

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, July 27, 2010, at 6:30 p.m., at the County Administration Building in Abingdon, Virginia the following were present:

PRESENT:

Dulcie M. Mumpower, Chair
Phillip B. McCall
Nicole M. Price
Kenneth O. Reynolds
Joseph C. Straten
Thomas G. Taylor

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

ABSENT:

Odell Owens, Vice Chair

1. Call to Order

The meeting was called to order by Ms. Dulcie M. Mumpower, Chair of the Board, who welcomed everyone in attendance.

2. Invocation and Pledge of Allegiance

Supervisor Dulcie Mumpower gave the Invocation and led the Pledge of Allegiance.

Ms. Mumpower noted that Mr. Owens is on vacation and would not be attending the meeting.

3. Public Comment

No one addressed the Board.

4. Approval of Agenda

On motion of Mr. Reynolds, second by Mr. Straten, it was resolved to approve the agenda with the following amendment:

Addition of New Item 4.a.

Special Recognitions & Presentations:

- 1. *Presentation of Certificate of Recognition to Jay A. McFarland, Intern with Washington County Department of Emergency Management*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

4. a. Special Recognitions & Presentations:

Chair Dulcie Mumpower and County Director of Emergency Management Pokey Harris recognized Mr. Jay A. McFarland for the outstanding work he provided to the Washington County Department of Emergency Management as an Intern.

Ms. Harris addressed the Board and explained this summer the County Department of Emergency Management facilitated a graduate level internship for Appalachian State university Masters of Public Administration (MPA) candidate Mr. Jay A. McFarland. As a full time employee of the U. S. Army, Mr. McFarland’s internship with the Department of Emergency Management came at no cost to the County. During this internship, Mr. McFarland gathered and compiled information for the County’s Emergency Operations Plan (EOP) that is to-date over 75% complete. Mr. McFarland participated in several department-related meetings throughout his internship such as the State Wireless E-911 Services Board, regional PSAP group, Regional Preparedness Advisory Committee for Interoperability (RPAC-I), Mountain Empire Regional GIS (MERG) Project, VDEM College/University Forum, and I-81 Corridor Coalition, offering valuable input and suggestions. He plans to return to the County to assist with an Emergency Operations Center (EOC) exercise sometime in mid- to late-2011. Ms. Harris provided the Board with Mr. McFarland’s educational and military background.

Ms. Mumpower thanked Mr. McFarland for his service in the military and for all he has done to protect our county.

5. Consent Agenda:

On motion of Mr. McCall, second by Mr. Taylor, the Board acted to approve items a, b and d of the Consent Agenda with correction to the July 13, 2010, regular meeting minutes as set forth below.

a. Approval of Minutes:

- 1. **July 13, 2010 Regular Meeting - Corrected as follows:**

Page 17100, First Paragraph Revised to Read as Follows:

Mr. Taylor asked if the Resolution previously adopted by the Board of Supervisors opposing Collective Bargaining were to be forwarded to the U. S. Senators that it be accompanied by the original motion to show the Resolution was not approved by unanimous vote.

b. Approval of Routine Financial Matters:

- 1. Request for Revenue Refunds - Washington County Sheriff's -Animal Sterilization Fees
- 2. Request for Supplemental Appropriations - Washington County Sheriff's Office and Commonwealth's Attorney Office
- 3. Request for Supplemental Appropriations - Washington County Sheriff's Office for Various Grant Projects
- 4. Payment of Bills - Period of June 11, 2010 thru July 10, 2010
- 5. Budget Status Report - As of June 30, 2010

c. Award of Bids and Approval of Contracts:

No bids or contracts were presented to the Board.

d. Authorization of Routine Business Matters:

- 1. Resolution approving Temporary closure of State Route 726 for Road Construction - Approved as Follows:

RESOLUTION 2010-24

WHEREAS, the Virginia Department of Transportation has deemed it necessary to close a portion of Route 726 (Chestnut Mountain Road) in Washington County for the construction of Project SLEN-095-101, N501, and;

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Supervisors hereby concurs with the Virginia Department of Transportation's decision to close a portion of Route 726 to traffic from 14 August 2010 until Project SLEN-095-101, N501 is complete.

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

- 2. Resolution Approving Grant Funding Application for Washington County Coordinated Community Response Team - Approved as Follows:

RESOLUTION 2010-25

WHEREAS, domestic violence impacts thousands of Virginians each year and threatens our citizens, our families, our children, our homes, and our communities; and

WHEREAS, the Board of Supervisors of Washington County is committed to the safety and security of our citizens and communities who are impacted by domestic violence and to holding perpetrators of domestic violence accountable for their actions; and

WHEREAS, the Board of Supervisors continues to support promising programs and initiatives to address the issue of domestic violence in our community and among our citizens; and

WHEREAS, the Board of Supervisors has the opportunity to apply for recognition for the domestic violence practices and initiatives of our community from The Attorney General’s Community Recognition Program for Promising Practices in Domestic Violence Response, a program supported by the Office of the Governor, the Department of Criminal Justice Services, the Department of State Police, the Office of the Chief Medical Examiner, the Office of the Executive Secretary of the Supreme Court, the Virginia Poverty Law Center, and the Virginia Sexual and Domestic Violence Action Alliance; and

WHEREAS, an application for recognition by the Attorney General’s Community Recognition Program requires a resolution of support from the local governing body;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that that the County wishes to apply for recognition by the Attorney General’s Community Recognition Program for Promising Practices in Domestic Violence Response and that the Board of Supervisors fully supports all reasonable efforts to meet the application requirements established by the Office of the Attorney General for such application; and

BE IT FURTHER RESOLVED, that the application for recognition requires the designation of a local coordinator representing an existing inter-agency domestic violence team as the contact point for the recognition process, and the Board of Supervisors designates Kathy Johnson, Executive Director of Abuse Alternatives to represent Washington County for participation in this program.

- 3. Resolution Designating August 14 as “Keep Southwest Virginia Beautiful South Holston Lake & River Cleanup Day” - Approved as Follows:**

**RESOLUTION 2010-26
TO DESIGNATE AUGUST 14, 2010 AS
KEEP SOUTHWEST VIRGINIA BEAUTIFUL “SOUTH HOLSTON LAKE & RIVER
CLEANUP DAY”
AND TO COMMEND AREA RESIDENTS FOR THEIR 18TH ANNUAL EFFORTS**

WHEREAS, the second Saturday in August has been established as the day residents of Northeast Tennessee and Southwest Virginia should participate in the “18^h Annual South Holston Lake Cleanup;” this day should carry a desire and purpose to add beauty and a natural appearance to the landscape through cleanup efforts; and

WHEREAS, at a time when public lands and waterways are being reduced at an alarming rate; volunteer cleanup activities are one of the most important we can undertake to assure America’s beauty; and

WHEREAS, a clean environment is a legacy to our future; each man, woman and child of this region is encouraged to make an invaluable contribution to the lives of future generations, NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that the Board hereby designates August 14, 2010 as Keep Southwest Virginia Beautiful “South Holston Lake & River Cleanup Day.”

- 4. Resolution Authorizing Extension of Secondary Road Project 0614-095, P01, UPC 66746 - Approved as Follows:

**RESOLUTION 2010-27
AUTHORIZING EXTENSION OF SECONDARY ROAD PROJECT 0614-095, P01, UPC 66746**

BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that the Board wishes to extend project 0614-095, P01, UPC 66746 approximately 0.4 miles in the westerly direction. The new project length will be a total of 1.4 miles. This will make the new project termini: FROM RTE 626 TO 1.4 miles West of RTE 626. The Board supports this extension if funding allows, and this extension does not impact any other projects. Furthermore, this change will not alter the current Secondary Six Year Plan priorities established by this Board.

