

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, April 12, 2011, at 6:30 p.m., at the County Administration Building in Abingdon, Virginia the following were present:

PRESENT:

Dulcie M. Mumpower, Chair
Odell Owens, Vice Chair
Phillip B. McCall
Nicole M. Price
Kenneth O. Reynolds
Thomas G. Taylor

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

ABSENT:

Joseph C. Straten

1. Call to Order

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

Ms. Mumpower noted Mr. Straten is out of town and will not attend the Board meeting.

2. Invocation and Pledge of Allegiance

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

3. Approval of Agenda

Mr. Reeter addressed the Board and explained he amended the Agenda to add review of the draft agendas for the April 21 joint meetings of the Board of Supervisors, Washington County Service Authority & Industrial Development Authority of Washington County.

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

Addition of Item 5.b.2

Review of Draft Agendas for April 21 Joint Meetings of the Board of Supervisors, Washington County Service Authority & Industrial Development Authority of Washington County.

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

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

4. Consent Agenda:

Mr. Taylor inquired about records being destroyed, and asked if there are any permanent copies of the records that are being disposed of. He explained the reason for his question is there are issues, such as zoning matters, which have a way of repeating themselves.

Ms. Phillips explained any documents of significance are maintained and not destroyed.

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

a. Approval of Minutes:

- 1. *March 10, 2011 Recessed Meeting (Budget Public Hearing)***
- 2. *March 10, 2011 Recessed Meeting (Budget Work Session)***
- 3. *March 17, 2011 Recessed Meeting***
- 4. *March 22, 2011 Regular Meeting***

b. Approval of Routine Financial Matters:

No financial matters were presented to the Board.

c. Award of Bids and Approval of Contracts:

No bids or contracts were presented to the Board.

d. Authorization of Routine Business Matters:

- 1. *Approval of Records Destruction, Office of County Attorney***
- 2. *Approval of Records Destruction, County Department of Community & Economic Development.***

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>Mr. Owens</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

5. General Business:

a. Actionable Items:

1. Economic Impact Presentation and Consideration of Resolution Supporting Certificate of Public Need for Expanded Computed Tomography (CT) Services by Mountain States Health Alliance for Johnston Memorial Hospital.

Johnston Memorial Hospital Chief Executive Officer Sean McMurray addressed the Board and introduced Dr. Jon Smith, Director, Bureau of Business and Economic Research at East Tennessee.

Dr. Smith addressed the Board and presented an Economic Impact Study completed for Johnston Memorial Hospital at the request of Mountain States Health Alliance. He explained the purpose of the Economic Impact Study was to determine the economic impact the construction of the new hospital as well as continued hospital operations has on Washington County. Dr. Smith reviewed the various elements of the study including overall employment, employment by industry, the definition of economic impact, direct project spending, construction impacts and operations impact. The health care and social assistance sector in Washington County employs about 2,477 people. He explained the study determined the state and local tax impact resulting from construction expenditures for the new hospital facility from 2008-2011 is \$3,234,782; and the state and local tax impact resulting from continuing operational expenditures of the hospital is \$2,900,834.

Discussions ensued among the Board, Dr. Smith and Mr. McMurray about the Economic Impact Study.

Mr. McMurray addressed the Board and provided an update on additional services added at Johnston Memorial Hospital. He explained there are several expansions in the Cardiology Department. A Cardiac Cath Lab will open at the new hospital; positions were added in the Chest Pain Center; and screenings are conducted throughout the region with the HeartCoach. Mr. McMurray further explained other areas of the hospital growing include the Diabetes Care Center, Wound Care Center, and the Oncology Department. New physicians coming to the hospital include a neurologist, urologist, an orthopedic surgeon to replace Dr. McCain, and a new OB/GYN. Mr. McMurray explained that Mountain States Health Alliance is interested in growing Johnston Memorial Hospital.

Continued discussions ensued among the Board and Mr. McMurray regarding pediatric and obstetric care. Specific questions were asked about pediatric and obstetrics care at the hospital in Marion, and the Russell County Medical Center.

Mr. McMurray explained that Johnston Memorial Hospital is trying to develop services based on community needs. They will not duplicate services that are provided by other hospitals in the area that are part of the Mountain States Health Alliance network.

