

**VIRGINIA:**

At a special called meeting of the Washington County Board of Supervisors held Tuesday, May 3, 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  
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

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**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 addressed the Board and explained the reason for the Special Called Meeting of the Board is to take care of issues resulting from the terrible disaster and tragedy resulting from the tornados that struck Washington County on April 27-28, 2011.

At this time, Ms. Mumpower on behalf of the Board, thanked and gave special recognition to the following state, federal and local agencies, as well as individuals for their work and efforts during the storm event:

**State Agencies**

- Virginia Department of Emergency Management (VDEM) Local Command Post and their personnel
- VDEM Hazardous Materials Team
- VDEM Search and Rescue Team
- VDEM Public Affairs
- Virginia State Police
- Virginia Department of Corrections
- Virginia Department of Forestry Search and Rescue
- Virginia Department of Game and Inland Fishery
- Virginia Department of Transportation
- Virginia Department of Environmental Quality

- Virginia Department of Health
- Virginia Department of Social Services

The Honorable Governor Bob McDonnell and Virginia Secretary of Public Safety Marla Graff Decker both called early in the day on Thursday, April 28 to let County citizens know they were concerned and would be making a visit to Washington County. Governor McDonnell and Secretary Decker toured the County on Friday, April 29. Governor McDonnell took the time to talk with the residents in the disaster areas and listen to their concerns.

#### Federal Agencies

- Federal Emergency Management Agency
- United States Marshalls
- The Honorable Morgan Griffith, United States House of Representatives Member

#### Media Sources

- WCYB – News Center 5
- WJHL – Channel 11

Ms. Mumpower commented that these media outlets did an outstanding job getting warnings out to the public about the weather.

#### County Agencies and Staff

- Brandon Moore, Geographic Information Systems (GIS) Consultant

Ms. Mumpower commented that Mr. Moore did an outstanding job with mapping and other GIS related services.

- Washington County Sheriff's Office

Ms. Mumpower explained the Sheriff's Office did an outstanding job at the Incident Command Post and with providing assistance to the citizens.

- Volunteer fire and rescue organizations in Washington County, as well as the units from other localities that provided assistance
- Director of Emergency Management Pokey Harris
- Deputy Director of Emergency Management Theresa Kingsley

Ms. Mumpower gave special acknowledgment to County Director of Emergency Management Pokey Harris for the exceptional job she is doing dealing with the disaster. Ms. Mumpower commented that she was at the Emergency Operations Center and saw Ms. Harris in action. She stated the County is fortunate to have Ms. Harris be in charge of the disaster that hit the County so unexpectedly. She also thanked Deputy Director of Emergency Management Theresa Kingsley for her excellent work. These two individuals are to be commended for the job they have done since the tornados struck the County.

Ms. Mumpower thanked all the County staff for an excellent job.

Ms. Mumpower thanked all the volunteers that have contributed time and resources to the disaster recovery efforts. She especially thanked Emory and Henry College faculty, staff and students for their outstanding job. An emergency shelter was opened at the college, as well as a volunteer coordination center.

In her concluding remarks, Ms. Mumpower stated that parts of the County were devastated by the tornados. Citizens of these areas are hurting and need the County's assistance. She apologized if she failed to thank or recognize any agency or individual that has provided assistance.

## **2. Invocation and Pledge of Allegiance**

Supervisor Joe Straten gave the Invocation and led the Pledge of Allegiance.

## **3. Approval of Agenda**

Ms. Mumpower requested the Agenda be amended to add a request for Board consideration of a donation to the United Way in the amount of \$5,000 to aid with disaster recovery. She explained the United Way has created the United Way Disaster Support Fund to help residents rebuild their lives. The United Way has committed \$100,000, and received pledges in the amount of \$10,000 from Universal Fibers, Bristol Virginia Utilities, Food City and First Bank and Trust. Other contributors include Alpha Natural Resources and the Town of Abingdon. The United Way is \$5,000 short of their \$200,000 goal.

Mr. McCall asked that the Agenda be amended to add discussions about solid waste issues and where citizens can haul their debris.

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

### **New Item 9.a.**

***Consideration of Donation of \$5,000 to United Way of Russell/Washington Counties for the United Way Disaster Support Fund***

### **New Item 9.b.**

***Discussion Concerning Waste Issues Relating to the April 27 & 28 Storm Event***

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

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

#### **4. Presentation Concerning Severe Weather Events of April 27-28, 2011**

Mr. Reeter addressed the Board and provided a briefing on the severe weather events of April 27-28, 2011. He reviewed a tornado damage assessment map that shows the path of the tornados and structures affected. Mr. Reeter explained the GIS and Information System Departments have been critical to the County's ability to get a handle on the area of devastation and damage that occurred. He noted that the map is not complete and still evolving.

