

**VIRGINIA:**

At a regular meeting of the Washington County Board of Supervisors held Tuesday, November 13, 2012, at 6:30 p.m., at the County Government Center in Abingdon, Virginia the following were present:

**PRESENT:**

Joseph C. Straten, Chairman  
Phillip B. McCall, Vice Chairman  
William B. Gibson  
Dulcie M. Mumpower  
Odell Owens  
Randy L. Pennington  
C. Wayne Stevens, Jr.

Nadine S. Culberson, 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 Wayne Stevens gave the Invocation and led the Pledge of Allegiance.

**3. Public Comment**

The following individuals addressed the Board:

- James Deboard

**4. Approval of Agenda**

County Administrator Nadine Culberson reviewed an amended agenda.

*On motion of Mr. Owens, second by Mr. Owens, the Board acted to approve the following amended agenda:*

**New General Business Item 7.a.6****Consideration of Appointment to Industrial Development Authority of Washington County****Move Item 7.b.3 to New Item 6.b.1.****Presentation of Economic Impact Study of Heartwood in Southwest Virginia**

*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. Consent Agenda:**

*No Consent Agenda Items were presented to the Board for approval.*

- a. Approval of Minutes:*
- b. Approval of Routine Financial Matters:*
- c. Award of Bids and Approval of Contracts:*
- d. Authorization of Routine Business Matters*

**6. Public Hearings:**

- a. Consideration of Ordinance to Amend Sections 66-472(A) and 66-473 of Chapter 66 of the Code of the County of Washington, Virginia (2002) to Allow Office Building and Research Laboratories in the Business – General Zoning District**

Ms. Phillips, County Attorney explained the proposed ordinance would amend the Zoning Ordinance Business-General (B-2) provisions to allow use of property in the B-2 zoning district for offices and office buildings for business, professional, and administrative purposes. She explained such uses would be allowed as a right if no one structure is more than 16,500 square feet in total floor space. Structures larger than 16,500 square feet would require a special exception permit. Ms. Phillips next explained the proposed amendment would also allow use of property in the B-2 zoning district for research and development laboratories no greater in size than 16,500 square feet as long as the use does not create noxious odors, noise in excess of the County noise ordinance limits, or off-site hazardous conditions. Light manufacturing in association with the research and development use would be allowed. Ms. Phillips commented the proposed amendments were inspired by economic development activity involving such proposed use.

Ms. Phillips explained the proposed ordinance has been reviewed by the Washington County Planning Commission, and their recommendation was not to adopt the proposed ordinance due to concern about the research and development laboratory use. She commented the Planning Commission requested that this use require special exception permit.

Mr. Gibson asked for the reason for the specific size limitation of 16,500 square feet total floor space.

Ms. Phillips explained the proposed building size limitation of 16,500 square feet is tied into the specific economic development proposal brought to the County and is also consistent with other thresholds established in localities that have similar ordinances. She commented the idea is 16,500 square feet and smaller spaces would not particularly have a strong impact on surrounding uses, but if the space is larger than this size there would be more traffic involved and would have an impact. Therefore, the proposal is any space larger than 16,500 square feet would require special exception permit and would allow the Board to have opportunity to review the proposal and what surrounding uses are.

Ms. Mumpower questioned if the proposed ordinance includes the recommendation of the Planning Commission.

Ms. Phillips commented the proposed ordinance does not reflect the recommendations of the Planning Commission. She explained that should the Board support the Planning Commission's recommendation, the ordinance would need to be revised. The revisions would be substantial and require the ordinance be re-advertised, and a public hearing be held a second time before the Planning Commission and Board of Supervisors

Mr. Gibson asked for an explanation of the differences between the proposed ordinance presented to the Board and the recommendation of the Planning Commission.

Ms. Phillips explained the two new uses proposed are office buildings and research and development laboratories. With the office building usage there is a breakdown of between 16,500 square feet. If the space is 16,500 square feet or less the office building would be permitted as a right. If the space is larger than 16,500 square feet, a special exception permit would be required. She stated the difference from the Planning Commission's recommendation lies only with the research and development laboratory. Ms. Phillips explained the ordinance proposes that research and development laboratories 16,500 square feet or less would be allowed by right, and the Planning Commission recommends research and development laboratories require a special exception permit regardless of size.

Mr. Gibson commented that the proposed ordinance requires office buildings larger than 16,500 square feet require a special exception permit and research and development laboratories be limited to 16,500 square feet.