At this time, Mr. McMurray presented a request for support of an application by Mountain States Health Alliance on behalf of Johnston Memorial Hospital for a state Certificate of Public Need for expanded computed tomography (CT) services. He explained the plan is to convert an existing CT scanner for diagnostic purposes. The new hospital will have a couple CT scanners for patient diagnoses, and the Cancer Center has one for treatment planning. State approval is being sought to use the CT scanner at the Cancer Center for diagnostic purposes, as well as treatment planning. Mr. McMurray explained the third CT scanner would be used to accommodate additional scan volume that may be needed in the future. Most CT services will be outpatient.

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

**RESOLUTION 2011-07
IN SUPPORT OF AN APPLICATION BY JOHNSTON MEMORIAL HOSPITAL TO EXPAND
COMPUTED TOMOGRAPHY (CT) SERVICES**

WHEREAS, computed tomography service volumes at Johnston Memorial Hospital (JMH) have increased significantly in recent years and with the pending opening of the replacement hospital, utilization is expected to continue to grow; and

WHEREAS, computed tomography services on the existing two diagnostic CT scanners at Johnston Memorial Hospital (JMH) exceed the state defined institutional-specific need of 7,400 procedures per scanner; and

WHEREAS, in addition to the existing two diagnostic CT scanners, JMH has a radiation therapy CT simulator (used for radiation therapy planning at the Cancer Center) which has the capabilities to also provide diagnostic CT scans and since there are no additional equipment or software needs, there would be no capital costs associated with the project; and

WHEREAS, the ability to perform diagnostic CT scans on three units within the hospital campus will enable JMH the scheduling flexibility necessary to meet the needs of its inpatients, outpatients, and emergency department patients even in the event of peaks in volume as well as maintenance or equipment downtime.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that the Board officially supports the application for Johnston Memorial Hospital to seek permission to expand capacity of diagnostic computed tomography services through the conversion of an existing radiation therapy CT simulator unit to a dual use CT unit able to provide both radiation therapy simulations and diagnostic CT scans.

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>Mr. Owens</i>	<i>Aye</i>

Ms. Price *Aye*
Mr. Reynolds *Aye*
Mr. Taylor *Aye*

2. Consideration of Resolution in Support of Continuation of Federal Community Services Block Grant Program Funding

People Incorporated of Virginia Executive Director Rob Goldsmith addressed the Board and presented a request for a Resolution in support of continued federal funding for the Community Services Block Grant Program. Mr. Goldsmith explained this federal funding is the core of their funding. He further explained over the past year, People, Inc. has assisted over 3,200 people in Washington County to obtain affordable housing, further their education, provide job training, improve their health status, start a business and improve overall economic status. He stated that People, Inc. directly employees 160 people in the County. Mr. Goldsmith explained good news was received this week that the Community Services Block Grant Program funding would only be cut by 2.9%. The battle that lies ahead is to maintain funding when Congress and President Obama put together funding for 2012.

Discussions ensued among the Board and Mr. Goldsmith.

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

**RESOLUTION 2011-08
IN SUPPORT OF
COMMUNITY SERVICES BLOCK GRANT FUNDING**

WHEREAS, People Incorporated is the designated Community Action Agency for Washington County and provides opportunities for people to reach their goals in order to improve their lives, their families and their communities, and

WHEREAS, community action changes people’s lives, embodies the spirit of hope, improves communities, and makes America a better place to live, and

WHEREAS, the Community Services Block Grant provides Federal funding that is crucial to helping Community Action Agencies to deliver services to meet the needs of low-income people and communities, ad

WHEREAS, the residents of Washington County benefit from the human and community development service provided by People Incorporated using Community Services Block Grant funding, and

WHEREAS, last year People Incorporated provided opportunities for the residents of Washington County in the areas of housing, improved health, safety and security, education, business development and job creation, and

WHEREAS, President Obama has proposed a fifty-percent reduction in funding for the Community Service Block Grant program in Federal fiscal year 2012, and

WHEREAS, if enacted, this reduction in funding will severely limit the scope, impact and sustainability of the programs and services offered by People Incorporated to Washington County residents, and

WHEREAS, the Washington County Board of Supervisors finds this proposed funding cut to be disproportionate, extreme, unwarranted, and unwise during this time of economic uncertainty.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that; in recognition of the importance, value and effectiveness of the services provided by People Incorporated using Community Services Block Grant funding for Washington County residents; the Board does hereby call on Senator Mark Warner, Senator Jim Webb, and Congressman Morgan Griffith to make every effort to preserve, protect and support the continuation of Community Services Block Grant funding at sufficient levels to enable the residents of Washington County and throughout the Commonwealth to continue helping themselves and each other.