Mr. Reeter explained the first tornado classified as an EF-0 with 75 mph winds -- 2 miles in length -- 40 yards in width, struck the southern area of the Town of Abingdon during the late evening of April 27 (around 10:30 p.m.) causing minor to moderate damage to homes and trees in a number of subdivisions located within the town and out in the county. The last track of damage from the EF-0 tornado was on US 58 near the new Lowe's at Exit 19. The second and more severe event occurred around 1:00 a.m. on April 28 and is classified as an EF-3 tornado with 140 mph winds -- 18 miles in length -- three quarters of a mile in width, started around South Holston Lake traveled through Glade Spring/Exit 29 area and terminating just inside the Smyth County line near Saltville. The incident damage map shows layers of damage to various types of structures. The clear path of devastation was a lengthy one. The damage ranges from loss of shingles on roofs, to broken windows, to complete destruction in both tornado areas. Mr. Reeter stated there are officially four deaths resulting from the events. Three deaths occurred as a direct result of the EF-3 tornado, and one death was related to a traffic accident on I-81.

Mr. Reeter provided a review of the following materials:

- Preliminary list by address prepared by the GIS Department of structures the county believes was impacted in some way from the storm event. The damage ranges from very minor damage to total destruction. The list is not complete and is still evolving. However, the list gives an idea of how many people were affected by the events.
- Status Report from the Virginia Department of Emergency Management (VDEM) concerning the weather events that happened throughout the state on April 27-28. VDEM reports that so far throughout the state 427 structures are reported damaged, with 55 of those destroyed. Mr. Reeter commented that most likely the 55 structures destroyed were all in Washington County. He noted the salient points of the status report were in red font, and he encouraged the Board to review the report.
- Correspondence from Assistant County Administrator Christy Parker concerning the FEMA Preliminary Damage Assessment Evaluation of the April 27-28 Storm Events. On May 1, FEMA along with VDEM conducted two windshield assessments of the storm events. The FEMA team conducted a second review of the damage areas focusing particularly on the EF-3 event area. Attached to the correspondence from Ms. Parker was the criteria used by VDEM and FEMA to assess damage to commercial and residential structures. Four criteria used in the assessment were: destroyed, major damage, minor damage, affected habitable. Based on the initial assessment for the Glade Spring/Exit 29 area (path of EF-3 event) there 91 structures classified as affected; 51 classified as receiving minor damage; 21 classified as receiving major damage; and 75 structures classified as destroyed. These are the official numbers reported to FEMA as to the impact of storm damage in the County (Mr. Reeter noted the list of affected structures prepared by the County's GIS Department is much larger than the numbers from VDEM/FEMA assessment). FEMA will make a decision on a federal disaster declaration based on numbers produced from their assessment. Mr. Reeter commented that Washington County will be added to other counties affected by storm events on April 27-28 in Governor McDonnell's request to FEMA for a federal disaster declaration.

County Director of Emergency Management Pokey Harris addressed the Board and gave a briefing on the County's Emergency Operations Center (EOC) and how it operates. Ms. Harris commended all the agencies and individuals mentioned by Ms. Mumpower earlier in the meeting, and stated she intends to get a complete list of everyone involved to ensure they receive proper recognition. She explained there is a major task ahead for the County with the record keeping, and if there is a federal declaration there will be many more months of documentation.

Ms. Harris provided the following report:

- Ms. Harris explained around 11:30 p.m. on April 27, she contacted Brandon Moore, the County's GIS Consultant, and staff from the County Information Systems Department to assist with standing up the Emergency Operations Center (EOC). The training room at the Public Safety Building was converted into an EOC, and within 30 minutes after Information System's staff arrived they had laptops and phone lines ready for operation. The Information System's staff worked through the night to pull cable. Brandon Moore began thinking ahead and prepared various types of maps that would be needed. The EOC was stood up at some point after the daylight hours on April 28. She noted the Virginia Department of Fire Programs assisted in managing the event, as this agency and VDEM have incident management teams in place. The Department of Fire Programs sent people from Loudon County, Chesterfield County, and the New River Valley area that were in the County for a couple days helping with incident action plans, and to assist with staffing needs at the EOC.
- Sheriff Newman set up an Incident Command Post (ICP) at the Petro Truck Stop in Glade Spring. VDEM brought a mobile unit for the Sheriff's Office to use. The Sheriff's Office and local fire and rescue departments were on the scene. Every fire and rescue department in the County responded accordingly and worked wonderful together. Ms. Harris noted that the Glade Spring Lifesaving Crew was at the Petro Truck Stop fueling their ambulance when the tornado struck. She said the storm event has touched every aspect of fire and emergency medical services in the County. Ms. Harris stated as would be expected there was chaos in the beginning; however, after the initial shock things began to fall into place. Over the next five days the various organizations operated in unison as command for the storm events. Sheriff Newman kept staffing at the ICP 24 hours a day. She commended the dispatchers working the E-911 Center. Reports show that 10,666 calls were received both for E-911 and administrative. It is estimated that 4,000 calls were fielded by dispatchers in the first 24 hours of the storm events.
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- VDEM representatives have been on-site the entire time to assist the County. Their initial guidance to the County was to begin thinking about recovery. A volunteer reception center was set up in one side of the King Center on the campus of Emory and Henry College. The other side of the King Center was set up as a shelter and recovery center. To meet long term needs, a disaster recovery center opened at Joy Baptist Church in Glade Spring for supplies to be donated, and to serve as a recovery center to meet human service related issues. Services include: mental health, legal assistance, Red Cross, Social Services, United Way, WIC, nursing, DMV, VEC, tetanus shots. The center is also distributing hot meals, food, water, clothing, baby supplies, cleaning supplies, and many other needed items for tornado victims. Ms. Harris stated that Pastor Jay Overbay with Joy Baptist Church is to be commended for offering his church facility for the disaster recovery center. Other facilities where disaster recovery is made available include: Glade Spring Baptist Church (this location is providing showers and laundry services); Landmark Baptist Church in Glade Spring (American Red Cross is distributing rakes, gloves, storage bins, mops, brooms and cleaning supplies – while supplies last); and Feeding America – Southwest Virginia has

provided over 700,000 pounds of food to various organizations and churches to assist with providing thousands of meals each day.