Ms. Phillips explained the proposed ordinance does not address research and development laboratories larger than 16,500 square feet.

At this time, Mr. Straten opened the public hearing and invited comments both in support of and in opposition to the proposed ordinance.

There being no comments, Mr. Straten declared the public hearing closed.

Following the public hearing, the following motion was made:

On motion of Ms. Mumpower and second by Mr. Stevens, to follow the recommendation of the Washington County Planning Commission to revise the proposed ordinance to require special exception permit be required for the following use in the Business-General (B-2) zoning district: "Laboratory, for research and development related to academic and industrial purposes, not to exceed 16,500 square feet of floor area in any one building, that will not create noxious odors, noise in excess of County noise ordinance limits, or off-site hazardous conditions. Light manufacturing ancillary to the research and development use may be included if it does not have an unfavorable impact on neighboring properties and is fully enclosed within the structure."

Further discussions were held by the Board prior to voting on the above referenced motion.

Mr. Gibson commented there is no compelling purpose to restrict the size of office space.

Mr. Owens asked for the Planning Commission's reasons for their recommendation.

Ms. Phillips explained the Planning Commission had concerns related to the operations and conditions at MXI and the impact on surrounding uses because of the odors. The Commission expressed concerns that they would want to know what type of research would be conducted.

Ms. Cathie Freeman, County Zoning and Subdivision Official, addressed the Board and explained that as Ms. Phillips had explained, the Planning Commission's major concern was about the operations at MXI. The Planning Commission recommended that special exception permit for research and development laboratories so that each application would require review in an effort to see what activity is being proposed and types of emissions.

Mr. Gibson asked Ms. Freeman about the Planning Commission's concerns about a building larger than 16,500 square feet.

Ms. Freeman explained the 16,500 square feet limitation was proposed by staff and based on research of other localities with similar ordinances.

Mr. Gibson questioned if the business prospect that inspired this ordinance requested the size limitation.

Ms. Phillips explained the situation has changed with the business prospect. However, because the proposed ordinance was already established staff decided to bring it before the Planning Commission and Board of Supervisors for review.

Ms. Pennington commented he concurs with the Planning Commission's recommendation because laboratories are too broad in definition and places pressure on staff.

Mr. McCall stated that he also concurs with the Planning Commission's recommendation and commented that requiring special exception permit would allow the Board to control situations and place stipulations on a permit.

After further discussions among the Board and Ms. Phillips, the original motion was revised as follows:

***On motion of Ms. Mumpower, second by Mr. Stevens, the Board acted to send the proposed ordinance back to the Planning Commission to be completely rewritten with particular attention being given to:***

1. *The purpose for placing a size limitation of 16,500 square feet or less on office buildings without obtaining special exception permit;*
2. *The purpose for placing a size limitation of 16,500 square feet for research and development laboratories, and;*
3. *Require special exception permit for research and development laboratories.*

*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>

**b. Consideration of Ordinance to Repeal Section 52-190(B) of Chapter 52 of the Code of the County of Washington, Virginia (2002) to Eliminate from the Subdivision Ordinance the Fencing Requirement for Storm Water Detention Basins**

Ms. Phillips, County Attorney explained the proposed ordinance would amend the Subdivision Ordinance to discontinue the requirement by the County that a subdivider must erect fencing around storm water detention ponds. The ordinance currently requires a chain link metal fence to a minimum height of eight feet from grade with a lockable gate no less than ten feet wide. Ms. Phillips further explained many developers have complained about this requirement because the chain link fence does not match the aesthetics of their development, and in many instances, the storm water detention ponds are not filled with water and, therefore, not a safety hazard the majority of time. Discontinuation of this requirement would place into the subdivider's control the discretion as to whether fencing is necessary and, if so, what type of fencing is best suited to the purpose. Ms. Phillips explained the Washington County Planning Commission has reviewed the proposed ordinance and recommended its adoption.

Mr. Straten opened the public hearing and invited comments both in support of and in opposition to the proposed ordinance.

There being no comments, Mr. Straten declared the public hearing closed.

Mr. Pennington asked if language requiring chain link metal fencing could be stricken from the ordinance, but leave the fencing requirement in place.

Mr. Straten commented that the proposed ordinance as written leaves fencing to the discretion of the developer.

Mr. McCall commented that he has built and maintained retention ponds and they are difficult to maintain with fencing around them. Retention ponds usually have bars and caps installed that make it hard to climb into the ponds. He does not believe the fencing serves any good.