- 5. Authorization of Renew County Solid Waste Hauler Permits
- 6. Approval of County Personnel Committee Recommendations Regarding Revisions to Sections 01-07 and 03-14 of County Personnel Manual
- 7. Approval of County Personnel Committee Recommendation for Scheduling Evaluations of County Administrator and County Attorney

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

Mr. McCall Aye
Ms. Mumpower Aye
Ms. Price Aye
Mr. Reynolds Aye
Mr. Straten Aye
Mr. Taylor Aye

- 6. **Public Hearings:**
 - a. Public Hearing and Board Consideration of Adoption of an Ordinance to Add Chapter 47 to the 2002 Code of the County of Washington, Virginia, Establishing a Purchase of Development Rights Program

Ms. Phillips addressed the Board and explained that at a prior meeting of the Board, she provided a review of the proposed ordinance to establish a Purchase of Development Rights (PDR) Program. She stated that Holston Soil and Water District representative Meg Short will provide a presentation on the proposed PDR Program.

Ms. Meg Short addressed the Board and provided a PowerPoint presentation that gave an overview of the proposed PDR Program.

Ms. Mumpower opened the public hearing and invited comments regarding the proposed ordinance to establish a Purchase of Development Rights Program.

The following individuals spoke in favor of proposed PDR Program:

- Mr. Harry Arnold, President, Washington County Farm Bureau
- Dr. John Lentz, Member of the Washington County Planning Commission and Joint County Planning and Land-Use Committee

There was no opposition present.

There being no further comments, Ms. Mumpower declared the public hearing closed.

Discussions ensued among the Board.

Mr. Taylor (Member of the Joint County Planning and Land-Use Committee) addressed the Board and explained the Committee took a long term view of the good of the County from an economic standpoint, and the PDR Program is available to help preserve farmland. It allows a farmer to continue to farm the land and if they want to sell the farm land as a farm they are permitted to do so. The farmers are not put in a situation because of market forces to divide the farm to get the highest dollar when they decide they can no longer continue to farm and have no family to leave the farm to. The PDR Program is an opportunity to preserve valuable farm land for future generations. It is a farsighted look at the needs for the County and needs for our country. Mr. Taylor stated that the Joint County Planning and Land-Use Committee recommends establishment of the PDR Program.

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

Discussions ensued among the Board prior to the vote.

Mr. McCall (member of the Joint County Planning and Land-Use Committee) addressed the Board and explained the Committee thoroughly reviewed the proposed PDR Program. When the County's Comprehensive Planning was overhauled in 2002, most of the people that spoke during public input meetings stated they wanted to see the County preserve green space and open land. The PDR Program is a means to get this accomplished.

Mr. Straten inquired if development rights would be purchased at fair market value comparable to what a developer would pay for farm land and the source of funding for the PDR Program.

Ms. Phillips provided Mr. Straten with an explanation about the process that will be involved with determining the amount paid for development rights. She further explained that the PDR Program is a voluntary program. Funding to initially establish the program is now available through the Virginia Tobacco Commission.

Mr. Straten inquired if the PDR Program would seek to purchase of development rights of farm land that may not be marketable.

Ms. Phillips explained that the purchases would be based on ranking criteria.

Further discussions ensued among the Board concerning the proposed PDR Program.

Ms. Mumpower explained that farming is one of the largest industries in Washington County, and the County needs to protect farmland. The Planning Commission and Joint Planning and Land-Use Committee have reviewed the PDR Program thoroughly and support establishing the program. The PDR Program is voluntary and not mandated. Ms. Mumpower stated the longevity of the PDR Program would depend on continued funding. If the Board at some point is asked to provide funding and not able to do so then the program would be carried forward.

Mr. Reynolds proposed allowing Ms. Short to address the Board to speak to the success of PDR Programs in other localities.

At this time, the Board permitted Mr. Neil Kilgore with the Virginia Outdoors Foundation, to make remarks.

Mr. Kilgore addressed the Board and provided comments in support of the proposed PDR Program. The program would allow the County the opportunity to purchase land they believe is most valuable to preserve. He spoke of the importance of planned development in Washington County to keep intact the characteristics that make the County a special place and a tourist destination. He provided an example of the lack of planning in northern Virginia that has resulted in over development. Mr. Kilgore explained the closed locality that has a PDR Program is Franklin County. He does not believe any locality has regretted establishing a PDR Program.

Further discussions ensued.

The ordinance approved as follows:

***AN ORDINANCE TO AMEND THE 2002 CODE OF
THE COUNTY OF WASHINGTON, VIRGINIA TO ADD CHAPTER 47
TO ESTABLISH A PURCHASE OF DEVELOPMENT RIGHTS PROGRAM***

WHEREAS the County Comprehensive Plan states the conclusion that a primary interest of the citizens of the County of Washington, Virginia is to preserve the rural and natural character of the County;

WHEREAS continuous pressure from development for residential, commercial, and industrial uses threatens the rural and natural character so prized by the County's residents;

WHEREAS the legislature of the Commonwealth has empowered local governments to establish a Purchase of Development Rights Program to allow voluntary safeguarding of land used for agricultural, forest, open space, or other conservation purposes; and

WHEREAS the Board of Supervisors of the County of Washington, Virginia, has fully considered the proposed program, the interests of the citizens, and its long-term vision for the future of the County.

NOW, THEREFORE, BE IT ORDAINED, that the Board of Supervisors of the County of Washington, Virginia, finds it in the best interests of the public health, safety, and welfare to establish a Purchase of Development Rights Program and, on the basis of that finding, directs the following:

- 1. The Code of the County of Washington, Virginia shall be amended to include Chapter 47, "Purchase of Development Rights Program," as set forth below. The Editor is requested to assign section and subsection numbers consistent with the codification system in place for other chapters.*
- 2. Should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Code of the County of Washington, Virginia (2002, as amended).*
- 3. This ordinance shall become effective immediately.*
- 4. The text of Chapter 47, "Purchase of Development Rights," shall be, as follows.*

Chapter 47

PURCHASE OF DEVELOPMENT RIGHTS PROGRAM*

**Cross references:*

State law references: Code of Virginia, § 10.1-1700 et seq.

Sec. 1. Short title.

This chapter shall be known and may be cited as the "Purchase of Development Rights ("PDR") Program."

Sec. 2. Description and purpose.

The PDR program compensates property owners who voluntarily agree to sell the right to develop their land. Every property comes with certain rights including but not limited to the right to sell, mortgage, or bequeath the property. In the PDR program, the right to develop is separated and sold so that the land remains undeveloped.

The purposes of this chapter include, but are not limited to:

- (1) Establishing a program enabling the county to acquire conservation easements voluntarily offered by owners to serve as one means of assuring that Washington County's resources are protected and efficiently used;*
- (2) Establishing and preserving open-space and the rural character of the county;*
- (3) Preserving farm and forest land;*
- (4) Conserving and protecting water resources and environmentally sensitive lands, waters and other natural resources;*
- (5) Conserving and protecting biodiversity and wildlife and aquatic habitat;*
- (6) Assisting in shaping the character and direction of the development of the community;*
- (7) Improving the quality of life for the inhabitants of the county; and*
- (8) Promoting recreation and tourism through the preservation of scenic and historical resources.*

Sec. 3. Applicability.

The PDR program shall be available for all qualifying lands in the county, except those lands under the ownership or control of the United States of America, the Commonwealth of Virginia, or an agency or instrumentality thereof. Any conservation easement acquired pursuant to this chapter shall be voluntarily offered by the owner.

Sec. 4. Definitions.

The following definitions shall apply in the interpretation and implementation of this chapter:

Active farmland means cropland or pastureland that has been harvested or grazed during the preceding year or in three out of five previous years.

Application period is the interval of time during which the committee will accept applications for consideration for purchase of development rights.

Batch means a grouping of contiguous parcels for purposes of making application for purchase of development rights.

Board means the board of supervisors of the county.

Commission means the planning commission of the county.

Committee means the purchase of development rights committee.