- The dollar amounts for the storm damage derived from data including aerial photography, ground and windshield assessments is \$9 million for destroyed structures, and a total of \$40 million for destroyed and major damaged structures.

Ms. Harris extended gratitude to neighboring jurisdictions for sending fire and rescue departments to assist in providing coverage, which allowed personnel from local departments to get rest. She stated the citizens of Washington County deserve a big “thank you.” There are more volunteers at present time than can be handled.

Ms. Harris commented that Brandon Moore is the person who deserves a “gold star.” He produced mapping that provided information for the search and rescue teams, emergency response, emergency medical services and fire organizations, and FEMA representatives. The GIS capabilities were paramount, and VDEM and FEMA were very impressed by the data.

In her closing remarks, Ms. Harris said considering the situation and event the County came through, the work of all the departments, agencies and volunteers was remarkable. She noted there were glitches, but the Incident Action Plan will identify more strengths than weaknesses. The County received compliments from FEMA, VDEM, Governor’s Office and locally.

Discussions ensued among the Board and Ms. Harris.

Ms. Mumpower commented that it is amazing all the work and coordination that has been done. The residents impacted by the storm events are to be commended. After the storms there were neighbors out helping neighbors.

Ms. Christy Parker, Assistant County Administrator/Community Economic Development, addressed the Board and provided a report on damages incurred by industry. Ms. Parker reported that four industries in Glade Spring were impacted: Gates Corporation and General Engineering located in Highlands Business Park; Utility Trailer located on US Route 91; and Appalachian Plastics located on Glove Drive. Ms. Parker provided the following report on each of the four businesses:

- Gates Corporation is a total loss (240 employees). The Gates facility is leased from JA Street and Associates, and the lease does not require they remain at the property in Highlands Business Park. Ms. Parker explained this past Friday; she showed Gates Corporation four buildings to temporarily relocate their operations. Two buildings were in Washington County and two in Smyth County. Gates signed a lease Friday on the Epoch Composites Building in Smyth County, and began to clean the building on Saturday. She further explained Gates is busing some employees from their Washington County operations to a sister facility in West Jefferson, NC. At some point in time, Gates justified having two facilities, and it is hoped that this company will still see the need for two operations. Ms. Parker stressed that she is in contact with officials from Gates Corporation to see how the County can be of assistance and to see if they plan to rebuild in the County. Also, she placed a call to the Governor’s Office earlier this evening to request their assistance in reaching out to Gates Corporation.

- General Engineering has repaired damage to their facility and is back in operation.
- Utility Trailers as of Sunday still did not have power. They are in the process of procuring a contractor to rebuild their facility as they want to be back in production as soon as possible.
- Appalachian Plastics works out of two facilities; one is a brick structure that received damage; the second is a metal building. Mr. DeBusk, owner of Appalachian Plastics, was contacted today and he indicated they were ready for power. American Electric Power would not provide power to a certain section of the building until approval was granted by a county building inspector. A county building inspector indicated that repairs need to be completed on the roof of the building, and contacted a roofer on Mr. DeBusk's behalf. The plan is for repairs on the roof to begin on Wednesday of this week.

Ms. Parker explained the County will focus on the needs of Gates Corporation.

Mr. Taylor asked that Glade Machinery on Old Route 91 be added to the list of industries receiving damage.

Ms. Parker added that a map for the Town of Glade Spring was created for the FEMA tour. 60 small businesses were identified as having received damage. If FEMA does not designate a federal disaster area, the Small Business Administration will setup an office in Glade Spring to provide grants and low-interest loans to assist small businesses to get back into operation.

County Zoning and Subdivision Official Cathie Freeman provided a report on field work in the storm areas by the County Zoning Office, and the Department of Building and Development Services. Ms. Freeman noted that one of their first stops was at Glade Machinery. Glade Machinery received severe damage to three of their structures. Building Inspector David Wyancko reviewed the site, and approved a release for power. American Electric Power has approved reconnecting their power.

Ms. Freeman explained contractors are required to get work permits, which can be obtained through Emory & Henry College before beginning any work. She commented that many residents want to know if FEMA assistance will be available, and if mobile units could be brought in for temporary housing.

Ms. Freeman next reported that an issue the Zoning Department now faces is that individuals, who totally lost their homes that were located in an area now zoned for commercial use, want to rebuild in the same location. The County Administrator and County Attorney quickly researched the state code and will discuss issues with the Board later in the meeting to hopefully help individuals get their homes rebuilt.

In closing, Ms. Freeman stated many pictures of the damage were taken. She apologized that time did not permit her to process and distribute the pictures to the Board during this meeting.