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

**AN ORDINANCE TO REPEAL SECTION 52-190(B) OF CHAPTER 52  
OF THE CODE OF THE COUNTY OF WASHINGTON, VIRGINIA (2002),  
TO ELIMINATE FROM THE SUBDIVISION ORDINANCE THE FENCING REQUIREMENT  
FOR STORM WATER DETENTION BASINS**

*WHEREAS, the Board of Supervisors of the County of Washington, Virginia, adopted Chapter 52 of the Code of the County of Washington, Virginia, which established standards and procedures for division of property, pursuant to the Code of Virginia, Title 15.2, Article 6, governing "Land Subdivision and Development;" and*

*WHEREAS, laws other than the Washington County Ordinance for Division and Subdivision of Land (Subdivision Ordinance) govern the need for and design of storm water detention basins; and*

*WHEREAS, the Subdivision Ordinance includes a requirement for the subdivider to construct a specific type of fence around storm water detention basins, and many subdividers have objected to the standard required for such fences; and*

*WHEREAS, after review by the Planning Commission and Board of Supervisors, it was determined in the best interests of the public health, safety, and welfare to repeal from the ordinance for Division and Subdivision of Land the fence requirement for storm water detention basins.*

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

- 1. That Chapter 52, Subsection 52-190(b) is repealed, as set forth below.*
- 2. That this ordinance shall become effective immediately upon adoption.*
- 3. That should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Washington County Code.*
- 4. That the Code of the County of Washington shall be amended, as follows, with underline and italic indicating language to be added and strikethrough to indicate language to be deleted:*

*CHAPTER 52 Division and Subdivision of Land*

*Article VII. – On-Site Improvements and Design Standards*

*Division 5 – Flood Control, Soil Preservation, and Stormwater Management*

*Section 52-190. Stormwater detention, design, location, maintenance.*

*(a.)The design for all storm water detention facilities shall be in accordance with professionally accepted hydraulic engineering practices, the requirements of the Virginia Erosion and Sediment Control Law and other regulations, as required by state law.*

*(b.)~~(1)~~–In residential subdivisions, the subdivider shall locate and construct storm water detention ponds, where required, on a separate lot or lots within the subdivision set aside solely for the purpose of locating such facility(ies), which shall be owned and maintained by a property owners association.*

**(c.)(2)**—*In industrial subdivisions, the subdivider may locate and construct storm water detention ponds, where required, on individual lots within the subdivision. Maintenance of such shall be the responsibility of the lot owner.*

~~*(b) All lots containing storm water detention ponds or similar facilities characterized by the presence of pooled surface water shall be fully enclosed by corrosion-resistant chain-link metal fencing to a minimum height of eight feet from grade and feature at least one lockable gate entrance no less than ten feet in width and matching the height from grade of the surrounding fencing. The location of the gate on the lot shall be oriented so as to provide vehicular access to the enclosed area for maintenance purposes. The fencing enclosure shall be erected at the subdivider's expense. Fencing shall be maintained at all times around such facilities unless the use of the storm water detention facility is abandoned and any basin or other appurtenance or infrastructure backfilled to grade level or removed completely from the lot.*~~

*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>

#### **b.1 Presentation of Economic Impact Study of Heartwood in Southwest Virginia**

The Board was presented with the Economic Impact Study of Heartwood in Southwest Virginia by from Ms. Elizabeth McGlothlin with the Virginia Tourism Commission and Mr. Todd Christensen, Executive Director, Heartwood. The following are highlights from the presentation:

- In 2011, tourism generated \$20 billion in revenue, supported more than 207,000 jobs and provided \$1.3 billion in state; and local taxes for Virginia and \$895 million in revenue, supported more than 9,400 jobs and provided \$22 million in state and local taxes for Southwest Virginia.
- 8% growth in tourism expenditures last year in Southwest Virginia; 12% growth in tourism expenditures last five years in Southwest Virginia.
- Study conducted by Chmura Economics & Analytic and was undertaken to provide an understanding of Heartwood's economic impact for the first year and to learn who is visiting Heartwood and what they are doing. Visitors to Heartwood were surveyed from May-July 2012 and artisans and business survey from June – July 2012.
- Measuring the economic impact included two key components: Heartwood's operations and visitor spending.
- Heartwood's economic impact to Southwest Virginia in its first year was:
  - Economic impact to Southwest Virginia was \$8 million
  - 108 jobs were supported
  - Heartwood contributed \$300,000 in state tax revenue
  - Heartwood contributed \$100,000 in local tax revenue
- Almost 75,000 visitors to Heartwood in first year
- Almost 300 artisans sell at Heartwood

- Heartwood provides increased exposure and visibility for regional artisans

Discussions ensued among the Board, Ms. McGlothlin and Mr. Christensen.