Conservation easement means a nonpossessory interest in one or more parcels by one or more qualified easement holders under subsection 10(d) of this Code, acquired under the Open-

Space Land Act (Code of Virginia, § 10.1-1700 et seq.), whether the easement is appurtenant or in gross, voluntarily offered by an owner and acquired by purchase or donation pursuant to the PDR program, imposing limitations or affirmative obligations for the purpose of retaining or protecting natural or open-space values of the parcel or parcels, assuring availability for agricultural, forest, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural or archaeological aspects of the parcel or parcels.

County means the County of Washington, Virginia.

Director is the person designated by the Soil & Water Conservation District, who is placed in a managerial position over the daily operations of the program. The director shall serve as a direct liaison to the program.

District means the Holston River Soil & Water Conservation District.

Dwelling means any structure which is designed for use for residential purposes, except hotels, boardinghouses, lodging houses, tourist cabins, apartments and automobile trailers.

Easement and/or Conservation Easement means the property interest conveyed pursuant to the provisions of this chapter for the purpose to conserve the rural, agricultural, forest, and/or open space quality of the real property burdened by the easement.

Foundation means the Virginia Outdoors Foundation.

Owner means the owner or owners of the freehold interest of the parcel.

Parcel means a lot or tract of land or portion thereof, lawfully recorded in the clerk's office of the circuit court of the county. A conservation easement may contain one or more parcels, for purposes of this chapter the term "parcel" shall include all parcels covered by, or proposed to be covered by, the conservation easement.

Program means the purchase of development rights program as operated pursuant to the terms of this ordinance in the county.

Ranking system means the formula by which applications for the sale of development rights are ranked in order of priority of acquisition of such rights.

Sec. 5. Designation of program director; powers and duties.

Powers and duties. The director shall administer the program and shall have powers and duties to:

- (1) *Establish reasonable and standard procedures and forms consistent with this chapter for the administration and implementation of the program.*
- (2) *Promote the program, in cooperation with the committee, by providing educational materials to the public and conducting informational meetings.*
- (3) *Investigate and pursue, in conjunction with the county, state, federal and other programs available to provide additional public and private resources to fund the program and to maximize private participation.*
- (4) *Evaluate all applications to determine their eligibility and their ranking score, rank applications based on their ranking score, and make recommendations thereon to the PDR committee.*
- (5) *Determine easement value by subtracting the County's land-use based taxation value from the most the recent County general reassessment value.*
- (6) *Receive owner-provided easement value appraisal report performed and prepared by a certified general appraiser if the applicant volunteers to provide such appraisal report.*
- (7) *Negotiate with owner relating to conservation easement terms and value.*
- (8) *Provide staff support to the committee.*
- (9) *Make report and recommendations to committee, which shall include, without limitation, the easement value as derived from the calculation stated in this section and from results of negotiation with owner.*
- (10) *For each conservation easement accepted into the program, establish baseline data and assure that the terms and conditions of the easement are monitored and complied with by coordinating a monitoring program with each easement holder.*

Sec. 6. Purchase of development rights committee established; powers and duties.

(a) *Establishment.*

- (1) *The board shall appoint a committee that consists of five voting members, which shall include one member of the commission, one member of the board, one member who also serves on the district board of directors, and two additional members. Each member shall be a resident of the county. In addition to the voting members of the committee, the board shall identify individuals, who are knowledgeable in the fields of conservation, conservation biology, farming, forestry, planning, real estate, and rural land appraisal, to support the work of the committee. The board shall invite, without limitation, the district, agricultural extension office, department of forestry, and the foundation to provide representative(s) to fill these supporting personnel roles.*
- (2) *The members of the PDR committee shall serve at the pleasure of the board. Each member shall serve two-year terms that begin on January 1st and expire on December 31st, with the exception that two of the five members appointed, effective January 1, 2011, shall serve for a one-year term, to be followed by two-year terms.*

(3) *Vacancies in membership shall be filled by appointment by majority vote of the board for an unexpired term only. The appointed member shall represent the same field of knowledge and serve in the same position and capacity as the previous member.*

(4) *The members of the committee shall serve without pay, but the board may, in its discretion, reimburse members for actual and necessary expenses incurred in the performance of his/her duties.*

(5) *The committee shall elect a chairperson and appoint a secretary at its first meeting and henceforth at the beginning of each calendar year. The secretary need not be a voting member of the committee.*

(6) *The director shall be an ex officio, non-voting member of the committee.*

(7) *The committee shall establish bylaws for its meetings and may defer to Roberts Rules of Order for small boards.*

(8) *A quorum shall consist of three voting members present and the committee shall operate on a "majority rule" basis.*

(9) *A majority of the voting members shall be required to accept an invitation to sell.*

(b) **Powers and duties.** *The committee shall have the following powers and duties:*

(1) *Establish and advertise the application period.*

(2) *Promote the program, in cooperation and under the guidance of the director, by providing educational materials to the public and conducting informational meetings.*

(3) *Review the ranking of applications recommended by the director, and make recommendations to the director who will present such recommendations to the board as to which conservation easements should be purchased.*

(4) *Annually review the program's eligibility and ranking criteria and recommend to the director any changes needed to maintain the program's consistency with the comprehensive plan, or to improve the administration, implementation and effectiveness of the program.*

Sec. 7. Eligibility criteria.

Property is eligible for consideration for purchase of a conservation easement only upon meeting the following criteria:

(1) *A conservation easement may extend beyond the jurisdictional limits of the county, but the conservation easement to be purchased pursuant to the program must be entirely within the jurisdictional limits of the county;*

(2) *The use of the parcel subject to the conservation easement must be consistent with the comprehensive plan; and*

(3) *The proposed terms of the conservation easement must be consistent with the minimum conservation easement terms and conditions set forth in this chapter, unless modified by the board.*

Sec. 8. Ranking system.

In order to effectuate the purposes of this chapter, parcels for which conservation easement applications have been received shall be evaluated by utilizing a ranking system. The initial ranking system and changes to the ranking system shall be approved by resolution of the committee. The ranking system may be used to prioritize the acquisition of conservation easements. Notwithstanding any other provision of this chapter, the ranking system is non-binding on the county, the board, its staff and the committee for negotiation, selection, invitation to purchase or purchase of conservation easements.

Sec. 9. Conservation easement terms and conditions.

Each conservation easement shall conform with the requirements of the Open-Space Land Act of 1966 (Code of Virginia, § 10.1-1700 et seq.) and this chapter. The deed of easement shall be in a form approved by the county attorney, and shall contain, at a minimum, the following provisions:

- (1) **Restriction on division.** *The parcel shall be restricted from division as follows:*
 - a. *If the parcel is less than 100 acres it shall not be divided;*
 - b. *If the parcel is 100 acres or larger but less than 200 acres, it may be divided into two lots; and*
 - c. *If the parcel is 200 acres or larger, it may be divided into as many lots so as to maintain an average lot size of at least 100 acres, plus one additional lot for any acres remaining above the required minimum average lot size (e.g., an 850-acre parcel may be divided into as many as nine parcels, eight of which must maintain an average size of at least 100 acres, and the ninth of which consists of the remaining acres).*
- (2) **Conservation easement duration.** *A conservation easement acquired under the terms of this chapter shall be perpetual except as provided in section 12.*
- (3) **Other restrictions.** *In addition to the foregoing, the parcel shall be subject to standard restrictions contained in conservation easements pertaining to uses and activities allowed on the parcel. These standard restrictions shall be delineated in the deed of easement and shall include, but not necessarily be limited to, restrictions pertaining to:*
 - a. *Accumulation of trash, junk, and inoperable vehicles;*
 - b. *Display of billboards, signs and advertisements;*
 - c. *The management of natural resources including, without limitation, forest, water, minerals, natural gas, and wind and/or solar (for purposes of electric power generating equipment);*
 - d. *Grading, blasting or earth removal;*
 - e. *The number and size of residential structures, outbuildings, artificial lighting fixtures, farm buildings, and other structures;*
 - f. *Conduct of industrial or commercial activities on the parcel;*

- g. All county zoning and use restrictions; and*
- h. Monitoring of the easement.*

(4) Designation of easement holders. The District shall hold the easement jointly with one or more other public bodies, as defined in Code of Virginia, § 10.1-1700, or one or more organizations then qualifying as an eligible donee as defined by section 170(h)(3) of the Internal Revenue Code of 1986, as amended, as such joint holder is approved by the committee. Notwithstanding the foregoing, the District shall jointly hold the easement together with the Foundation without requiring specific prior approval of the committee, whenever the Foundation shall agree to do so.

