

**VIRGINIA:**

At regular meeting of the Washington County Board of Supervisors held Tuesday, February 28, 2012, at 6:30 p.m., at the County Administration Building in Abingdon, Virginia the following were present:

**PRESENT:**

Joseph C. Straten, Chairman  
Phillip B. McCall, Vice Chairman  
William B. Gibson  
Dulcie M. Mumpower (Arrived at 6:34 p.m.)  
Odell Owens  
Randy L. Pennington  
C. Wayne Stevens, Jr.

Mark K. Reeter, County Administrator  
Lucy E. Phillips, County Attorney  
Mark W. Seamon, Director of Budget & Finance  
Naoma A. Norris, CAP, Executive Assistant/Recording Clerk

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**1. Call to Order**

The meeting was called to order by Mr. Joe Straten, Chairman of the Board, who welcomed everyone in attendance.

**2. Invocation and Pledge of Allegiance**

Supervisor Randy Pennington gave the Invocation and led the Pledge of Allegiance.

**3. Public Comment**

The following individuals addressed the Board:

- Jim Alligood
- Dr. John Lentz
- James DeBord
- Mark Matney
- Richard MacBeth

**4. Approval of Agenda**

County Administrator Mark Reeter reviewed an amended agenda for the Board meeting. Mr. Reeter explained an item has been added to the Consent Agenda.

*On motion of Mr. Owens, second by Mr. Pennington, it was resolved to approve the agenda with the following amendment:*

**5.b Consent Agenda – Approval of Routine Financial Matters:**

1. ***Request for Revenue Refund – Overpayment of 2010 and 2011 Machinery & Tools Taxes – Appalachian Cast Products***

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

<i>Mr. Gibson</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Pennington</i>	<i>Aye</i>
<i>Mr. Stevens</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>

**6. Consent Agenda:**

*On motion of Mr. McCall, second by Ms. Mumpower, the Board acted to approve items a, b and d of the Consent Agenda as set forth below.*

**a. Approval of Minutes:**

1. **January 26, 2012 Joint Recessed Meeting**
2. **February 14, 2012 Regular Meeting**

**b. Approval of Routine Financial Matters:**

1. **Request for Revenue Refund – Overpayment of 2010 and 2011 Machinery & Tools Taxes – Appalachian Cast Products**

**c. Award of Bids and Approval of Contracts:**

**There were no bids or contracts presented to the Board for approval.**

**d. Authorization of Routine Business Matters:**

1. **Approval of Law Enforcement Mutual Aid Agreements**
2. **Approval for Sale of Surplus Motor Vehicle**

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

<i>Mr. Gibson</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Pennington</i>	<i>Aye</i>
<i>Mr. Stevens</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>

**6. General Business:**

**a. Actionable Items:**

**1. Consideration of Authorization of Public Hearings Concerning Application for Community Development Block Grant Funding for Mendota Community Water System Project**

Washington County Service Authority (WCSA) General Manager Robbie Cornett spoke to the Board about a Community Development Block Grant (CDBG) application for funding of the Mendota Community Water System Project. The WCSA applied in 2010 and 2011 for CDBG funding for this project. However, the applications were denied both times; 2010 denied because of timing issues and 2011 denied because the disaster relief fund was established to address natural disasters that occurred throughout the state last spring. Mr. Cornett explained the current problems with the Mendota Community Water System are the water comes from a small, single source well that contains iron and manganese. WCSA treats the water; however, when water is heated it comes out of solution in the form of brown or rust colored water resulting in staining of clothing and plumbing fixtures. Because of the single source well if there are problems, water has to be trucked into Mendota. Also, the well has a limit of 60 connections and is at capacity.

Mr. Cornett explained the CDBG Program guidelines require Washington County to be the applicant for funding. Two public hearings are also required. Pending approval from the Board of Supervisors, the public hearings will be scheduled for the Board's regular meetings on March 13 and March 27.

***On motion of Mr. Owens, second by Mr. Stevens, the Board acted to authorize public hearings required for application for the 2012 Community Development Block Grant fund.***

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

<i>Mr. Gibson</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Pennington</i>	<i>Aye</i>
<i>Mr. Stevens</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>

## **2. Consideration of Additional Board/Planning Commission Work Session Meeting on Natural Gas Extraction Issue**

Supervisor Owens asked the Board if they would like to schedule additional informational meetings on the natural gas extraction issue. He commented that the County Land Use Committee is working on this subject.