Ms. Harris addressed the Board and explained the FEMA request process. She stated it may take some time for the County to receive an answer. She asked Board members to share the FEMA process with their constituents.

Discussions ensued among the Board, Ms. Harris and Mr. Reeter concerning trust funds that are being established by various businesses and organizations to aid with tornado relief.

Ms. Harris explained the United Way has established a fund in concert with Washington County, Department of Social Services, and the Red Cross to assure immediate needs are met. The Red Cross has begun to assist families. To-date, the Red Cross has helped 25 families to get some normalcy back into their lives. This is about one-third of the families that have sought assistance.

Mr. Reeter noted in materials provided to the Board there is correspondence announcing that Governor McDonnell has extended the area of the federal disaster declaration request. This may delay FEMA's decision. Materials are also provided to the Board about various relief funds that have been established.

Ms. Harris interjected that because of the widespread devastation, it is the hope that Virginia can leverage damage of all localities affected by the storm events to better the odds of a federal disaster declaration being granted.

Further discussions ensued about the responsiveness of insurance companies to those impacted by the storm events.

Ms. Harris added that Delegate Joe Johnson has provided leaflets from the State Corporation Commission containing information about insurance.

Mr. Taylor inquired where people with no place to live, no insurance, etc., should be directed to receive assistance.

Ms. Harris explained a temporary disaster recovery center has opened at Joy Baptist Church where people can go for assistance. The Department of Social Services can process individuals needing assistance, and the Red Cross will provide immediate shelter and get other needs met. Also, the Sheriff's Office Auxiliary has stood up a disaster recovery center at the Old Glade Presbyterian Church to feed people and provide supplies.

Ms. Harris commented that it is amazing the way the community and volunteers have come together to assist those impacted by the storm events.

Discussions were next devoted to the requirement to obtain a permit in order to enter into the disaster area.

Ms. Harris explained the permitting was necessary to assure safety and security of the area, and protect people's property while they were trying to salvage what they have left.

Ms. Harris added that she is working with the Information Systems Department to have valuable information about disaster recovery placed on the County's website. People should be referred to the website when possible to obtain the most up-to-date information.

Mr. Owens explained his church would like to provide funds and other support, and he inquired how they could go about doing this.

Ms. Harris explained that all requests to volunteer are processed currently through the volunteer coordination center set up at Emory & Henry College. Everyone processes into the system as volunteers. The volunteers will be divided into groups of skilled or non-skilled individuals and will match job skills to meet the needs. She explained at the present there are plenty of volunteers. People are being asked to

think about the months ahead and be willing to volunteer at a later time. Ms. Harris provided suggestions on other ways to help the victims now and in the long run.

Ms. Harris commended the Black Diamond Search and Rescue Team, and the Virginia Department of Corrections Rescue Team for their work during the storm event. She commented the work of the fire and rescue personnel in the field was phenomenal. Ms. Harris advised that all resources brought together utilized the system the way the system was designed. The Emergency Operations Plan and policies were followed and it worked.

Ms. Mumpower reiterated how proud she is of the work of Ms. Harris and Ms. Kingsley. She again thanked the staff, agencies, departments, and volunteers involved during the storm events.

5. Consideration of Resolution Confirming April 28 Declaration of Local Emergency by County Director of Emergency Management Pursuant to Code of Virginia Section 46-46.21

*On motion of Mr. Taylor, second by Ms. Price, the Board acted to adopt the following Resolution confirming the April 28 Declaration of Local Emergency by the County Director of Emergency Management pursuant to Code of Virginia Section 46-46.21:*

**RESOLUTION 2011-11  
CONFIRMING THE WASHINGTON COUNTY, VIRGINIA, DIRECTOR OF EMERGENCY  
MANAGEMENT'S DECLARATION OF A LOCAL EMERGENCY DUE TO TORNADO AND  
EXTREME STORM EVENTS ON APRIL 27-28, 2011**

*WHEREAS, Virginia Code § 44-146.21 provides that "in the event the governing body cannot convene due to the disaster or other exigent circumstances, the [local director of emergency management], . . . may declare the existence of a local emergency, subject to confirmation by the governing body at its next regularly scheduled meeting or at a special meeting within fourteen days of the declaration, whichever occurs first;" and*

*WHEREAS, an extreme storm event raged through the County of Washington, Virginia, late in the night of April 27, 2011 and into the early morning of April 28, 2011, culminating with a tornado that hit the Town of Glade Spring at one o'clock in the morning of April 28, 2011; and*

*WHEREAS such storm event was of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate loss of human lives, injury to persons and property, hardship, and suffering; and*

*WHEREAS, on the basis of the foregoing, the County Administrator, acting in his capacity as the Washington County Director of Emergency Management, after consultation with the Coordinator of Emergency Management, declared a Local Emergency beginning at 1 a.m. on Thursday, April 28, 2011; and*

*WHEREAS, subsequent to the storm and tornado event, it was confirmed that four deaths occurred as a result of the natural disaster, and a preliminary assessment identified more than two hundred structures that included both residential and commercial structures were affected by the storm, including approximately seventy-five structures that were completely demolished; and*