(5) Taxation of burdened property. Taxation of real property burdened by an easement shall be governed by Code of Virginia, § 10.1-1011 or as otherwise set forth in the Code of Virginia in the event of recodification or amendment.

Sec. 10. Application and evaluation procedure.

Each application shall be processed and evaluated as follows:

(1) Application and program materials to be provided to owner. Upon request, the director shall provide to an owner a standard application form and additional information about the program, as such is available to or created by the director.

(2) Application form. The director shall provide a standard application form for owners to use for consideration of a property for a conservation easement. The application form shall require, at a minimum, that the owner provide: the names of all owners of the parcel and adjacent parcels, the address and telephone number of each owner and adjacent owner, the acreage of the parcel, the county tax map parcel number, the zoning designation of the parcel, a copy of the deed or other instrument by which the current owner(s) obtained title to the parcel, a copy of any applicable deed covenants and/or restrictions, tax assessed value of the parcel, land-use based value of the property, an affidavit of liens that encumber the title, and permission for the director and such other staff as may be appropriate to enter the property after reasonable notice to the owner to evaluate the parcel. When such exists on record in the land records of the Clerk of the Circuit Court of the County, the applicant shall include a copy of the most recent plat of the boundary lines for the parcel. The application form shall also include a space for an owner to indicate whether he/she volunteers to have his parcel be subject to greater restrictions than those contained in the standard deed of easement, and to delineate those voluntary, additional restrictions, and a space for the owner to specify any uses that the owner wished to continue on the parcel or to reserve the right to add.

(3) Additional application information required by director. The director may require an owner to provide additional information deemed necessary to determine: (i) whether the proposed easement is eligible for purchase; (ii) the ranking of the parcel; (iii) the value of such easement; and (iv) such other information deemed necessary for the processing of an application.

(4) Submittal of application. Applications shall be submitted to the director. An application fee, as established by the committee, may be required. An application may be submitted at any time during an open application period. However, the director shall notify owner(s) who submitted applications received after an application period deadline that their applications shall not be considered and, if owner desires consideration in a subsequent application period, then resubmittal shall be required.

(5) Evaluation by director. The director shall evaluate each application received and determine whether the application is complete. If the application is incomplete, the director shall inform the owner in writing of the information that must be submitted in order for the application to be deemed complete. Any application remaining incomplete for 15 days after the cutoff date for the application period shall be deemed withdrawn. When an application is deemed complete, the director shall determine whether the parcel satisfies the eligibility criteria and, if it does, shall determine the number of points to be attributed to the parcel by applying the ranking system. The director shall then rank each parcel with the parcel scoring the highest percentage score being the highest ranked and descending there from. The director shall submit the list of ranked parcels to the committee after each application period.

(6) Evaluation by committee. The committee shall review the list of ranked parcels submitted by the director and identify on which parcels it desires conservation easements. The committee shall then prioritize the parcels on which it will seek to purchase conservation easements. Nothing in this chapter shall obligate the committee to purchase a conservation easement on any property.

(8) Requirements and deadlines may be waived. Any requirement or deadline set forth in this chapter may be waived by the committee if, for good cause, it is shown that circumstances exist that warrant consideration of an application. Under such circumstances, the committee may purchase a conservation easement at any time it deems necessary.

(9) Reapplication. An owner of a parcel not selected by the committee for purchase of a conservation easement may reapply in any future open application period.

Sec. 11. Purchase of development rights procedure.

Each purchase of a conservation easement shall proceed as follows:

(1) Invitation to sell. After the committee ranks the pool of properties proposed for conservation easements, the committee shall, by majority vote of the voting members, instruct the director as to initial pool of parcels to be considered for acquisition of easements and assign a value to be considered for acquisition of each easement so identified. In accordance with the board's instruction, the director shall invite the owner of each parcel included in the initial pool of parcels to sell to the district a conservation easement on that parcel for an amount based upon the assigned value of such conservation easement, subject to the terms and conditions of a proposed deed of easement. The invitation to sell shall be in writing and shall include the proposed purchase price, the proposed deed of easement, and the date by which the

written offer must be received by the director in order to be accepted. The invitation may contain a firm offer to be returned by the owner if the owner desires to sell a conservation easement.

(2) Offer to sell. Each owner who desires to sell and/or donate a conservation easement shall submit to the director a written offer that must be received by the date contained in the invitation to sell. The offer should include a statement that substantially states the following: “(The owner) offers to sell and/or donate a conservation easement to the district for the sum of (purchase price), subject to the terms and conditions set forth in the proposed deed of easement enclosed with the invitation to sell.” Nothing in this chapter shall compel an owner to submit an offer to sell.

(3) Acceptance. An offer to sell a conservation easement may be accepted by the committee.

(4) Conservation easement established. A conservation easement shall be established when the owner and authorized representatives of the holders of the easement have each signed the deed of easement. The deed shall be recorded in the office of the clerk of the circuit court of the county. A single conservation easement may be established for more than one parcel under the same ownership.

(5) Offers not made; offers not accepted; invitation to other owners. If an owner invited to sell elects not to do so, or if the offer to sell is not accepted by the committee, then the director may send an invitation to sell to the owner(s) of the next highest prioritized parcel(s) remaining on the list.

(6) Costs. If the committee accepts an offer to sell a conservation easement, the committee may pay the grantor’s tax, if any, and the committee may pay all other costs, including environmental site assessments, surveys, recording costs, if any, and other charges associated with closing. However, the committee shall not pay expenses or fees incurred by the property owner for independent appraisals or legal, financial, or other advice, or any other expenses or fees in connection with the release and subordination of liens to the easement.

Sec. 12. Restriction on buy-back; extinguishment and exchange of easements.

(1) Restriction on buy-back. The owner shall not have the option to reacquire any property rights relinquished under the conservation easement, except as provided hereafter.

(2) Petition to board. Upon the expiration of 25 years from the date on which a conservation easement was recorded, the owner or successor in interest to the property that is subject to the easement may petition the board for the extinguishment of such easement in exchange for the conveyance to the district of a conservation easement on a different parcel of property meeting all of the eligibility requirements as set forth in section 7. The committee may establish a fee schedule to be paid upon application for extinguishment and exchange of easement.

(3) Requirements. No such extinguishment and exchange of easement shall be authorized, unless a majority of the voting members of the committee finds that:

- a. *The extinguishment and exchange is determined to be essential to the orderly development and growth of the county;*
- b. *The extinguishment and exchange is in accordance with the comprehensive plan for the county in effect at the time of the extinguishment and exchange;*
- c. *The extinguishment and exchange does not adversely affect the county's interests in accomplishing the purposes of this chapter;*
- d. *There is substituted other real property that is (a) of at least equal fair market value and at least equal acreage; (b) of greater value as permanent open-space land than the land upon which the easement is extinguished, (c) of as nearly as feasible equivalent usefulness and location for use as permanent open-space land as is the land upon which the easement is extinguished and (d) is in accordance with the Virginia Open-Space Land Act, (Code of Virginia, § 10.1-1700 et seq.).*

(4) Expenses. The petitioner shall bear all expenses and fees in connection with the exchange, including, but not limited to, purchase of the substituted easement, site assessments, surveys, closing costs, recording fees and taxes, title search, and title insurance if required.

Sec. 13. Program funding.