County Attorney Lucy Phillips explained the Land Use Committee met last week, and after considerable discussion, made a recommendation to the Planning Commission and Board of Supervisors for the County not to take any action to amend the Zoning Ordinance to allow for natural gas extraction until after the EPA publishes its paper on the public safety issues associated with hydro fracturing, which is expected in 2014. This recommendation was presented to the Planning Commission at their February 27 meeting. Subsequently, the Planning Commission took formal action in favor of the Land Use Committee's recommendation for no further action or consideration on the subject until the EPA has published their paper.

Supervisor McCall (member of Land Use Committee) commented that Washington County is not the only locality in the state facing this situation. Rockingham County recently took the position to wait for the results of the EPA study before going forward with a decision on whether or not to allow natural gas extraction in their county. Further, before this Board considers an amendment to the County Zoning Ordinance to allow for natural gas extraction there needs to be guidelines in place for regulation.

Supervisor Stevens (member of Land Use Committee) asked if the state was looking into issues pertaining to natural gas extraction. Ms. Phillips explained the only state regulation she is aware of is that done by the Virginia Department of Mines, Minerals and Energy (DMME) of which was presented at the panel presentation on January 23, 2012.

Supervisor Gibson said this issue has been pending since June 2010. The company has spent approximately \$500,000 on the project. To be business friendly, the County needs to give this company an answer now. Mr. Gibson explained that the DMME representative that presented information on January 23, 2012, answered every question asked. He asked the DMME representative if the proposed hydro fracturing was the same type that has been going on in Southwest Virginia for years. The response by DMME was the company will not indicate the type of fracking until the Board makes a decision on the zoning. Mr. Gibson commented that the Board could invite DMME officials back to present additional information, but he is not sure what else the Board could learn. Mr. Gibson said he does not believe the Board should delay a decision for two more years.

Supervisor Mumpower stated her belief that before any decisions are made on hydro fracturing, more information is needed. She does not want to make any decision that would cause harm to the water supply, and further she does not know at this point what her position on the issue would be. Ms. Mumpower voiced her support of the recommendation of the Planning Commission to delay action on this topic until the EPA report is available.

Supervisor Gibson commented that no one has come forward from Southwest Virginia with complaints about hydro fracturing. The opposition has been from other states. Ms. Mumpower replied this could be because the Board has not taken any action.

The following action was taken:

*On motion of Ms. Mumpower, second by Mr. McCall, the Board acted to delay action to amend the County Zoning Ordinance to allow for natural gas extraction until after the EPA publishes its report on the public safety issues associated with hydro fracturing.*

*The vote on this motion was as follows: (4-3)*

<i>Mr. Gibson</i>	<i>Nay</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Pennington</i>	<i>Nay</i>
<i>Mr. Stevens</i>	<i>Nay</i>
<i>Mr. Straten</i>	<i>Aye</i>

**3. Consideration of Appointment of Citizen Representative to the Mount Rogers Planning District Commission**

Appointment of a citizen representative to the Mount Rogers Planning District Commission was tabled.

**4. Consideration of Appointments to Virginia Highlands Airport Authority**

*On motion of Mr. Gibson, second by Mr. Stevens, the Board acted to appoint John Russell White as the Madison Election District representative to the Virginia Highlands Airport Authority for the remainder of the unexpired term of David L. Neal, beginning April 1, 2012 through June 30, 2014.*

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

<i>Mr. Gibson</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Pennington</i>	<i>Aye</i>
<i>Mr. Stevens</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>

**5. Consideration of Appointment to Southwest Virginia Community Criminal Justice Board**

*On motion of Ms. Mumpower, second by Mr. Gibson, the Board acted to reappoint Sheriff Fred Newman to the Southwest Virginia Community Criminal Justice Board.*

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

<i>Mr. Gibson</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Pennington</i>	<i>Aye</i>
<i>Mr. Stevens</i>	<i>Aye</i>

*Mr. Straten*                      *Aye*

**b.      Information Items:**

**8.      Board Member Reports**

Supervisor Pennington reported on the SkillsUSA Competition held recently at the Neff Center, which he served as a judge in the carpentry, electrical and masonry competitions. Students from seven counties participated in the event. Mr. Pennington urged Board members to visit the Neff Center to take a look at the amazing work the students are doing.

Supervisor Stevens commented that on Thursday of last week, he visited Highlands Business Park with other members of SWIFA to look at the damage to the back part of the park caused by the April 2011 weather events.

Supervisor Gibson reported on the Revenue Review Committee meeting held on February 22, 2012. The committee is in the process of reviewing Administrative Division departments, and attempting to identify areas to make cutbacks to save the county money.

Supervisor Gibson next commented that the February 21, 2012, agency/department hearing on the Requested and Recommended County Operating Budget for FY 2012-2013 was well attended; the Board heard the will of the people. It is his hope the Board will act in the near future with humility to dispose of the Alpha Natural Resources building.