*WHEREAS, on April 28, 2011, Governor Bob McDonnell in response to this same severe weather event that affected not only the County of Washington, Virginia, but also other localities in the Commonwealth declared a state of emergency to insure a fully coordinated state response to support local recovery efforts.*

*NOW, THEREFORE, ON THE BASIS OF THE FOREGOING, the Board of Supervisors of the County of Washington, Virginia, pursuant to section 46-146.21 of the Code of Virginia, as amended, confirms the Declaration of Local Emergency issued by the County Administrator on April 28, 2011.*

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

<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. Straten</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

**6. Public Hearing and Consideration of Adoption of an Emergency Ordinance to Amend the Code of the County of Washington, Virginia by Adding Sections 34-62 and 34-63 to Authorize County Administrator and Sheriff in the Interest of Public Safety to Impose a Curfew and/or Controlled Perimeter Access after Declaration of Emergency in the County of Washington, Virginia**

Ms. Phillips addressed the Board and provided introductory remarks in regards to the proposed emergency ordinance to impose a curfew. She explained a curfew is already in place and commended Sheriff Fred Newman for doing so. There are provisions in state law that allows a sheriff to enact a curfew. Ms. Phillips provided a brief review of the emergency ordinance. Because the ordinance is being adopted on an emergency basis it can only be enforced for 60 days. The ordinance will come back before the Board at a later time to be considered for permanent adoption. Ms. Phillips requested the Board ratify actions taken by the Sheriff.

Discussions ensued among the Board and Ms. Phillips concerning the proposed emergency ordinance to impose a curfew.

Ms. Mumpower opened the public hearing and invited comments in support of and in opposition to the proposed emergency ordinance to impose a curfew.

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

Mr. Taylor commented that the proposed emergency ordinance will provide the Sheriff's Office with authority to pull over suspicious vehicles. For example, if a truck is driving through the area with a load of furniture/metal, a Sheriff's Deputy could pull the vehicle over and conduct an inspection.

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

**EMERGENCY ORDINANCE**  
**TO AMEND THE CODE OF THE COUNTY OF WASHINGTON, VIRGINIA BY ADDING**  
**SECTIONS 34-62 AND 34-63 TO AUTHORIZE COUNTY ADMINISTRATOR AND SHERIFF IN**  
**THE INTEREST OF PUBLIC SAFETY TO IMPOSE A CURFEW AND/OR CONTROLLED**  
**PERIMETER ACCESS**  
**AFTER DECLARATION OF EMERGENCY IN THE COUNTY OF WASHINGTON, VIRGINIA**

*WHEREAS, Virginia Code section 15.2-1200 established that the governing body of any county may adopt such measures as deemed expedient to secure and promote the health, safety and general welfare of its inhabitants, which are not inconsistent with the general laws of the Commonwealth; and*

*WHEREAS, Virginia Code section 15.2-1714 established that the chief law-enforcement officer of any county may establish areas, zones or perimeters by the placement of sheriff lines or barricades as are reasonably necessary to facilitate the movement of vehicular and pedestrian traffic into, out of, and around the scene of an emergency situation where life, limb or property may be endangered; and*

*WHEREAS, having considered these powers and the risk to public health, safety, and welfare that may be created by the occurrence of natural disaster, the Board of Supervisors of the County of Washington, Virginia, finds it in the best interests of the public health, safety, and welfare to provide for the imposition of curfew and controlled access to areas detrimentally affected by natural disaster.*

**NOW, THEREFORE, ON THE BASIS OF THE FOREGOING, and in the best interests of the public health, welfare, and safety, having held a public hearing for consideration of these matters, the Board of Supervisors of the County of Washington, Virginia (Board), hereby ordains the following:**

- 1. That this emergency ordinance shall become effective immediately;*
- 2. That the ordinance shall be re-set for public hearing and consideration for re-adoption after public notice within sixty (60) days of the effective date of this emergency ordinance;*
- 3. That should any section or provision of this emergency 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; and*
- 4. That Chapter 34 of the Code of the County of Washington, Virginia, shall be amended by adding sections 34-62 and 34-63, as follows:*

*Chapter 34 – Law Enforcement  
Article IV – General Power and Authority*

*Section 34-62. Curfew.*

- (a) Pursuant to the powers granted to the county by Virginia Code section 15.2-1200, and in the interest of promoting public safety, the county administrator, the sheriff, or the designee of either of the foregoing individuals is authorized hereby to impose a curfew after the declaration of an emergency in the county, in accordance with the provisions of this section.*
- (b) As used in this section:*

“Curfew” means an order prohibiting persons from being present on any street, road, alley, avenue, park or other public place in the county or any portion thereof designated controlled by curfew during specified times of the day or night;

“Natural Disaster” means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire or other natural catastrophe resulting in damage, hardship, suffering, or possible loss of life; and

“Manmade disaster” means any condition following an attack by an enemy or foreign nation upon the county that results in substantial damage of property or injury to persons in the United States, and may be by use of bombs, missiles, shell fire, nuclear, radiological, chemical or biological means or other weapons or by overt paramilitary actions; terrorism, foreign and domestic, any industrial, nuclear or transportation accident, explosion, conflagration, power failure, or other condition such as sabotage, oil spills, and other injurious environmental contaminations that threaten or cause damage to property, human suffering, hardship or loss of life.