The program may be funded annually by the board in the county budget or by special appropriation. The committee shall endeavor to seek funds from federal, state, local and private sources to effectuate its purposes.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

- b. Public Hearing and Consideration of Adoption of an Ordinance to Add a New Section 38-38 to Chapter 38, "Motor Vehicles and Traffic," to the 2002 Code of the County of Washington, Virginia to Establish a Procedure for Designation of a Street or Segment of Street on Which Golf Carts and/or Utility Vehicles May be Operated

Ms. Phillips addressed the Board and explained the proposed ordinance would establish a procedure for designation of a street or segment of street on which golf carts and/or utility vehicles may be operated. The proposed ordinance came about as a result of a specific subdivision (Meade Meadows) of which a golf cart crossing is designated. When the streets within Meade Meadows were submitted to the Virginia Department of Transportation (VDOT) for acceptance into the state system of secondary highways, it was discovered during the review that state law does not allow golf cart and utility vehicle crossings unless the local government authorizes by ordinance. Therefore, the County looked at what it would take for the local government to grant their approval. The proposed ordinance sets out procedures and follows state law. Ms. Phillips further explained there is an application process that describes where a designated

crossing would be located. The applications are submitted to VDOT. VDOT reviews and makes a recommendation to the County Administrator. The County Administrator would have the authority to approve or deny an application. She reviewed the restrictions and discretionary issues that are outlined in the proposed ordinance.

Discussions ensued among the Board regarding the proposed ordinance in particular about the speed limit of a golf cart/utility vehicle crossing designation.

Ms. Mumpower opened the public hearing and invited comments regarding the proposed ordinance to establish a procedure for designation of a street or segment of street on which golf carts and/or utility vehicles may be operated.

The following individuals spoke in favor of the proposed ordinance:

- Mr. Charles Meade, Developer and Owner of Meade Meadows subdivision addressed the Board and explained that Meade Meadows is a 24 lot subdivision. There are currently 18 homes. Mr. Meade explained the golf cart crossing runs perpendicular and does not follow the road. It would be advantageous to approve the proposed ordinance to authorize the golf cart crossing in order that VDOT could take the roads within Meade Meadows into the state system of secondary highways.

Discussions ensued among the Board, Mr. Meade and Ms. Phillips.

There being no further comments, Ms. Mumpower declared the public hearing closed.

On motion of Mr. Reynolds, second by Mr. Taylor, the Board acted to adopt the following Ordinance as presented:

Further discussions ensued among the Board and Ms. Phillips prior to the vote concerning the speed limit for designated golf cart and utility vehicle areas.

AN ORDINANCE TO ADD A NEW SECTION 38-38 TO CHAPTER 38, "MOTOR VEHICLES AND TRAFFIC," TO THE CODE OF THE COUNTY OF WASHINGTON, VIRGINIA, TO ESTABLISH A PROCEDURE FOR DESIGNATION OF A STREET OR SEGMENT OF STREET ON WHICH GOLF CARTS AND/OR UTILITY VEHICLES MAY BE OPERATED

WHEREAS, Virginia Code Section 46.2-916.1 established that no portion of a public highway may be designated for use by golf carts and utility vehicles unless the governing body of the county, city, or town in which that portion of the highway is located has reviewed and approved such highway usage; and

WHEREAS, Virginia Code Section 46.2-916.2 further provided that the procedures for such review and approval must be established by ordinance; and

WHEREAS, under some circumstances the allowance of operation of golf carts and/or utility vehicles on a public street may be beneficial to the overall plan of development and use of the surrounding land; and

WHEREAS, the Board of Supervisors of the County of Washington, Virginia, has considered these matters and held a public hearing thereon, as required by law, and found it in the best interests of the public health, welfare, and safety to take the action provided for herein.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Washington County, Virginia after notice and public hearing:

1. That the Code of the County of Washington, Virginia shall be amended to include new section 38-38 as set forth below. The Editor is requested to assign section and subsection numbers consistent with the codification system in place for other chapters.
2. That this ordinance shall become effective immediately upon adoption.
3. That should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Washington County Code.
4. That a new section 38-38 shall be added to Code of the County of Washington, Virginia, to read as follows.

Chapter 38.
MOTOR VEHICLES AND TRAFFIC
 Article II. Operation of Vehicles

Sec. 38-38: Operation of Golf Carts and Utility Vehicles on Designated Streets.

(a) Definitions. The following definitions shall apply in the interpretation and enforcement of this section:

Golf cart means a self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course.

Public highway or Street means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the county, as so designated on a plat recorded in the land records of the county's clerk of circuit court.

Utility vehicle means a motor vehicle that is (i) designed for off-road use, (ii) powered by an engine of no more than 25 horsepower, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. Utility vehicle does not include all-terrain vehicles as defined by the Code of Virginia §46.2-100, riding lawn mowers, or any other vehicle whose definition is included in the Code of Virginia §46.2-100.

(b) Procedure. The county administrator or his designee, upon petition of an adjoining resident(s), business enterprise(s), or developer of a particular public highway(s), may designate that specific street(s) within the county, or segments thereof, may be used for travel by golf carts and utility vehicles, after (i) consideration of speed, volume, character of motor vehicle traffic using such street, (ii) determining that golf cart and utility vehicle operation on particular street(s) is compatible with state and local transportation plans and consistent with the Commonwealth's Statewide Pedestrian Policy provided for in Virginia Code § 33.1-23.03:001, and (iii) a recommendation of the Virginia Department of Transportation.

(c) **Impedance of Traffic Prohibited.** *No public highway shall be designated for use by golf carts and utility vehicles if such golf cart and utility vehicle operations will impede the safe and efficient flow of motor vehicle traffic.*

(d) **Signage and maintenance.** *All streets designated as provided in this section shall be marked at each entrance, or at the segment so designated, with appropriate warning signs and pavement markings as determined by the county with assistance from the Virginia Department of Transportation. Signs shall be initially installed and pavement markings affixed by the petitioning residents, enterprises, or developer at their expense. Maintenance and replacement of warning signs and pavement markings pertaining to the operation of golf carts or utility vehicles shall thereafter be the responsibility of the county, the cost of which shall be reimbursed to the county from the residents, enterprises or developer that originally petitioned for such designation, or successors thereof, upon invoice to such party within one-hundred and twenty (120) days of incurrence of such expense, unless the county waives such reimbursement requirement by not sending an invoice. Notwithstanding the foregoing, the county administrator or his designee may establish procedures for advance payment for such maintenance and replacement expenses.*

(e) **Restrictions.**

(1) *A golf cart or utility vehicle may be operated only on designated public highways where the posted speed limit is 25 miles per hour or less.*

(2) *No person shall operate any golf cart or utility vehicle on any public highway unless he has in his possession a valid driver's license.*

(3) *Every golf cart or utility vehicle, whenever operated on a public highway, shall display a slow-moving vehicle emblem in conformity with §46.2-1081 of the Code of Virginia.*

(4) *Golf carts and utility vehicles shall be operated upon the public highways only between sunrise and sunset, unless equipped with such lights as are required in Virginia Code §46.2-1010.*

(f.) *The foregoing restrictions shall not apply to golf carts and utility vehicles being operated as follows:*

(1) *To cross a highway from one portion of a golf course to another portion thereof or to another adjacent golf course or to travel between a person's home and golf course; if, for either of the foregoing, (i) the trip is less than one-half mile in either direction and (ii) the speed limit on the road is 35 miles per hour or less;*

(2) *To the extent necessary for local government employees, operating only upon highways located within the locality, to fulfill a governmental purpose, provided the golf cart or utility vehicle is operated on highways with speed limits of 35 miles per hour or less; and*

(3) *As necessary by employees of public or private two-year or four-year institutions of higher education if operating on highways within the property limits of such institutions, provided the golf cart or utility vehicle is operated on highways with speed limits of 35 miles per hour or less.*

(g.) **Liability.** *All persons who operate or ride upon golf carts or utility vehicles on public streets or roads do so at their own risk and peril, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The county shall have no liability under any theory of liability and assumes no such liability for permitting golf carts to be operated on designated public streets.*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

7. General Business:

a. Actionable Items:

1. Consideration of Resolution Designating August, 2010 as “Go Orange Month” to Increase Hunger Awareness

Mr. Edward Roberts, Resource Development Officer for Feeding America Southwest Virginia (formerly Southwest Virginia Second Harvest Food Bank) addressed the Board and presented information on their “Go Orange Month” project to increase hunger awareness. Orange is the color of hunger awareness. Mr. Roberts reviewed the initiatives that would be undertaken during “Go Orange Month” and provided information on the localities served and amount of food distributed from the Abingdon facility. Mr. Roberts noted the demographics of those needing assistance has changed. The Abingdon facility has seen an increase in need for their services. Mr. Roberts was accompanied by his daughter, Miss Sara Beth Roberts, who distributed materials to the Board.