## **7. General Business:**

### **a. Actionable Items:**

#### **1. Consideration of County Emergency Services Committee Recommendation**

Ms. Pokey Harris, Director of Emergency Management Services presented the Board with a recommendation from the County Emergency Services Committee to provide a dollar-for-dollar match up to \$20,000 with the Town of Glade Spring to repair the driveway in front of the fire house bays at Glade Spring Fire Department. Ms. Harris explained that County Administrator Nadine Culberson worked with the Town of Glade Spring to identify a cost effective way to make the repairs, and the figure presented to the Emergency Services Committee was \$40,000. Ms. Harris commented that since the Committee meeting, Town of Glade Spring Mayor Lee Coburn indicated there could be additional costs savings.

Mr. Stevens explained that he visited the Glade Spring Fire Department to look at the hole. He commented that the hole is located at the bays where the trucks are located and has gotten worse over time. A cone has been placed at the hole to attempt to prevent people from falling.

*On motion of Mr. Stevens, second by Ms. Mumpower, the Board acted to approve a dollar-for-dollar match up to \$20,000 with the Town of Glade Spring to repair the driveway in front of the fire house bays at the Glade Springs Fire Department. Funds will be taken from the County's Reserve for Contingencies.*

*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. Scheduling of Training Session for the Board of Supervisors on Natural Gas Extraction**

Mr. Owens explained that the Board had authorized him to arrange for additional training on natural gas extraction. He commented that possibly the best approach to additional training is for the Board to receive information from individuals working in the field of natural gas extraction about what actually takes place the field. Mr. Owens stated that he worked with Mr. Mr. Tony Holbrook, Land Surveyor to identify the following presenters:

- Mr. Leon Boyd, Noah Horn Well Drilling, Inc.
- Mr. Greg Kozera, Superior Well Services

- Mr. John Bowerbank, EMATs, Inc.
- Mr. Rick Cooper, Department of Mines, Minerals and Energy (will participate to answer questions)

Mr. Owens commented that a lot of questions have been asked and concern expressed about natural gas extraction. A forum whereby both parties can listen to the industry is believed to be beneficial. It is proposed that the training session be scheduled for November 29, 2012 beginning at 7:00 p.m. at John Battle High School (auditorium) and would be conducted much the same as the panel presentation held January 23, 2012. Mr. Owens asked that the Washington County Planning Commission, Washington County Industrial Development Authority and public be invited to attend. Ms. Phillips, County Attorney will emcee the presentation.

Discussions ensued among the Board.

*On motion of Mr. Owens, second by Mr. Gibson, the Board acted to a natural gas extraction training session for the Board on November 29, 2012 beginning at 7:00 p.m. at John Battle High School in the auditorium.*

*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>

### **3. Consideration of Request for Joint Meeting with Washington County Service Authority**

Ms. Culberson, County Administrator explained a meeting has been held between Washington County Service Authority (WCSA) Board of Commissioners Chairman, Mr. Joe Chase, Mr. Straten and she to talk about the need for a joint meeting between both boards to discuss solutions for addressing the need to lower connection fees (system replacement fees). Ms. Culberson commented that county staff recommended to the WCSA that a joint meeting be scheduled for December 10, December 12 or December 13. WCSA General Manager Robbie Cornett contacted WCSA Board members and December 12 or December 13 is the best dates.

*It was consensus of the Board to schedule a joint meeting with the WCSA Board on December 12, 2012, at 7:00 p.m. in the Board Auditorium, County Government Center.*

*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*

**4. Consideration of Request for the County Economic Development Committee to Meet Jointly with the Town of Abingdon Economic Development Committee to Explore Mutual Projects**

Ms. Culberson, County Administrator explained that The Town of Abingdon's Economic Development Committee Council members, Town Manager, Greg Kelly, and Economic Development Director, Jim Cowart, met with Washington County's Economic Development Committee Board members, County Administrator, Nadine Culberson, and Director of Economic Development & Community Relations, Christy Parker, on Friday, November 2 to discuss several projects the Town would like to explore with the County. This list of projects included revisiting a much smaller, minimum residential impact Boundary Adjustment. They are very interested in creating partnerships to promote commercial development. Other projects included creating a second entry into the Stone Mill Business and Technology Park, a joint feasibility study for regional water, sewer and stormwater authority, sports complex, and a conference hotel. The Town's representatives expressed their desire for the two committees to meet regularly contingent upon the Board of Supervisor's consensus of agreement to allow discussions concerning a scaled back Boundary Adjustment.

