

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, September 13, 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

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 welcomed Phoebe and Quinn Price, daughters of Nicole Price.

2. Invocation and Pledge of Allegiance

Supervisor Nicole Price gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

On motion of Mr. Owen, second by Mr. McCall, it was resolved to approve the agenda as presented.

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>

4. Consent Agenda:

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

Mr. Reeter provided clarifying remarks on Item 4.d.3., in regards to the Resolution to establish the County Revenue Review Committee. Committee member Danny L. Ruble was not previously officially appointed to the Committee. Favorable vote of the Consent Agenda will formally make Mr. Ruble part of the Committee.

a. Approval of Minutes:

1. **August 23, 2011 Regular Meeting**

b. Approval of Routine Financial Matters:

c. Award of Bids and Approval of Contracts:

1. **Approval of FY 2011-12 Performance Contract between Highlands Community Services and Virginia Department of Behavioral Health and Developmental Services**

d. Authorization of Routine Business Matters:

1. **Approval of Publication of 2010 Delinquent Real Estate and Personal Property Tax Lists**
2. **Authorization for Transfer, Donation and Sale of Surplus Motor Vehicles, Washington County Sheriff's Office**
3. **Adoption of Resolution Establishing County revenue Review Committee – Approved as follows:**

***RESOLUTION 2011-34
ESTABLISHING COUNTY REVENUE REVIEW COMMITTEE
OF THE BOARD OF SUPERVISORS FOR CALENDAR YEAR 2011***

WHEREAS, pursuant to the By-Laws of the Washington County Board of Supervisors for Calendar Year 2011, Committees and Advisory Boards of the Board of Supervisors may be formed for the purposes of in-depth review, investigation, oversight, research, development and/or reporting on or about matters of interest to the Board or County, and

WHEREAS, the Board of Supervisors has determined there are such matters that warrant the establishment of Committees and Advisory Boards;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Washington County, Virginia that it hereby establishes the following Committee for Calendar Year 2011 as of September 13, 2011:

County Revenue Review Committee, established for the purpose of review, investigation, development of recommendations and reporting on matters pertaining to County revenue sources and efforts generally, including assessing immediate and long-term revenue needs.

This Committee shall consist of two members of the Board of Supervisors and such non-Board Committee members as the Board shall appoint, not to exceed seven members total. The County Administrator and Director of Budget & Finance shall coordinate and assist in the work of this Committee. These Committee members may seek additional Committee participants as deemed necessary and appropriate in pursuit of Committee matters. All meetings of this Committee shall be open to the public unless such matters come before the Committee as may be exempt from disclosure pursuant to the Virginia Freedom of Information Act.

BE IT FURTHER RESOLVED that this Committee organize and conduct itself in the manner they deem appropriate in pursuit of matters in their charge and in accordance with all state and local law.

4. **Adoption of Resolution Proclaiming September 2011 as Hunger Action Month – Approved as follows:**

**RESOLUTION 2011-35
SEPTEMBER IS HUNGER ACTION MONTH**

WHEREAS, hunger and poverty are issues of grave concern in the United States, the Commonwealth of Virginia and Washington County; and

WHEREAS, Washington County is committed to taking steps to raise awareness about the need to combat hunger in every part of our locality and to provide additional resources that citizens of Washington County need; and

WHEREAS, Washington County is committed to working with Feeding America Southwest Virginia in educating people about the role and importance of food banks in addressing hunger and raising awareness of the need to devote more resources and attention to hunger issues; and

WHEREAS, more than 24,000 households in Washington County rely on food provided by Feeding America Southwest Virginia annually; and

WHEREAS, Feeding America Southwest Virginia distributed more than 16 million pounds of food in 2010 through its network of food pantries, soup kitchens, shelters and other community organizations; and

WHEREAS, food banks across the country, including Feeding America Southwest Virginia, will work throughout the month of September to bring awareness and attention to encourage involvement in efforts to end hunger in their local community;

NOW, THEREFORE, BE IT RESOLVED *by the Board of Supervisors of Washington County, Virginia that the Board hereby proclaims September, 2011 as HUNGER ACTION MONTH in Washington County, Virginia, and calls this observance to the attention of our citizens.*

5. Approval of Solid Waste Hauler Permit Renewals

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>

5. Public Hearings:

a. Public Hearing and Consideration of Adoption of An Ordinance Vacating Lot 7 on Sugarbush Lane from Subdivision of Property of Paul R. Belcher and Geraldine Belcher in the Madison Magisterial District of Washington County

Ms. Phillips addressed the Board and provided introductory remarks. She explained the ordinance would vacate a lot on Sugarbush Lane at the request of owners, Paul R. Belcher and Geraldine Belcher made the request. The Belcher's were unable to attend the meeting, but their daughter Julia Dye is present to speak in favor of the request.