Mr. Robertson invited the Board to the unveiling of the new Feeding America Southwest Virginia logo scheduled for Thursday, August 5.

Ms. Mumpower on behalf of the Board expressed appreciation to Mr. Robertson for his presentation and for the great service his organization does to help those in need.

Discussions ensued among the Board and Mr. Robertson.

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

**RESOLUTION 2010-28
DESIGNATING AUGUST 2010 AS “GO ORANGE MONTH”
TO INCREASE HUNGER AWARENESS**

WHEREAS, the 2010 Hunger in America Study has seen an incredible 60% increase in individuals served through food banks nationwide; and

WHEREAS, Feeding America Southwest Virginia, formerly known as Southwest Virginia Second Harvest Food Bank, has been providing the hungry in Southwest Virginia with the resources they need; and

WHEREAS, Feeding America Southwest Virginia, has designated August 2010 as the month to launch their “Go Orange” campaign to promote awareness of hunger in our community; and

WHEREAS, Feeding America Southwest Virginia will hold a special announcement and kick-off for this campaign on August 5, 2010 at their distribution facility in Abingdon, VA and would like to include all government agencies that support it's mission;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that the Board declares the month of August 2010 "GO ORANGE MONTH" in support of the Feeding America Southwest Virginia efforts to increase hunger awareness.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

2. Consideration of Request for Proposals for Professional Public Relations Services

Assistant County Administrator Christy Parker addressed the Board and presented a recommendation from the County Economic Development Committee (Supervisors Mumpower and Straten) for Board consideration of Request for Proposals (RFP) to procure professional public relations services. The Economic Development Committee has recently discussed with County administrative personnel ways by which the County could become more pro-active and intentional in creating a continuous, consistent and positive message about County government activities and programs. This will allow the county government to make its actions and decisions, policies, accomplishments, programs and initiatives more widely-known and transparent to its citizens. Since the County does not have an in-house public relations function or personnel dedicated to public or media relations, a professional public relations consultant or firm will give the County guidance and assistance in dealing with the media and promoting its programs and initiatives in a more professional manner.

Ms. Parker provided a review of the RFP. She explained the Economic Development Committee is recommending soliciting proposals from professional public relations consultants or firms to accomplish the following: production/dissemination of an annual report, development and initiation of a promotional campaign for meals tax referendum in the November 2011 election to help the public understand how a meals tax might be legitimate source of revenue, development and production of promotional materials for County programs and services, preparation and distribution of press releases, media and public relations training for staff, and special project consulting. Ms. Parker explained a project not included in the scope of work is the series of election district based meetings to inform constituents of issues. County staff could take care of setting up the meetings, which would save money.

Ms. Parker explained it is recommended that a project team be established to meet with the public relations firm on a monthly basis to provide guidance and review progress. Then meet on a quarterly basis to evaluate the services and possibly modify the scope of work. She further explained the last point is the cost for professional public relations services has not been budgeted for in the current fiscal year and would require a supplemental appropriation.

Substantial discussions ensued among the Board.

Mr. Straten addressed the Board and explained that he supports the initiative and believes professional public relation services are needed. The public has incorrect information about previous actions of the Board. Examples are the purchase of the Alpha Natural Resources Building and the increase to the real property tax rate. The County needs to publish an annual report, hold election district meetings and have the meals tax referendum placed on the ballot for the November 2011 election. For all these reasons, the assistance of a professional public relations firm is sought after.

Ms. Mumpower concurred with Mr. Straten's remarks. She explained that citizens want transparency of government, and the County has failed at this in the past. The county needs assistance with public relations.

Mr. Taylor explained he was in agreement with the recommendation of the Economic Development Committee. His reasons are because the County has been mandated by the Department of Conservation and Recreation to come into compliance with the State regulations to administer the Erosion and Sedimentation Control (ESC) Program ordinance. The County's financial expenditures to come into compliance have been in excess of \$100,000. However, fees collected by the County for permits issued for ESC are less than \$5,000. This means every taxpayer in the County is subsidizing some businesses that are going on in the County.

Mr. McCall inquired if the Board grants authorization to issue an RFP for public relations services would the Economic Development Committee bring a contract for the services back to the Board for approval.

Mr. Reeter explained that at this time, the Board is asked to approve the procurement process and appoint a selection team. The team would review the RFP's received and negotiate a contract and bring that contact to the Board for approval.

Ms. Price explained that it is clear the intentions of the Economic Development Committee are very good. The goal of government transparency is what the Board is about. This is good, admirable and proper. She addressed several concerns with the RFP as follows:

1. It does not seem having services of a public relations firm would be about transparencies because public relation firms are not about increasing the amount of information to the public. The Board is a government of the people to make sure actions are taken in the open and decisions are able to be seen through and actions are made in a proper way. An Example in the RFP of a transparency issue is the meals tax referendum. The Board has not acted to put this referendum on the ballot. However, if a taxpayer were reviewing the RFP it appears this is a foregone conclusion that the referendum will be on the ballot, and the Board is requesting a public relations firm to take action relating to the referendum. To her knowledge, a referendum has not been approved. The Board should not spend taxpayer dollars on a referendum to tell people how they should vote.
2. A public relations firm is about controlling the flow of information and having a desired outcome of what information is released and how it is released.
3. There are several things mentioned in the RFP that are of concern. One is training for employees. Public relations firms are not about training. The County pays membership to the Virginia Association of Counties and the National Association of Counties. Ms. Price stated that she has no objection to staff obtaining training to increase skills in media and public relations. Another issue of concern is the Constitutional Officers are included in the RFP. Constitutional Officers are elected by the people of the County and are answerable directly to the people of the County.

They maintain their own budget and providing this promotional type of function is providing additional services that may or may not be appropriate in certain instances.

4. Economic development issues. If the Board needs assistance launching an economic development opportunity it could be brought before the Board on a case by case basis. The RFP proposal seems backward. The Board should be listening to what citizens think of what the Board is doing instead of spending taxpayer dollars to tell them what to think about what the Board is doing.
5. A committee will determine how much money is spent and on which particular issues it is spent. Ms. Price explained she does not want to see this taken from the Board. Further, she feels a responsibility to her constituents and the County at large that she participates in decisions that involve spending money. Also, money for public relations is not in each department's discretionary money to be used on, for example, professional services. It is about who gets to do it, on what issues, and what the position of the County is. Another concern in this regard is who the client of the public relations firm is. Who are they representing; the County, the Board, the committee. If the committee directs what the firm does that is who they answer to. How and how much money will be spent is a function of the Board as a whole and not a function of couple of people; some of who are administrative staff.

Ms. Price explained that economic issues do not govern her concerns. The County needs to spend money to have a good and responsive government. Her concerns are because the Board can accomplish the things outlined in the RFP in a way that makes them all accountable and where they all participate in the process. An annual report is a good thing and could be put on the County's website for public access. The election district meetings would be great and give Board members the opportunity to tell constituents what is going on in the County and allow the constituents to ask questions and interact with Board members. A public relations firm is about a certain outcome and controlling the flow of information. They are not about making sure people are fully informed of every aspect of a decision.