- (c) The curfew may be declared upon a determination that such action is necessary for the preservation of life or property or for the implementation of emergency mitigation, preparedness, response actions, or recovery actions anticipated or resulting from the dangers caused by a natural or manmade disaster, or the resulting effects thereof, pursuant to the procedure described in this section.
- (d) The procedure by which a curfew may be declared and enforced shall be as follows:
1. The authority conferred by this section shall arise only after either the state or the county declares an emergency in accordance with the provisions of Virginia Code section 44-146.19 or 44-146.21 for a geographical area located within the county.
  2. The curfew shall be announced in such manner as is reasonably calculated to provide notice to the public of the imposition of the curfew. Termination of curfew shall be in like manner.
  3. The declaration of a curfew; circumstances justifying its imposition, time and areas of the county in which the curfew is in effect; and the means and time of the public announcement of the curfew shall be recorded in a written document signed by the sheriff or county administrator and maintained in the records of the county.
  4. No curfew shall be imposed except in areas and at times that can be justified as necessary for the public safety.
  5. The action of imposing a curfew during a natural or manmade disaster shall be presented to the board of supervisors at its next regularly scheduled meeting for ratification.
- (e) After the declaration and public announcement of a curfew, it shall be unlawful for :
1. Any person, after having been warned by a law-enforcement officer, to remain on any street, road, alley, avenue, park or other public place in the county, or in any vehicle operating or parked thereon, in any portion of the county designated by the sheriff; and
  2. The owner or proprietor of any retail, wholesale, or eating and drinking establishment, entertainment, other person in control of such establishment, to allow any person to remain on the premises without the express written permission of the sheriff; provided, however, that this prohibition shall not apply to lodging establishments serving registered guests.
  3. The sheriff shall enforce the curfew throughout its duration.
- (f) The following persons shall be exempt from the provisions of this section while on duty or traveling to and from work:
1. Hospital personnel;

2. County employees
  3. Permitted volunteers;
  4. Military personnel;
  5. Employees of public utility companies;
  6. Private emergency medical transport workers, and
  7. Other emergency workers as authorized by the sheriff.
- (g) Nothing in this section shall be construed to prohibit or restrict travel to a hospital in the event of a medical emergency, nor shall such travel be considered in violation of this section.
- (h) A violation of this shall be punishable as a Class 1 misdemeanor.

Section 34-63. Controlled access.

For the duration of curfew, the county administrator, sheriff, or designee of either of the foregoing may issue permits to those individuals authorized to enter restricted access area as provided for in this article.

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

<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. Straten</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

**7. Public Hearing and Consideration of Adoption of an Emergency Ordinance to Amend Chapter 66 of the Code of the County of Washington, Virginia to Add Section 66-169 to Provide for Repair or Replacement of Pre-Existing, Non-Confirming Structures Damaged or Destroyed by Natural Disaster**

Ms. Phillips addressed the Board and provided introductory remarks on the proposed emergency ordinance to provide for repair or replacement of pre-existing, non-confirming structures damaged or destroyed by natural disaster. She explained that County Zoning and Subdivision Official Cathie Freeman alluded to this ordinance in her report to the Board. Ms. Phillips provided a brief overview of the proposed emergency ordinance. She explained the Code of Virginia states “A zoning ordinance shall permit the owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God to repair, rebuild, or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance as provided in §15.2-2310. If such building is damaged greater than 50 percent and cannot be repaired, rebuilt, or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so...Unless such building is repaired, rebuilt or replaced within two years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the zoning ordinance of the locality. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the zoning ordinance shall provide for an additional two years for the building to be repaired, rebuilt, or replaced...”

Ms. Phillips further explained the proposed emergency ordinance will waive zoning requirements, but does not waive the requirement to obtain a building permit, complying with building codes, and flood plain standards. These requirements are mandatory by state law and included in the proposed emergency ordinance.

Ms. Mumpower opened the public hearing and invited comments both in support of and in opposition to the proposed emergency ordinance to provide for repair or replacement of pre-existing, non-conforming structures damaged or destroyed by natural disaster.

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

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

***EMERGENCY ORDINANCE  
TO AMEND CHAPTER 66 OF THE CODE OF THE COUNTY OF WASHINGTON,  
VIRGINIA  
TO ADD SECTION 66-169 TO PROVIDE FOR REPAIR OR REPLACEMENT OF PRE-  
EXISTING, NON-CONFORMING STRUCTURES DAMAGED OR DESTROYED BY  
NATURAL DISASTER***

*WHEREAS, the Code of the County of Washington, Virginia (2002, as amended) restricts the permissibility of repair and replacement of structures that are otherwise legal but do not conform to regulations of the County Zoning Ordinance either as of the date of adoption of the Zoning Ordinance on December 31, 1971, or thereafter as a result of subsequent amendments to the Zoning Ordinance; and*

*WHEREAS, section 15.2-2307 of the Code of Virginia (1950, as amended) requires that in the event of natural disaster the restrictions of local zoning ordinances regarding repair and replacement of pre-existing, non-conforming structures shall be waived within specified parameters; and*