Supervisor Mumpower reported that County Recreation Manager Keith Owens brought to her attention a serious issue with fencing at the Washington County Little League field. Assistance may be needed to correct the problems. Additional information will be obtained from Mr. Owens on this matter.

Ms. Mumpower next reported on an issue regarding a run-down hotel located on Highway 11. She has previously spoken with the County Attorney about this problem. A complaint was recently received about people staying in the hotel. Ms. Mumpower asked staff to contact the Sheriff's Office to investigate this situation and, further that staff moves forward to take action similar to what was done with the Robert E. Lee Hotel.

Ms. Mumpower gave a report on the Emergency Services Committee meeting held February 27, 2012. The committee reviewed a request received from Supervisor Stevens about a dangerous hole in the parking lot of the Glade Spring Fire Department. A request was made to the Town of Glade Spring for additional information. The committee also discussed at length the suspension of the truck rotation funding. Director of Emergency Management Pokey Harris has developed a time line for implementation of changes as recommended in the fire and emergency management services study recently conducted. Should a reasonable solution not be reached by this time next year, the truck rotation funding will be reinstated. Ms. Mumpower commented that during last year's budget process, fire and emergency medical services organizations were notified that the Board would consider revamping funding distribution and suspension of the ambulance rotation funding. However, some departments had already ordered their ambulances, so the Board reinstated the money. Ms. Mumpower said it is anticipated that a workable solution will be identified to benefit all fire and emergency medical services organizations.

Chairman Joe Straten reported the budget adjustment work sessions will begin on Tuesday, March 6, 2012. The Board will conduct approximately two work sessions a week (Tuesdays and Thursdays) until

work on the budget is completed. Mr. Straten stated the Board should keep in mind during the budget process that by mandate, county or town governments has discretionary and non-discretionary spending. Non-discretionary spending is mandated by the state, and includes education, public health and social services, regional jail, extension services, and match to the Mount Rogers Planning District Commission. Discretionary spending includes cultural development, arts and crafts heritage, and fire and rescue.

## **9. Board Information and Reminders**

### **County Attorney Report**

Ms. Phillips reported on the Land Use Committees' first meeting of the year, and discussed the changes to their organization and structure. There has been confusion about the role of the Land Use Committee and Planning Commission. The Land Use Committee proposes that they receive their project assignments from the Board of Supervisors, since the committee was established by the Board and works at their discretion. If the Planning Commission would like the Land Use Committee to work on a subject, the Planning Commission would need to make a request to the Board of Supervisors for that assignment. The Land Use Committee serves as a focus group to give more in-depth thinking and discussion on policy issues. The work product goes from the Land Use Committee to the Planning Commission, with a recommendation from the Planning Commission to the Board.

Ms. Phillips next reported a topic the Land Use Committee has been working on is a mandate from the state that localities with a certain amount of population growth adopt a zoning designation referred to as an Urban Development Area (UDA). The Virginia Department of Transportation (VDOT) offered a grant to localities to hire a consultant to assist with the UDA Project. Washington County accepted a \$50,000 grant from VDOT, and hired Cox and Associates out of Charlottesville, who has completed the services for the County. Now, legislation has been adopted by the House and Senate to make the UDA an optional provision to localities. This legislation is currently under review by the Commission on Local Government. Meanwhile, the County's contract with VDOT remains, and the contract sets forth certain standards the County would meet. While it is not believed the contract can force legislative action by the local governing body, the Land Use Committee feels that because a large amount of work was done on the UDA Project, and because of the County's outstanding obligations with VDOT, the consultant should be invited to make a presentation to the Board of Supervisors and Planning Commission at a joint meeting. Ms. Phillips advised that this proposal was presented to the Planning Commission, and they agreed to go along with the will of the Board.

Supervisors Phillip McCall and Wayne Stevens (members of Land Use Committee) recommended the Board invite the consultant to make a presentation on the UDA Project to the Board and Planning Commission at a joint meeting.

Discussions ensued among the Board and staff. It was consensus of the Board to schedule a joint meeting between the Board of Supervisors and Planning Commission for a date in April for the purpose of receiving a presentation from the consultant on the UDA Project.

### **County Administrator**

Mr. Reeter provided a review of Board information and reminders.

**10. Adjourn or Recess**

*On motion of Mr. Owens, second by Mr. Stevens, it was resolved to recess the meeting to 6:30 p.m. on March 6, 2012.*

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

<i>Mr. Gibson</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Pennington</i>	<i>Aye</i>
<i>Mr. Stevens</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>

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**Prepared by:**

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Naoma A. Norris, Recording Clerk

**Approved by the Washington County Board  
of Supervisors:**

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Joseph C. Straten, Chairman