Mr. Pennington explained because part of his election district (Jefferson Election District) is affected by the Town of Abingdon's proposed boundary adjustment that he has been on record stating he would talk about a revenue sharing agreement. He further explained that he now goes on record opposing a boundary adjustment. Mr. Pennington commented that in a letter Mr. Straten sent to the Town of Abingdon it was stated that no member of the Board of Supervisors was in favor of a boundary adjustment but the letter did state the Board was willing to work on agreements that are mutually economically beneficial to both localities. Further, Mr. Straten expressed to the Town at a meeting that there was no support for a boundary adjustment. Mr. Pennington stated that it is important to maintain open dialogue with the Town of Abingdon and commented that the town was asked to consider commercial areas such as Exit 19.

Mr. Stevens commented that the Board owes it to the citizens of the county to look at other areas of revenue besides real estate taxes. He does not support a boundary adjustment.

Mr. Gibson agreed with Mr. Penning and Mr. Stevens; he does not support a boundary adjustment.

Mr. Owens commented that it was made clear during the Board's meeting with legal counsel from Roanoke that there is not good justification for the Town of Abingdon to proceed with a boundary adjustment. A lot of thought by the Board needs to be given before accepting restrictions on entrances into the Town of Abingdon.

Mr. McCall commented his willingness to talk with the Town about projects that will help both localities prosper. For example if a restaurant is interested in a parcel located in the County that sells liquor by the drink and the County does not permit liquor by the drink.

Ms. Mumpower stated the Board as a whole made its intentions clear that there is no interest in looking at boundary adjustment. She commented if there are projects that could be developed jointly with Abingdon that she would be in favor.

It was consensus of the Board for the County Economic Development Committee to work with the Town of Abingdon Economic Development Committee.

*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 Approval of County Administrator's Position Description and Advertisement for Position Availability**

Ms. Culberson, County Administrator explained the proposed County Administrator's Position Description and advertisement for position availability is presented to the Board for review and approval. She commented the proposed advertisement will be placed as follows:

- Bristol Herald Courier – Sunday, November 18 and Sunday, December 2
- Kingsport Times News – Sunday, November 18 and Sunday, December 2
- Roanoke Times – Sunday, November 18 and Sunday, December 2
- Washington County News – Wednesday, November 21 and Wednesday, December 5
- Virginia Association of Counties (VACo) County Connections Publication
- Virginia Municipal League

The advertisement will be listed on the VACo and County's website beginning Wednesday, November 14.

Mr. Gibson provided the Board with a list of salaries for county administrators in nine Southwest Virginia counties. He commented the average salary of the nine counties is \$90,414.44 with two to seventeen years of experience. Mr. Gibson restated a comment from the October 29 recessed meeting that he thought the proposed salary range of \$100,000 - \$135,000 was high.

Mr. Gibson asked that the salary range in the advertisement read: \$100,000 up to \$135,000 instead of \$100,000 to \$135,000.

After further discussions, the following action was taken:

***On motion of Ms. Mumpower, second by Mr. Stevens, the Board acted to approve the position description for the County Administrator and proposed advertisement for the position.***

*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>

*Mr. Pennington*      *Aye*  
*Mr. Stevens*        *Aye*  
*Mr. Straten*         *Aye*

**6. Consideration of Appointment to Industrial Development Authority of Washington County**

*On motion of Ms. Mumpower, second by Mr. Owens, the Board acted to reappoint Mr. Patrick Callebs to represent the Wilson Election District on the Industrial Development Authority of Washington County for a four year term beginning November 14, 2012 and expiring November 13, 2016.*

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

*Mr. Gibson*            *Aye*  
*Mr. McCall*           *Aye*  
*Ms. Mumpower*       *Aye*  
*Mr. Owens*            *Aye*  
*Mr. Pennington*      *Aye*  
*Mr. Stevens*         *Aye*  
*Mr. Straten*           *Aye*