*WHEREAS, having this waiver in place has become of particular significance due to the extraordinary storm and tornado damage of April 27-28, 2011.*

*NOW, THEREFORE, ON THE BASIS OF THE FOREGOING, and in the best interests of the public health, welfare, and safety, having held a public hearing for consideration of these matters, the Board of Supervisors of the County of Washington, Virginia (Board), hereby ordains the following:*

- 5. That this emergency ordinance shall become effective immediately;*
- 6. That the ordinance shall be re-set for public hearing and consideration for re-adoption after public notice within sixty (60) days of the effective date of this emergency ordinance;*
- 7. That should any section or provision of this emergency 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; and*

8. That Chapter 66 shall be amended by adding section 66-169, as follows:

**Chapter 66.**

**ZONING**

**Article V. Nonconforming Uses**

**Section 66-169. Natural disaster and pre-existing, non-conforming structure repair, rebuilding, or replacement.**

- a. For purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson under § 18.2-77 or 18.2-80, and obtain vested rights under this section.
  - b. The owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God may repair, rebuild, or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance as provided in § 66-136.
  - c. If such building is damaged greater than fifty (50%) percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so.
  - d. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code (Va. Code § 36-97 et seq.), and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program.
  - e. Unless such building is repaired, rebuilt or replaced within two (2) years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the zoning ordinance of the locality. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then an additional two (2) years is allowed for the building to be repaired, rebuilt or replaced as otherwise provided in this section.
9. The foregoing amendment is enabled by section 15.2-2307 of the Code of Virginia (1950, as amended).

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

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

Mr. Taylor                      Aye

**8.      Consideration of Resolution Requesting Agricultural Disaster Designation for Washington County**

Mr. Reeter addressed the Board and explained that Washington County Extension Agent Phil Blevins requested the Board's adoption of a Resolution requesting an agricultural disaster designation for Washington County.

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

**RESOLUTION 2011-12  
REQUESTING AGRICULTURAL DISASTER DESIGNATION  
FOR WASHINGTON COUNTY, VIRGINIA**

*WHEREAS, on April 27-28, 2011 Washington County, Virginia was impacted by severe storms and a tornado, and*

*WHEREAS, these severe weather conditions caused devastating damage to livestock and crops, and*

*WHEREAS, estimated losses to Washington County farmers are set forth below:*

<u>Area of Concern/Commodity</u>	<u>Number Lossed</u>	<u>Value</u>
<i>Farms affected</i>	<i>275</i>	
<i>Acres of hay damaged*</i>	<i>6,000</i>	<i>\$900,000.00</i>
<i>Acres of pasture affected</i>	<i>100,000</i>	<i>\$1,400,000.00</i>
<i>Livestock</i>		
<i>Beef</i>	<i>100</i>	<i>\$90,000.00</i>
<i>Dairy</i>	<i>50</i>	<i>\$45,000.00</i>
<i>Sheep</i>	<i>50</i>	<i>\$1,000.00</i>
<i>Goats</i>	<i>50</i>	<i>\$1,000.00</i>
<i>Horses</i>	<i>7</i>	<i>\$50,000.00</i>
<i>Barns damaged or destroyed</i>	<i>200</i>	<i>\$5,000,000.00</i>
<i>Other farm structures</i>	<i>200</i>	<i>\$1,500,000.00</i>
<i>Fencing (miles)</i>	<i>500</i>	<i>\$7,900,000.00</i>
<i>Other crops</i>	<i>5</i>	<i>\$50,000.00</i>
<i>Farm timber</i>	<i>4,000</i>	<i>\$16,000,000.00</i>
	<b>TOTAL</b>	<b>\$32,937,000.00</b>

*and*

*WHEREAS, there is a critical need to assist the farmers as a result of the extreme weather conditions;*

***NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia to request the Governor of the Commonwealth of Virginia to declare that Washington County be designated as an agriculture disaster for 2011 due to losses incurred in the foregoing agricultural commodities due to damage associated with April tornados.***

***BE IT FURTHER RESOLVED THAT the Governor of the Commonwealth of Virginia is further petitioned to request the President of the United States or the Secretary of Agriculture to recognize the county agricultural emergency situation and to make the federal farm emergency programs available to those who need them in Washington County, Virginia.***

**9. Consideration of Resolution Authorizing Waiver of Fees Pertaining to Zoning- and Building-related Permits for Damaged and Destroyed Buildings and Structures**

Mr. Reeter addressed the Board and explained the proposed Resolution ties in with the emergency ordinance relating to zoning issues. County staff believes under the circumstances the last thing they want to do is charge fees to people that have suffered loss. Staff asks the Board to waive fees for building and zoning related permits for restoration, electrical work, etc. He further explained when a person applies for a building permit; staff will look at the list of damaged or destroyed structures to assure the structure is on the list. The Board is asked to authorize fees be waived through April 2013, or until such time the Board decides to end the waiver.

Discussions ensued among the Board.

Ms. Phillips explained that permit and zoning fees are set by ordinance. The Resolution is a temporary measure and most likely a refined ordinance will be brought before the Board for consideration.