Mr. Straten offered a response to Ms. Price's comments. He explained the Board has got to get information out somehow to the public. The RFP did not state a decision on the meals tax referendum had been made. However, at some point it has to be discussed for the first time, and tonight is the first time. The referendum would be a year from now, so nothing is being hidden. In regards to a message being one way, the Board has got to get information out to the public in order for them to rebut. The public has the opportunity to address the Board about any issue during the second Board meeting of each month. When the public sees what is in the annual report and what else the Board is doing relative to quarterly meetings with constituents, it gives them information that they could come and express their pleasure or displeasure. Unfortunately, the Board does not get attendance at the meetings that allows all 54,000 people in the County education about what the Board is doing. The only way to get out correct information is through some sort of media. Mr. Straten stated that computers are not the answer to everything. There are many people in the County that do not have computers and who do not get the daily newspaper. It is imperative that correct information is disseminated to the public. He explained the biggest complaint he has heard is the public does not know what the Board is doing. Mr. Straten further explained that public relations firms will make presentations according to how they are directed. If the Board tells them what to do, they are not spinning something for the Board. He stated the Board is putting out information on what they have done, what they would like to do, and asking public to respond to it.

Mr. Taylor commented that Ms. Price's comments were well taken. Public relations firms will spin what you want them to. Each member of the Board has their own mind set, but can come to a collective

decision. The value to having a public relations firm is for all seven Board members to have the same message and that is pertinent to an issue.

Ms. Price explained that she did not assert that anything was being hidden in regards to the referendum. Her point is the RFP presupposes that the referendum has been approved by the Board and will be on the ballot. In regards to computer access, every branch of the Washington County Library has Internet access available to all members of County. Ms. Price restated her concern that the Board will not be telling the public relations firm what to do. There is a committee that excludes most of the Board that will be making the decisions about what is the message, what information should be out there, and what is in need of being done. The concern is she essentially would be allowing delegation of her responsibilities to her constituents for making decisions. The Board has a lot of people to communicate with, but each member represents about 7,000 people. Constituents can attend Board meetings and visit the County Administration Building to see agendas. They can watch meetings on the Internet at their convenience. The County has done a lot of things that are admirable and wonderful in making information available. Ms. Price stated she submits her comments with all due respect.

Ms. Mumpower thanked Ms. Price for her comments. She explained it is not the intent of the Economic Development Committee to make decisions as to what go out to public. If the Board decides to contract with a public relations firm it would be a decision of the entire board. The Board would have to meet with the public relations firm and direct them about what information to get out to the public. One intent of the Economic Development Committee is that lots of positive things happen, and the County does not do a good job getting that information out to the public. Ms. Mumpower further explained hiring a public relations firm is not something the Board has to do at this time since the costs are not included in the County Operating Budget. However, there would be no harm in going forward with the RFP process. When the RFPs are submitted to the County, the cost may well be more than what the County could afford or what the Board wants to approve. The Economic Development Committee felt hiring a public relations firm would be a positive step in getting accurate information out to the public.

Mr. Reynolds explained the Board does not want to get into a position where they are not the ones making decisions. When committees are established and assigned with certain responsibilities it removes some decision making from the Board, and this is not something he wants to see done. Mr. Reynolds stated that he would like the Board involved in decision making.

Ms. Mumpower stressed that it was not the intent of the Economic Development Committee, or administrative staff to imply they would be the only ones making decisions.

The following action was proposed:

On motion of Mr. Straten, second by Mr. Taylor, the Board acted to approve the Request For Proposals for Public Relations Services and authorize its advertisement and to appoint the County Economic Development Committee and Assistant County Administrator as the Selection/Interview Team.

Further discussions ensued among the Board about the RFP as presented to the Board, particularly about project oversight and performance evaluation, and the Boards involvement in the decision making. As a result the following substitute motion was made:

On motion of Mr. McCall, second by Mr. Reynolds, the Board acted to table consideration of Request for Proposals for Professional Public Relations Services until the August 10, 2010, regular meeting.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

3. Consideration of Appointments to Various Boards, Authorities and Commissions Expiring June 30, 2010

Washington County Park Authority

The appointment was tabled until the August 10, 2010 regular meeting.

4. Consideration of Resolution Establishing County Finance Committee for Fiscal Year 2010-2011

Mr. Reeter explained the establishment of a County Finance Committee for FY 2010-2011 was tabled from the July 13 meeting. He described the specific financial matters the Finance Committee would be tasked with in the short term which are: integration of the balance of the County's "transitional revenue" resulting from the move to semi-annual collection of real property taxes into the County operating budget; development of formal "Fiscal Policy" for the county for Board adoption prior to the anticipated County bond rating re-evaluation process tentatively scheduled for the fall of this year; and investigation of possible new revenue sources for the County. The Finance Committee would have no role in budget preparation. Mr. Reeter reminded the Board that the Finance Committee as with all Board Committees would be purely advisory and exercise no authority of its own for independent decision-making or action.

Mr. Reeter further explained the composition of the Finance Committee is recommended to be slightly different from other Board committees because of its relative importance. It is proposed that the Finance Committee be re-established annually at the beginning of each fiscal year and have a mandatory rotating composition, with at least one new Supervisor appointed to the committee annually. This would allow all Board members the opportunity to have exposure to financial matters.

Discussions ensued among the Board.

Mr. Reynolds asked for clarification that the Finance Committee would abolish the Joint School Budget Committee.

Mr. Reeter explained that the Finance Committee would succeed the Joint School Budget Committee.

Mr. Reynolds stated he has served on the Joint School Budget Committee and it is a productive committee. He commented the new interim school superintendent has said one unique thing about Washington County is the working relationship between the Board of Supervisors and School Board. The County is a role model for the state.

Further discussions ensued with the following action being proposed:

A motion was made by Mr. McCall to adopt the Resolution to establish a County Finance Committee and to appoint the current Joint School Budget Committee members Nicole Price and Tom Taylor to the County Finance Committee. Further, Mr. Taylor would serve a one year term and Ms. Price would serve a two year term.

Mr. Straten questioned the motion and explained it should be two motions; one to establish the Finance Committee and one to nominate committee members. He explained this matter was tabled from the July 13 Board meeting because all seven members were not present. Therefore, he proposed tabling action again until the next Board meeting to allow for all Board members to be in attendance.

Mr. McCall withdrew his motion.

The following substitute motion was made:

On motion of Ms. Price, second by Mr. Straten, the Board acted to table Consideration of Resolution Establishing County Finance Committee for Fiscal Year 2010-2011 until the August 10, 2010, regular meeting.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

b. Information Items:

1. Presentation on Comprehensive Services Act (CSA) Program's FY 2010 Expenditures

Mr. Andre Richmond, Director for the Bristol and Washington County Comprehensive Services' Act (CSA) and Dr. Christopher Qualls, Vice-Chair and Government Representative for Washington County on the Highlands Community Policy and Management Team (HCPMT), addressed the Board and made a presentation on the CSA Program and expenditures for FY 2010. Accompanying Mr. Richmond and Dr. Qualls were Ms. Kathi Roark, Private Provider Representative on the HCPMT and Mr. Tommy Casteel, Chair of the HCPMT.

Dr. Qualls explained the mission of the HCPMT is to empower families to meet their needs through the innovative delivery of effective and highly-integrated services. The CSA Act of 1993 provided for pooling of eight specific funding streams used to purchase services for high-risk youth. He reviewed the definition of high risk youth. The purpose of the CSA is to provide high quality, child-centered, family-focused, cost-effective, community-based family services to high-risk youth and their families. Dr. Qualls talked about the composition of the CSA Teams, reviewed demographics of the youth and families served and the referral sources. Dr. Qualls shared with the Board a case example of a 17-year old youth successfully discharged from the program.