**b. Information Items:**

**1. Presentation by Southwest Virginia Alliance for Manufacturers (SVAM)**

Mr. Larry Souverielle President, Southwest Virginia Alliance for Manufacturers (SVAM) made a presentation concerning the continuation and revitalization of SWAM. Mr. Souverielle explained that he recently became President of SVAM and is General Manager for General Dynamics in Marion, VA. Mr. Souverielle noted that its former Executive Director Bruce Kravitz resigned in October of this year. Since October the day-to-day operations have been assumed by the SVAM Board of Directors and staff. The following are highlights from Mr. Souverielle's presentation:

- The Strategic Plan
  - Maintain a sustainable model nonprofit organization
  - Offer a menu of services to expand the regional collaborative membership of SVAM
  - Market a new image of manufacturing to attract a workforce to manufacturing careers
  - More closely align educational and training resources to manufacturers' needs
- The philosophy behind the plan is in order to be viable and relevant; SVAM must offer dynamic programming, pertinent services and heightened visibility in a 21<sup>st</sup> century world.
- Current Board Activities
  - Creating a Program of Work to implement the Strategic Plan
  - Developing an annual calendar of activities scheduled from the Work Plan
  - Matching available funds to elements of the Work Plan
  - Re-aligning staff to execute the Program of Work
- In the New Year
  - Redesign the website
  - Develop a membership meeting calendar
  - Plan the high visibility events
  - Explore expansion of funding sources

- Previewed Coming Attractions
  - Seminars
  - Manufacturers' Fair
  - Membership Drive
  - Expand Collaborative Partner Base
  - Implement SVAM Worker Pool
  - Develop Advocacy Plan and Process
  - Conduct a Manufacturing Careers Festival
  - Evaluate and Adjust

Discussions ensued.

## 2. **Washington County Department of Social Services Snapshot Presentation**

Mr. Randy Blevins, Director, Washington County Department of Social Services addressed the Board and explained he became the new Director in March of this year and presented a snapshot presentation of the Department of Social Services. A summary of the presentation follows:

Facts:

- Social Services agencies in Virginia are state supervised and locally administered. The Social Services Director serves at the pleasure of the Washington County DSS Board.
- The Department of Social Services Board is appointed to four-year terms by the Board of Supervisors and consists of seven members representing each election district. The Board meetings on the fourth Tuesday at 7:00 p.m.
- The Washington County Department of Social Services has had three directors in 45 years
- Department of Social Services has 68 approved positions with 62 positions currently filled including benefits staff, social work staff, and clerical/fiscal staff. There are full and part-time staff positions funded by federal, state, local and grant funds.
- The agency administers over two dozen medical, food, financial, and social service and benefit programs for the local, state and federal government.
- The Governor announced a new initiative effective October 10, 2012, the Virginia Department of Social Services announced a web-based, self service platform called, CommonHelp. CommonHelp is an online solution that will allow citizens to apply, renew, and determine the status of financial benefit programs 24 hours a day, seven days a week. The website can be accessed on the Internet at [www.dss.virginia.gov/community/commonhelp](http://www.dss.virginia.gov/community/commonhelp). Washington County Department of Social Services as received over 100 on-line applications to-date.
- Department of Social Services has occupied their present office space for 16 years and currently negotiating with the Industrial Development Authority of Washington County for additional office space and renovation of offices.
- Most foster care expenditures are funded through the Comprehensive Services Act (CSA).

Snapshot:

- SNAP (formerly the Food Stamp Program) – Served an average of 3,564 households per month.
- MEDICAID – Served an average of 4,813 households per month.
- Temporary Assistance to Needy Families (TANF) and Temporary Assistance to Needy Families – Unemployed Parent (TANF-UP) – Average number of recipients per month – 227.

- VIEW (Virginia Initiative for Employment Not Welfare) Program
  - Average monthly household recipients – 75
  - Employed – 59%
  - \$8.33 average wage
- Fraud, Referrals and Collections – Investigates around 70 allegations annually.
- Child Protective Services – Conducts investigations of child abuse and neglect reports and provides on-going services where neglect issues have been identified.
  - CPS reports for year – 523
  - Validated reports for year – 471
  - Ongoing CPS cases – 46
- Adult Protective Services/Adult Services
  - APS reports received and investigated – average of 20 per month
  - Referrals for personal care/nursing home/ALF screenings completed for Medicaid – 20-25 per month
  - Guardianship cases – 70
- Adoption and Foster Care – A licensed adoption agency, the Department of Social Services provides Adoption Services for natural parents, children in need, and those seeking adoption.
  - Children in Foster Care – 34
  - Day Care Services for Children – 70 families served

Discussions ensued among the Board and Mr. Blevins.