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

***RESOLUTION 2011-13***

***BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that the Board hereby authorizes, at the discretion of the County Administrator and County Building Official, that the various fees for zoning- and building-related permits may be waived for any buildings or structures that were damaged or destroyed in the April 27-28, 2011 extreme storm and tornado events in Washington County, provided said permits are issued on or before April 30, 2013 or such other date as may be subsequently established by the Board.***

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

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

**9.a. Consideration of Donation of \$5,000 to United Way of Russell/Washington Counties for the United Way Disaster Support Fund**

*On motion of Mr. McCall, second by Mr. Taylor, the Board acted to authorize a donation in the amount of \$5,000.00 to the United Way of Russell/Washington Counties for the United Way Disaster Fund.*

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

<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. Straten</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

**9.b. Discussion Concerning Waste Issues Relating to the April 27 & 28 Storms**

Mr. McCall explained that he received a call from the owner of the animal clinic on Glove Drive about waste disposal issues.

Ms. Harris addressed the Board and explained she is receiving calls about woody debris and construction materials. She expressed concerns about the collection and hauling of debris. The Disaster Recovery Center will try to identify people that can assist with debris pickup. Ms. Harris next addressed a situation resulting from a meeting with County Solid Waste Manager Coy Martin, and representatives from the Virginia Department of Transportation (VDOT) and Virginia Department of Environmental Quality. There was discussion at this meeting about debris, and what people were going to do with it. A lot of insurance companies will not pay for debris removal. Ms. Harris stated the Board will need to consider how the County will assist the citizens with collecting and hauling debris so that people can begin to rebuild.

Mr. Taylor explained woody debris can be taken to the old landfill (27263 Porter Lane, Abingdon, VA). The construction debris from demolition of homes, etc., goes to the transfer station (14759 Industrial Park Road, Bristol, VA) to be transported to a demolition landfill Tennessee where it will be disposed of. Mr. Taylor said the system at present is working well. Many insurance companies are paying for removal of construction debris. Volunteers are helping collect the woody debris. The County Landfill is staying open seven days a week from 8:00 a.m. to 8:00 p.m. There are a lot of private companies with containers in Glade Spring being utilized. The County's Solid Waste Department would like to wait awhile before placing their containers to not get them confused with containers belonging to private companies that are being hired to remove debris.

Mr. Taylor next explained a separate issue that has arisen is a VDOT issue. VDOT has a contract with private company to dispose of limbs and trees on their right-of-ways. VDOT is overwhelmed, and has worked out agreements for private spaces to place debris removed from their right-of-ways. VDOT is looking for an additional three to four acres of property for debris storage. A meeting was held with VDOT representatives to discuss using property owned by the Smyth-Washington Regional Industrial

Facilities Authority (SWIFA) in the Highlands Business Park. VDOT is looking at some property there to see if it would be usable. If they determine that it will, SWIFA will call a meeting to discuss the issue.

In concluding his comments, Mr. Taylor provided telephone numbers to the County Department of Solid Waste (276-623-1044 or 276-669-1868) for the Board to provide to constituents that need an open top container placed on their property. There will not be a charge for the containers. Currently, there are two open top containers at the Leo Muscle Sholes Park in Glade Spring.

Mr. Reeter explained the Leo Muscle Sholes is a County Park owned by the Washington County Park Authority. Considerable damage was done to the ball fields. The pool and pool house did not appear to receive any damage. Mr. Reeter advised because the park is not safe to operate, it would not be open for the remainder of this calendar year.

Mr. Taylor commented the County Solid Waste Department has contacted a company that will supply port-a-johns. They have been placed along Stagecoach Road. If a resident needs a port-a-john they can call the numbers provided for the Solid Waste Department.

#### **10. Board Information and Reminders**

Mr. Reeter reviewed the following Board Information:

- Photographs taken soon after the storm events. It was noted that Brandon Moore has taken about 700 photographs from the air.
- Correspondence from Senator Mark Warner concerning status of FEMA declaration. Mr. Reeter noted his primary focus will be on the FEMA declaration.
- Correspondence from United Way regarding the creation of the United Way Disaster Support Fund.
- Correspondence regarding the Disaster Relief Fund established by First Bank & Trust Company.
- The Golf Outing and Barbeque associated with Business/Industry Appreciation week have been cancelled. The luncheon on Wednesday, May 4 at 11:30 at the Southwest Virginia Higher Education Center will be held as scheduled. Mr. Mark Kent, Chief of Staff with Governor McDonnell will be the guest speaker.
- Correspondence regarding the services of the Washington County Bar Association, in conjunction with the Southwest Virginia Legal Aid Society, to provide legal aid to victims of the tornados.
- Correspondence from Congressman Morgan Griffith.
- Correspondence from Virginia Tax Commissioner Craig Burns announcing that a 30-day extension has been granted to affected taxpayers (victims of the April 27-April 28 storm events) for filing returns and making payments on their state taxes.

In another matter, Mr. Reeter wanted to make sure Board members received their redistricting maps. Mr. Straten indicated he did not receive his map.

**11. Adjourn or Recess**

At this time, Ms. Mumpower requested the meeting be closed with a prayer led by Mr. Taylor.

*On motion of Mr. McCall, second by Mr. Reynolds, it was resolved to adjourn the meeting.*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>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. Straten</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