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>Mr. Owens</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

3. Consideration of Mount Rogers Comprehensive Economic Development Strategy (CEDS) for 2011-2012

Assistant County Administrator/Community and Economic Development Christy Parker addressed the Board and explained each year Mount Rogers Planning District Commission (MRPDC) develops a list of projects by jurisdictions, which they incorporate into a Comprehensive Economic Development Strategy (CEDS) for the region. Many state and federal grant agencies such as the U.S. Economic Development Administration, Appalachian Regional Commission and Department of Housing & Community Development require that economic development projects (i.e., water, sewer, libraries) be listed in this regional strategic plan before they can be funded. Ms. Parker explained in conjunction with County Administrator Mark Reeter, the CEDS for Washington County was put together and is presented to the Board for comments and approval of the list to submit to MRPDC before April 26.

Discussions ensued among the Board and Ms. Parker about the CEDS list.

Mr. Taylor inquired if the list includes any energy related projects.

Ms. Parker explained there is no energy projects included on the CEDS list. She stated the CEDS list presented to the Board is for the County only, and does not include projects for the Towns of Abingdon, Damascus and Glade Spring. The towns provide their CEDS list directly to MRPDC.

Mr. Taylor inquired if the project discussed at the recent meeting of the Smyth Washington Industrial Facilities Authority could be added to the list.

Ms. Parker explained the CEDS list does not usually include existing industry expansions or prospective industry projects. The CEDS list is for public economic development related projects.

Mr. Reynolds (Member of MRPDC Executive Committee) explained that Dave Barrett, Executive Director, MRPDC, expressed the importance of localities reviewing the CEDS list. He stated projects on the list have the potential to positively affect residents in various ways.

Mr. McCall commented that the Damascus Branch Library is on the County's CEDS list, and questioned if the project should be included on the list for the Town of Damascus.

Ms. Parker reiterated that the towns are responsible for submitting their CEDS list to MRPDC.

Ms. Price asked for an explanation of the process involved for determining project priority, and significance of the ranking to MRPDC.

Ms. Parker explained the ranking is determined by staff recommendation, blend of timeliness and potential of the project to become a reality. She provided the example of the Damascus/Johnson County, TN Bike Trail and multisport complex ranked lower than projects that may become a reality over the next couple of years. Ms. Parker explained that ultimately the CEDS list is determined by the Board of Supervisors, and if the Board would like greater emphasis placed on another project such as the multisport complex that is their discretion.

Further discussions ensued among the Board and Ms. Parker about the CEDS list.

Mr. Reynolds explained in correspondence from MRPDC, they request the CEDS list on or before April 29. He further explained he is not comfortable with the CEDS list as presented and proposed the Board spend more time reviewing the projects and making changes if necessary.

Mr. Reeter proposed the CEDS list be taken to the Economic Development Committee for review and recommendation to the Board.

Discussions ensued about the method MRPDC uses to prioritize the CEDS List.

It was consensus of the Board to refer the CEDS list to the Economic Development Committee for their review and recommendation to the Board.

4. Consideration of County Attorney Recommendation Regarding Ad Hoc Committee to Develop County Ordinance for Regulation of Excessive Noise

County Attorney Lucy Phillips explained the Board of Supervisors previously directed her to research and to draft an ordinance that would prohibit the making of excessive noise in the County. This task became necessary after a recent Virginia Supreme Court decision held that discretionary, subjective standards for determining whether the making of noise constituted a criminal violation were unconstitutional because such standards failed to give adequate notice of what type of conduct was prohibited. The Court's opinion struck down a Virginia Beach ordinance that was written with basically the same language as that which is found in the County's noise ordinance, thereby making the County's ordinance unenforceable. A memorandum was provided to the Board that recommends means to develop a new noise ordinance, which will require many policy decisions that should be considered the Board or by an ad hoc committee created by the Board prior to proposal of a replacement noise ordinance. Ms. Phillips asked for the

Board’s guidance on this issue and consideration to appoint an ad hoc committee to discuss the policy issues involved in preparation of a noise ordinance.

