus Branch Library is forth coming.

Mr. McCrady explained that Mr. John Roberts has resigned from the Washington County Board of Social Services, and he would like to appoint Mr. Roberts to represent the Taylor Election District on the Washington County Industrial Development Authority. He further explained that he wishes to appoint Mr. David Cline to fill the unexpired term of Mr. Roberts on the Board of Social Services. Subsequently, the following actions were taken on appointments:

On motion of Mr. McCrady, second by Mr. Owens, the Board acted to appoint John B. Roberts, Sr., as the Taylor Election District representative on the Washington County Industrial Development Authority for a four year term beginning November 14, 2009, and expiring on November 13, 2013. It was further resolved to appoint David M. Cline to fill the unexpired term of John B. Roberts, Sr., as the Taylor Election District representative on the Washington County Board of Social Services.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

On motion of Mr. Price, second by Mr. McCrady, the Board acted to reappoint Curtis Woodward as the Jefferson Election District representative on the Washington County Industrial Development Authority for a four year term beginning November 14, 2009, and expiring on November 13, 2013.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

Mr. McCrady expressed appreciation to the Board for their support of the Taylor District during his tenure on the Board.

9. Board Information and Reminders

Mr. Reeter reviewed the following Board Reminders:

Administrative Division Employee Thanksgiving Lunch – Friday, November 20, Conference Room 1, County Administration Building

Veterans Day and Thanksgiving Holidays will be observed November 11 and November 25-27, 2009

Ms. Phillips reviewed the following information:

Ms. Phillips expressed her appreciation to the Board for funding her membership to the LGA. She currently serves as Vice President of the LGA and barring the unforeseen will become Present. The LGA holds two conferences each year at different locations throughout the state and they are very well attended. The LGA has a membership of around 300. The LGA Conference programs are built around issues involving local government and are relevant to her position as County Attorney. Ms. Phillips asked for Board support for ongoing membership to the LGA.

10. Closed Meeting:

- a. Request to convene in Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(3) for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; specifically County government office space.**

On motion of Mr. McCrady, second by Mr. Price, the Board acted to convene in Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(3) for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; specifically County government office space. It was further resolved to include County Administrator Mark Reeter, County Attorney Lucy Phillips and Assistant County Administrator Christy Parker, Supervisor Elect Nicole Price and Supervisor Elect Joseph Straten in the Closed Meeting.

Discussions ensued among the Board and Ms. Phillips concerning participation of the Supervisors – Elect in the Closed Meeting.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

- b. Reconvene in Open Meeting and Certification of Closed Meeting**

After returning to the meeting, the Chairperson noted that upon motion of Mrs. Mumpower, second by Mr. Owens, 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. McCrady, second by Mr. McCall, 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: (7-0)

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

10. Adjourn or Recess

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

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

Prepared by:

Naoma A. Norris, Recording Clerk

Approved by the Washington County Board of Supervisors:

Kenneth O. Reynolds, Chairman