Mr. Richmond provided the Board with a FY 2010 financial report for the CSA Program. He reported that the CSA program saw a projected savings of \$98,091 which means a \$27,000 savings in the local match. Mr. Richmond provided a review of the State's newly implemented rate structure.

Discussions ensued among the Board and Dr. Qualls.

Ms. Mumpower thanked Dr. Qualls and Mr. Richmond for their presentation and their service. She stated they do an outstanding job.

2. Review of Draft County Code Amendments Pertaining to Animal Control and Flood Hazard Zoning District Regulations

Ms. Phillips addressed the Board and introduced Mr. Chris Menerick, Summer Law Clerk working in the Office of the County Attorney. She explained that Mr. Menerick worked under her direction on two ordinances to amend the County Code pertaining to animal control and flood hazard zoning district regulations. Ms. Phillips explained the Board is asked to authorize public hearings on the draft ordinances be scheduled both before the Board of Supervisors and Planning Commission.

Mr. Menerick addressed the Board and thanked them for the opportunity to work for County this summer. He provided the following review of the draft ordinances pertaining to animal control and flood hazard zoning district regulations:

1. Draft Ordinance to Amend Chapter 10, Subsections 1-181 of the 2002 Code of the County of Washington, Virginia, to Update the County Code of Ordinance Provisions of Care of Animals for Consistency with State Law

The draft ordinance includes revisions to the current County animal control ordinance that would conform the ordinance to the provisions of state law. The majority of proposed amendments would revise references to state law that have changed as a result of re-codification of the Commonwealth's Comprehensive Animal Control Law, which occurred in 2008. In addition, minor substantive changes are noted in accordance with corresponding changes to state law.

2. Draft Ordinance to Amend Chapter 66, Subsections 546-559, of the 2002 Code of the County of Washington, Virginia, to Update the County Code of Ordinance Provisions for Regulation of Land and Land Use for Consistency with Federal Law

The U. S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) oversees the National Flood Insurance Program (NFIP), in which the County participates. FEMA has requested certain revisions be made to the County's floodplain management regulations found in the County zoning Ordinance (Chapter 66 of the County Code - specifically the Flood Hazard FH Zoning District regulations) in order to comply with the most recent minimum NFIP requirements. The draft ordinance must be adopted and submitted to the FEMA Regional Office by September 30, 2010.

Discussions ensued among the Board concerning updates to flood hazard zoning district regulations.

Ms. Mumpower thanked Mr. Menerick for his work on the proposed ordinances.

On motion of Ms. Price, second by Mr. Straten, the Board acted to authorize the County Attorney to schedule the public hearings before the Board of Supervisors and Planning Commission.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

8. Board Member Reports

Ms. Price requested the County Administrator send a letter to the Virginia Department of Transportation to request a traffic study at U.S. Route 19 and Rustic Lane (location of the Public Safety Building). She explained that residents in this area as well as Sheriff Fred Newman hope that a traffic light could be installed at this location. Ms. Price noted there would be no cost to the County for the traffic study.

Discussions ensued among the Board. It was consensus of the Board to authorize the County Administrator to send a letter to VDOT requesting a traffic study be conducted.

Ms. Price asked the County Attorney for the status of the noise ordinance. It is her understanding based on a recent Supreme Court ruling that the County's Noise Ordinance is not enforceable. Ms. Price questioned if one noise ordinance could take care of all the issues including barking dogs and motor cross activities.

Ms. Phillips explained that as of July 1 violations of the noise ordinance could be prosecuted as criminal charges. She will bring before the Board some model ordinances for consideration.

Ms. Price reported the guest for her radio show, Washington County Connects (90.7 FM) this week would be Mr. Doug Meade, retired director of the Washington County Department of Social Services and now a substance abuse coordinator. The guest for next week's show will be Dr. Ron Proffitt, President, Virginia Highlands Community College.

Mr. Taylor reported the County needs to provide staff assistance to the County Planning Commission in the area of planning. The County has not been successful in keeping a planner on staff and the position has now been eliminated from the County Operating Budget. Planning Commission members have expressed a need for assistance. They would like to get involved in projects that would be beneficial to the County, but do not have the planning staff to assist them with research to evaluate the needs. The County continues to experience growth and the assistance of a planner is important to provide services to the constituents.

Mr. Straten reported that he is a member of the Virginia Association of Counties' Transportation Steering Committee. The first committee meeting is scheduled for August 6. He asked Board members to let him know if there were messages they would like taken to the committee.

Mr. McCall reported the Washington County Extension Office Leadership Committee recently met and was informed by Mr. Phil Blevins that the state is considering major reorganization. He advised the Board that a resolution concerning this matter might be brought before the Board at some point.

9. Board Information and Reminders

Mr. Reeter reviewed the following Reminders and Board Information:

Reminders:

- Joint Meeting of the Board of Supervisors and Abingdon Town Council - Wednesday, September 22, 2010, at 6:30 p.m., at the Abingdon Municipal Building

Mr. Reeter noted this will be the first quarterly meeting between the Board of Supervisors and Abingdon Town Council

- County Employee Picnic - Sunday, September 12 from 4:00 - 6:00 p.m., at the Washington County Park
- Personnel Committee Recommended Scheduling Performance Evaluations of County Administrator and County Attorney.

Mr. Reeter explained there needs to be discussion on how to approach this issue. In the past it has been best for the Board to hold a recessed meeting solely to conduct the evaluations.

Discussions ensued among the Board concerning scheduling of the evaluations for the County Administrator and County Attorney.

It was consensus of the Board to schedule the evaluations for Wednesday, September 29.

Board Information:

- Registration for 2010 Virginia Rural Summit - September 13-15 - Glen Allen, VA
- Correspondence dated July 14, 2010 Concerning Construction of Clinch Mountain Trail
- Southwest Virginia 4-H Center Groundbreaking Ceremony on August 7, 2:00 p.m.
- Virginia Tobacco Commission Reception on July 28, 6:30 p.m. at the Francis Marion Hotel in Marion, VA
- Opening Convocation for Washington County Public Schools on August 10, 8:00 a.m. at Abingdon High School

Mr. Reeter advised the Board that another session of the Virginia Certified County Supervisor Program is being offered by the Virginia Association of Counties and the Virginia Cooperative Extension Service and will begin in September if any Board members are interested.

Mr. Straten requested to be enrolled in the Virginia Certified County Supervisor Program.

Ms. Phillips reviewed the following information:

Ms. Phillips expressed appreciation to the Board for authorizing her to hire a law clerk for the summer. It has been a great benefit.

10. Closed Meeting:

- 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 commercial enterprise proposed for location in Washington County and regarding a potential partnership with the Town of Abingdon for business development and the particular property and prospective business being contemplated**

On motion of Mr. McCall, second by Mr. Straten, the Board acted 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 commercial enterprise proposed for location in Washington County and regarding a potential partnership with the Town of Abingdon for business development and the particular property and prospective business being contemplated. It was further resolved to include County Administrator Mark Reeter, County Attorney Lucy Phillips and Assistant County Administrator Christy Parker in the Closed Meeting.

The Board took a five minute recess prior to convening in Closed Meeting.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Straten</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 Ms. Price, second by Mr. Reynolds, 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. Straten, 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)

<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

On motion of Ms. Price, second by Mr. Taylor, it was resolved to let the record reflect that Attorney Frank Kilgore was authorized for participation in the Closed Meeting regarding a potential partnership with the Town of Abingdon for business development and the particular property and prospective business being contemplated.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

11. Adjourn or Recess

On motion of Ms. Price, second by Mr. McCall, it was resolved to recess to August 2 at 6:30 p.m. for purpose of joint meeting with Abingdon Town Council at the Abingdon Municipal Building.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

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Prepared by:

Naoma A. Norris, Recording Clerk

Approved by the Washington County Board of Supervisors:

Dulcie M. Mumpower, Chairman