### **3. Presentation of Economic Impact Study of Heartwood in Southwest Virginia**

This presentation was moved to a new Item 6.b.1 above.

The Board took a ten minute recess at this time.

### **4. Discussion Regarding Circuit Court Ruling in the Matter of County v. Lambert, Walton Ridge Road Lawsuit**

Ms. Mumpower thanked the residents of Walton Ridge Subdivision for attending the meeting and asked Ms. Phillips, County Attorney to review the Circuit Court ruling in the matter of the County v. Lambert, Walton Ridge Subdivision.

Ms. Phillips, County Attorney, explained that the Circuit Court held in favor of the defendants in the County's lawsuit against the developers of Walton Ridge Subdivision (Rick Lambert and Hiram Gardner). The Court held that the County did not have authority to enforce against the developer the standards for improvement of subdivision streets in reference to a subdivision plat that was approved by the County and recorded in the County land records in 2001. The result of the Court's ruling was that the lawsuit was dismissed with prejudice, meaning that the County cannot revise the pleading and re-file.

Ms. Phillips explained the primary obstacle against the County's enforcement of the street standards in this matter is the absence of a written agreement with the developer to state clearly the promise to complete the infrastructure construction and, also, the absence of surety to secure the developer's commitment. The Walton Ridge subdivision plat was approved by the County in 2001. At about that same time, the County was in the process of revising its subdivision approval process to increase its diligence in requiring developers to enter into Subdivision Agreements with the County to establish the

date by which the developer would complete construction of public infrastructure (roads, sewer, and water, as applicable) and to require that every developer obligated to complete such construction would post surety with the County to secure the developer’s commitment. Unfortunately, the Walton Ridge subdivision plat was approved and certified by the County before the new practices went into effect.

Ms. Mumpower explained the County has a situation where residents of Walton Ridge have built expensive homes, and in regards to having the subdivision street taken into the State System of Secondary Highways, are left empty handed. She commented it was her understanding that issues with Walton Ridge had been taken care of several years ago and believes it should have been the developer’s responsibility. Nevertheless, Circuit Court ruled in favor of the developer and the citizens of the Walton Ridge are looking to the County for assistance.

At this time, Mr. Ken Stacy and Mr. Bruce Crowder (residents of Walton Ridge) addressed the Board on behalf of the citizens of Walton Ridge. Mr. Stacy thanked the Board for being allowed to speak, and he distributed a letter to them from the residents. Mr. Stacy read the letter which requested the Board of Supervisors take whatever action necessary for Walton Ridge Road to be accepted for State maintenance.

Discussion ensued among the Board, Ms. Phillips, Mr. Stacy and Mr. Crowder concerning issues pertaining to Walton Ridge Road.

Ms. Mumpower stated she would like to make absolutely sure the County does not issue any more building permits for the lots in Walton Ridge Subdivision. She further stated it is her belief the developer misled the residents by telling them the road would be brought into the state system for maintenance.

Further discussions ensued with the following action being taken:

*On motion of Ms. Mumpower, second by Mr. Stevens, the Board acted to direct County staff to work with the Virginia Department of Transportation to determine the actual cost to prepare Walton Ridge Road to bring into the State System of Secondary Highways, and further that the information staff obtains from VDOT be brought back before the Board for further consideration of what the Board may be willing to do.*

*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>

Ms. Mumpower asked staff to arrange a meeting with VDOT as soon as possible to discuss Walton Ridge Road.

**5. Presentation of First Draft of Proposed Board By-Laws, General Policies and Operating Procedures for CY 2013**

Ms. Culberson provided the following review of the first draft of proposed By-laws, General Policies &

Operating Procedures for the Board of Supervisors for Calendar Year 2013 for review and input.

**Proposed General Policies Amendments:**

Proposed revisions to Article 2.2 pertaining to use of tobacco products on and within County property and facilities.

**Proposed Operating Procedures Amendments:**

The proposed Operating Procedures for Calendar Year 2013 have been updated to reflect the schedule of holidays and budget meetings for the coming year.