Discussions ensued among the Board and Ms. Phillips concerning establishing and appointing members to serve on an ad hoc committee for preparation of a noise ordinance.

It was consensus of the Board to table appointments to the ad hoc committee; and to limit the number of members to the ad hoc committee to five plus the Sheriff and County Attorney.

5. Consideration of Appointments to Various Boards, Authorities and Commissions Expiring June 30, 2011

Washington County Park Authority

On motion of Mr. Owens, second by Mr. McCall, the Board acted to reappoint Wiley H. Helton to represent the Tyler Election District on the Washington County Park Authority for a four year term beginning July 1, 2011 and expiring June 30, 2015.

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>Mr. Owens</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

Highlands Community Services Board

Mr. Owens advised the Board that he is not eligible for reappointment to the Highlands Community Services Board.

New River/Mount Rogers Workforce Investment Board

On motion of Mr. Owens, second by Ms. Price, the Board acted to recommend the reappointment of Timothy V. McVey, Human Resources Manager for Utility Trailer of Glade Spring, to the New River/Mount Rogers Workforce Investment Area Consortium Board for an additional three-year term.

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>Mr. Owens</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

Virginia Highlands Community College

On motion of Mr. Reynolds, second by Mr. McCall, the Board acted to reappoint Dr. Michael Rush to represent Washington County on the Virginia Highlands Community College Board for a four year term beginning July 1, 2011 and expiring June 30, 2015.

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>Mr. Owens</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

At this time discussions ensued among Mr. Taylor and Ms. Phillips concern the new redistricting lines.

Mr. Reeter proposed that remaining appointments to boards, authorities and commissions be deferred until after the ordinance is adopted establishing the new redistricting lines.

It was consensus of the Board to delay further appointments until all issues pertaining to redistricting have been settled.

6. Consideration of Resolution Endorsing Position of Town of Abingdon Regarding Proposed Virginia House of Delegates Redistricting

Mr. Reeter addressed the Board and explained an early proposed redistricting plan for the Virginia House of Delegates would have split the Town of Abingdon into two House of Delegates districts. The Town of Abingdon went on record at their April 4 Council meeting to oppose the proposed redistricting plan. That plan is now superseded by another plan rolled out late last week, and reported over the weekend in the *Bristol Herald Courier*. With the new proposed redistricting plan the Town of Abingdon and City of Bristol will not be split. However, there will be a complete realignment of the House Districts. Mr. Reeter provided the Board with a detailed review of the proposed redistricting plan for the House of Delegates in Southwest Virginia (Districts 1-5). In the proposed plan, Southwest Virginia will lose House District 2. This district will be reassigned to Prince William County. House District 1 will no longer serve Washington County. The County will largely be split between House Districts 4 and 5.

Ms. Phillips addressed the Board and explained that districts are officially established by state law, and the bill describes the precincts. Once the locality establishes the precincts, the State law falls into place.

Discussions ensued among the Board, Mr. Reeter and Ms. Phillips about the proposed redistricting plan for the House of Delegates and redistricting issues in Washington County.

b. Information Items:

1. Presentation by Barter Theatre Concerning *The Wolf Hills* Project

Ms. Jayne Duehring, Director of Advancement, Barter Theatre addressed the Board and made a presentation on *The Wolf Hills* Project. Ms. Duehring explained Barter Theatre contracted with

Community Performance International (CBI)/EPIC to lead the project. They will go into the communities to collect stories involving as many people as possible; young, old and across all socio-economic factors. CBI will take the stories collected and write a play. Community volunteers will produce and act in the play (75-100 volunteers). She further explained that Jonesborough, TN just completed a similar project. Ms. Duehring extended an invitation to the Board of Supervisors to join representatives from the Barter Theatre to attend a performance of Jonesborough's project on the evening of May 12. Barter will provide the tickets and transportation. If Board members are interested in attending this event, they are asked to RSVP by May 5.