At this time, Julia Dye addressed the Board and explained she has lived on the property for 13 years. Vacating the lot would allow for the family division of property and let her to continue to remain on the property.

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

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

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

**AN ORDINANCE
VACATING LOT 7 ON SUGARBUSH LANE FROM
SUBDIVISION OF PROPERTY OF PAUL R. BELCHER AND GERALDINE BELCHER
(PLAT BOOK 18, PAGE 43) IN THE MADISON MAGISTERIAL DISTRICT
OF WASHINGTON COUNTY, VIRGINIA**

WHEREAS, a subdivision of land in the Madison Magisterial District of the County of Washington, Virginia, was made by recordation of a plat titled, "Walter Brown Washington County, VA" dated August 31, 1978 in the land records of the Clerk of Court of Washington County, Virginia (Land Records), in Plat Book 18, Page 43 (Walter Brown Plat); and

WHEREAS, by deed recorded as Deed Book 633, Page 760 in the Land Records, Paul R. Belcher and Geraldine Belcher acquired Lot 7 as more specifically described by the Walter Brown Plat; and

WHEREAS, Mr. and Ms. Belcher wish to divide Lot 7, which contains 2.2 acres, respectively, more or less, into parcels of smaller acreage; and

WHEREAS, the zoning designation for Lot 7 is Agricultural, General, District A-2 and has a minimum lot size of 30,000 square feet pursuant to Washington County Code § 66-424 because Lot 7 is served by public water; and

WHEREAS, the Board of Supervisors of Washington County, Virginia, after public notice and public hearing, pursuant to Virginia Code § 15.2-2272(2) (1950, as amended), does hereby find that vacation of Lot 7 from the Plat for purpose of further division would not harm the public interest or public safety, and

WHEREAS, the Board of Supervisors of Washington County, Virginia, after public notice and public hearing, pursuant to Virginia Code § 15.2-2272(2) (1950, as amended), does hereby find that vacation of Lot 7 from the Walter Brown Plat for purpose of further division would not harm the public interest or public safety;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Washington County, Virginia, that the Board does hereby adopt the following ordinance pursuant to Virginia Code § 15.2-2272(2):

1. Lot 7 of the Walter Brown Plat (Plat Book 18, Page 43) is hereby vacated pursuant to Virginia Code § 15.2-2272(2) from being part of the recorded subdivision plat; and

2. Pursuant to Virginia Code § 15.2-2276, after the effective date of this ordinance, the Clerk of Circuit Court of Washington County, Virginia is directed to mark Lot 7 as “Vacated” on the Walter Brown Plat recorded at Plat Book 18, Page 43 and record a certified copy of this ordinance in the Office of the Clerk of Circuit of Washington County, Virginia indexed to Plat Book 18, Page 43 pursuant to Virginia Code § 15.2-2272(2); and

3. That should any section or provision of this ordinance be decided by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or of the Washington County Code; and

4. That this ordinance shall become effective thirty (30) days after its adoption unless an appeal pursuant to Virginia Code § 15.2-2272(2) is filed within that time period, in which case, this ordinance shall become effective as directed by a court of competent jurisdiction.

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. **General Business:**

a. **Actionable Items:**

1. **Consideration of Draft Ordinance to Amend Chapter 66, Article V, Division 12, Section 66-473 of the Code of the County of Washington, Virginia to Permit Tattoo Parlors and Body Piercing Establishments as Uses Subject to Special Exception within the Business, General B-2 Zoning District**

Ms. Phillips explained the Board is requested to grant consent to advertise public hearings before the Washington County Planning Commission and Board of Supervisors for amendment of the County Zoning Ordinance to allow operation of tattoo parlors and body piercing establishments in the County's Business-General (B-2) Zoning District, subject to special exception permit. This request comes from the Joint County Planning & Land Use Committee. Such establishments are permissible by special exception in the County's A-1, A-2, CR, Village and (potentially) SR zoning districts. Ms. Phillips further explained if the Board authorizes the draft ordinance to go forward, it will be presented to the Washington County Planning Commission at their October meeting and before the Board in November with a recommendation from the Planning Commission.

Ms. Phillips next explained this issue arose from a request submitted to the County by the current owner of commercial property. Prior to the current owner's acquisition of the property in 2009, the County had pursued a zoning enforcement action due to operation on the property of a tattoo and body piercing related business. The enforcement action required immediate end of the tattoo/body piercing operation because the B-2 zoning district regulations did not specifically allow tattoo parlors or body piercing establishments. The property owner at that time appealed to the County's Board of Zoning Appeals, which affirmed the zoning determination. The owner then appealed to the Washington County Circuit Court, which upheld the zoning determination and ordered immediate end of the business operation. Despite the Court's order, information reported to the County indicated that the business continued to operate. In April of this year, the building in which the business operated was heavily damaged by the tornado which struck the Glade Spring area. When the current owner applied for permits to reconstruct the building, the County issued them under the condition that the owner not lease space for operation of the tattoo/body piercing business unless the County amended the B-2 district regulations to allow such business. The new owner of the property and the owner of tattoo and body piercing business then approached the Joint County Land-Use Committee to request the amendment that is presented to the Board. Ms. Phillips added the present owner purchased the property in 2009 and was unaware of the legal proceedings.

On motion of Mr. Taylor, second by Mr. McCall, the Board acted to direct the County Attorney to schedule public hearings on the proposed ordinance before the Planning Commission and Board of Supervisors in October and November, respectively.

Discussions ensued among the Board and Ms. Phillips.

Mr. Taylor commented the new owner tried to obtain a building permit for the tattoo/body piercing establishment and learned this type of business was not permitted in the B-2 zoning districts. The proposed ordinance would make legal the business that has operated for years illegally.

Mr. McCall explained he supports going forward with the public hearing on the proposed ordinance to get the public opinion on these types of establishments.

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>

b. Information Items:

1. Presentation of County Annual Progress Report for Fiscal Year 2010-11

Director of Economic Development and Community Relations Christy Parker addressed the Board and presented the County's Annual Progress Report for FY 2010-2011. Ms. Parker distributed a copy of the press release announcing the report will be available on the County's website at www.washcova.com beginning Wednesday, September 14. Additionally, copies of the Progress Report will be made available at all library branches throughout the County.

Scrivener's Note: The Annual Progress Report referenced above is included as Minutes Exhibits Item 2011-09-13-A.

2. Update on April 27-28 Storm Disaster Recovery Efforts

Ms. Meg Short with the Holston River Soil and Conservation District addressed the Board and provided a final project report on the Natural Resource Conservation Service (NRCS) Emergency Watershed Protection (EWP) Program that provided funding to remove tornado debris deposited in streams within 500' upstream from a structure (i.e., house, bridge, culvert) in order to protect infrastructure, roads, bridges and homes. The EWP Program provided 75% of the funding and the County provided 25%. The total project costs were \$51,000; the County's share is \$12,750. Ms. Short reported that approximately \$9,740.10 of in-kind contributions was able to count towards the County's total. This amount includes mileage and personnel expenses of Holston River Soil and Conservation Staff (\$960.10); debris taken to the County dump site (\$5,280) and costs associated with the County paying to clean two additional sites will hopefully be counted towards the County's share. She explained the two additional sites resulted from NRCS engineers having differing opinions on sites that qualified for the EWP Program. The contract to complete the work was awarded to Fire and Ice Trucking out of Russell County.

Ms. Short thanked Brandon Moore (GIS Department) Lucy Phillips (Legal Services) Coy Martin (Solid Waste) and Mark Reeter (County Administration) for their assistance with the EWP Program.

Ms. Mumpower thanked Ms. Short for the report.