2. Review of Draft Agendas for April 21 Joint Meetings of the Board of Supervisors, Washington County Service Authority & Industrial Development Authority of Washington County

Mr. Reeter addressed the Board and provided a review of the draft agendas for the two joint meetings scheduled for Thursday, April 21 at the Southwest Virginia Higher Education Center involving the Board of Supervisors, Washington County Service Authority (WCSA) and Industrial Development Authority (IDA). The first joint meeting begins at 6:00 p.m. and is between the Board of Supervisors and WCSA. The second joint meeting begins at 7:00 p.m. and involves the Board of Supervisors, WCSA and IDA. The primary purpose of the second joint meeting is for the WCSA to present the findings of the Western Washington County Sewer Study.

6. Board Member Reports

Ms. Price reported that she attended a Southwest Virginia Regional Jail Authority (SWVARJA) meeting last week in Abingdon. SWVARJA Superintendent Steve Clear reiterated to Authority members that the expansion project for member jails would not be necessary if the state prisoners were being accepted by the state. People receiving in excess of a one year prison sentence are the state's responsibility. However, the state does not pick up prisoners unless the prisoner receives a two year sentence. The SWVARJA will come before the County requesting assistance to cover costs of the expansion project.

Mr. Taylor reported that the Veterans Memorial Park of Abingdon/Washington County is proposing to construct picnic pavilions on the grounds of the Veterans Memorial Park. It is proposed to use a company out of Lee County to craft hand hewn logs to build the structures. Funding for this project will come from private sources.

Mr. Taylor advised the theme for the Memorial Day Ceremony at the Veteran's Memorial Park will be the War of 1812.

Mr. Owens reported since the recent article in the *Bristol Herald Courier* about gas drilling, he has received several calls from people both opposing and in support of the drilling. He explained according to the current County Zoning Ordinance in order for gas drilling to occur in the County, the Zoning Ordinance would need to be amended. Mr. Owens further explained the Board needs to begin the educational process of becoming familiar with gas drilling methods in order to make the best decisions about possible amendments to the Zoning Ordinance. He stated a lot of constituents are concerned with ground water issues resulting from gas drilling. Many people claim that streams along Gate City Highway have dried up as a result of gas drilling in Scott County. Mr. Owens suggested consideration be given to ways for the Board to become familiar with the gas drilling processes and maybe the Industrial

Development Authority could lead a training session. He explained at the April 26 regular Board meeting, there will be speakers addressing the Board about gas drilling issues.

Discussions ensued among the Board concerning gas drilling issues.

Mr. Reeter advised that he and County Attorney Lucy Phillips are working on issues pertaining to the gas drilling matter and will make a presentation to the Board at a later time.

Ms. Mumpower proposed a work session be scheduled for the presentation.

Ms. Phillips explained that gas drilling is regulated by the Department of Mines, Minerals and Energy. They have exclusive control over the process. The County can regulate land use issues only.

Ms. Mumpower reported on information received from American Electric Power (AEP) providing specifics about their rate increase structure, and how AEP will implement the rate increase to not be so aggressive with the implementation. Ms. Mumpower asked the County Attorney to provide a more thorough report on the AEP rate increase implementation plan at a later time.

7. Board Information and Reminders

Ms. Phillips provided the following report:

Ms. Phillips let the Board know she will be out of the office for the remainder of the week attending the Local Government Attorneys (LGA) Spring Conference in Staunton, VA. She will provide Board members with a copy of the LGA conference agenda at their April 26 regular meeting. Ms. Phillips thanked the Board for their support of her participation in LGA.

Mr. Reeter reviewed the following Board Information:

- Board of Supervisors Fourth Budget Adjustment Work Session Meeting – Tuesday, April 19, 6:30 p.m.
- Good Friday Holiday – April 22 – County Offices Closed
- Appalachian Detention Center Annual Open House – April 15, 10:00 a.m. – 12:00 p.m.
- Enrollment for Certified County Supervisor Course – *The Role of Community Planning* – Course Begins April 29
- 10th Annual County Chamber of Commerce/County Industrial Development Authority *Salute to Industry* Golf Tournament & Cooking – May 4

8. Adjourn or Recess

On motion of Mr. Owens, second by Mr. McCall, it was resolved to recess to Tuesday, April 19, 2011 at 6:30 p.m. for a budget adjustment work session on the Requested and Recommended County Operating Budget for FY 2011-2012.

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>Mr. Owens</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

Prepared by:

Naoma A. Norris, Recording Clerk

Approved by the Washington County Board of Supervisors:

Dulcie M. Mumpower, Chairman