Mr. Reeter commended Meg Short and staff of the Holston River Soil and Water Conservation District as well as the NRCS for expediting the EWP Program. The County was contacted by the NRCS within 24 hours after the tornado struck the County.

Emergency Management Director Pokey Harris addressed the Board and provided an update on the storm disaster recovery efforts. Ms. Harris reported the case load remains at 188 (everyone has been assisted). Of this amount, 122 were construction/transportation cases (10 vehicles provided; 13 renters; completed or in process 85 construction cases with 3 cases awaiting insurance settlements; one Habitat for Humanity home). The County is awaiting approval on the Community Development Block Grant Emergency Assistance Application; ten projects were identified for CDBG funds.

Ms. Harris next reported donations stand at \$550,000. The total maximum costs eligible for reimbursement is 676,000. However, the realistic amount to complete the projects is \$553,000 (a portion of this amount has been expended and the remaining encumbered). As of yesterday, the Long Term Disaster Recovery Group (LTRG) has received \$59,000 in reimbursements from the State Disaster Relief Fund. There are additional applications in Richmond under review and some still in process by the LTRG. A donation was made to the Governor's Relief Fund in the amount of \$500,000 earmarked for Washington County, and the LTRG is working with the Virginia Department of Emergency Management to determine the application process to receive these funds. Ms. Harris explained this additional money could provide the opportunity to take a second look at completed projects for possible additional funding, fund new projects, or assist with agricultural recovery.

Ms. Harris concluded by reporting the LTRG continues to meet regularly for an undetermined amount of time until they are assured that all citizens' needs are met. Then they will look at their long term goals.

Discussions ensued among the Board and staff.

7. Board Member Reports

Mr. Reynolds reported the Washington County Fair is in progress. The opening day of this year's fair set a record attendance.

Ms. Price reported her daughter, Phoebe won first place at the Fair and best in show for her eggs.

Mr. Straten reported on a meeting held Thursday of last week with the Committee (Emmitt Yeary, Lieutenant Colonel John Bradley, Andy Stock, Captain, Virginia National Guard and Mr. Straten) deciding on criteria for placing plaques in the County Administration Building to honor area veterans. The Committee felt there should not be strong criteria. Therefore, the Committee recommends plaques are awarded annually based on 1.) The soldier is a citizen of Washington County prior to or subsequent to their military service; and 2.) The soldier has extraordinary service.

Mr. Straten explained extraordinary service is subjective; therefore, the Board should decide how many plaques to award annually. The Committee will look at the soldiers recommended each year and make a decision on the recipients.

Mr. Owens explained he has a nomination for a consumer representative on the Highlands Community Services Board and would like to make the appointment.

Discussions ensued among the Board regarding the Board's by-laws prohibiting action being taken during the Board Member Reports. Therefore, the following action was taken:

On motion of Mr. Taylor, second by Ms. Price, the Board acted to place the consumer representative to the Highlands Community Services Board on the agenda for the September 27 Board meeting.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Nay</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>

Ms. Mumpower thanked Mr. Owens for chairing the August 23 meeting. She was in Richmond attending a press release announcing a \$500,000 contribution to the Governor's Disaster Relief Fund that was earmarked for Washington County.

Ms. Mumpower extended sympathy to Board Member Joe Straten and Deputy County Administrator Nadine Culberson for the loss of their mothers.

8. Board Information and Reminders

- Mr. Reeter reviewed the following Board Information:
- Joint Meeting with Abingdon Town Council, Friday, September 16, 7:30 a.m., Virginia Highlands Small Business Incubator
- Damascus Branch Library Groundbreaking Ceremony, September 21, 11:00 a.m. Water Street, Damascus
- Annual County Employee Picnic, Sunday, September 25, 2:00 – 5:00 p.m., Washington County Park
- Tentative – Dedication of Oak Park: Center for Business & Industry Phase III Expansion with Virginia Tobacco Commission – September 28, 1:00 p.m.
- Correspondence from Washington County Fair
- Various Correspondence Pertaining to Meetings and Forums

Ms. Phillips reviewed the following information:

Ms. Phillips reported interviews for the Assistant County Attorney are scheduled for September 26.

9. Adjourn or Recess

On motion of Mr. Reynolds, second by Mr. McCall, 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