**Proposed Draft Resolution Re-establishing/Establishing Committees Changes:**

In addition to the By-laws, General Policies & Operating Procedures, the Board is presented with a draft of proposed Resolution 2013-01 that re-establishes/establishes committees for CY 2013 for review and input. The proposed resolution will be presented to the Board for consideration at the January 8, 2013 organizational meeting. Proposed changes for CY2013 would be the establishment of the Fire and Emergency Medical Services Oversight Committee as a Board Committee

Mr. Owens commented that a member of the County Revenue Review Committee proposed that the Board consider a provision that at the conclusion of public comments, allowing any board member that has a comment or explanation that is non-provocative be permitted to do so. This provision would be an effort by the Board to let the speakers know their comments were heard.

Mr. Gibson commented about discussion by the Board during the Board Retreat in September concerning changes to terms of appointments to boards, authorities and commissions to make them concurrent with terms of the board members, and he asked if this could be placed in the By-laws.

Ms. Phillips, County Attorney, explained that she would be happy to research and provide guidance to the Board as to what steps would be necessary to make changes to terms of boards, authorities and commissions so that the appointees' terms would be concurrent with the term of the appointing member of the Board.

Mr. Owens recommended if the Board is going to consider such a change that a committee be established to review all the issues involved and make a recommendation to the Board.

Further discussion ensued. It was consensus of the Board to direct Ms. Phillips, County Attorney, to look at the matter of having terms for members of county boards, authorities and commissions become concurrent with the terms of Board members.

**8. Board Member Reports**

Mr. Stevens reported that he has been contacted by the Hidden Valley Lake Association concerning a four wheel drive vehicle that was given to the Association about ten years ago by Washington County to help them build a road. The vehicle is now inoperable and the Association wishes to let the County know they would like to sell the vehicle and use the proceeds to maintain the property. Hidden Valley Lake Association has the title to this vehicle.

Mr. Stevens next reported on the VACo County Supervisors Certification course and the VACo Annual Conference that he attended November 10-13. Mr. Stevens commented that localities across the state are facing the same fiscal issues.

Mr. Stevens recognized Chairman Joe Straten for becoming a Certified County Supervisor through the VACo program. Mr. Straten received recognition during the VACo Annual Conference and was the only supervisor in the state to receive the certificate.

Mr. Gibson reported on a Broadband Conference he attended November 8-9 in Danville, VA. He explained that Danville had a high unemployment rate, but they are now attracting industry from the broadband field. Mr. Gibson commented that Southwest Virginia and Washington County is ahead of the curve by having broadband capabilities offered through several providers. He further explained that included in the conference program were sections on telemedicine and telehealth. Virginia Commonwealth University (VCU) has a program wherein they go out to prisons and consult with patients. The University does not currently work with the Southwest Virginia Regional Jail Authority. Mr. Gibson commented that he provided to Ms. Culberson, the contact information for the program at VCU to explore the possibility of Washington County participating, which could save the County thousands of dollars.

Mr. Gibson reported on attending the Veteran's Day Ceremony honoring veterans from the Cold War. He commented the event was well attended.

Mr. Owens reported that he attended the Veteran's Day Ceremony and commented about the guest speaker; Mr. Carl McAfee.

Mr. Owens reported that his representative to the Virginia Highlands Airport Authority advised him that the Airport Authority signed a letter of intent with Davenport & Company and are moving forward with the projects at the airport.

Mr. Owens commented that the John Battle High School Football Team continues to win in the playoffs.

Ms. Mumpower commented that she is very proud of the John Battle High School Trojans and their coaches.

Mr. Straten reported on attending the VACo Annual Conference November 11-13.

## **9. Board Information and Reminders (County Administrator and County Attorney)**

Ms. Culberson, County Administrator reported on the following:

- 26<sup>th</sup> annual Southwest Virginia Chambers of Commerce Legislative Breakfast & Forum will be held on Monday, November 19<sup>th</sup> beginning at 8:00 a.m. at the Scott county Career and Technical Center in Gate City.
- County offices will close at noon on Wednesday, November 21 and remain closed Thursday, November 22 and Friday, November 23 in observance of the Thanksgiving Holiday.

- VACo's Preliminary 2013 Legislative Program.

Ms. Phillips, County Attorney, asked for two closed meetings be placed on the agenda for the November 27, 2012 regular meeting. One for the Board of Supervisors to conduct her annual evaluation, and a second closed meeting to discuss the strengths and weakness of an appeal of the Circuit Court ruling in the matter of County v. Lambert, Walton Ridge Road Lawsuit.

**10. Closed Meeting:**

- a. Request to convene in Closed Meeting Pursuant to Virginia Code Section 2.2-3711(A)(5) for discussion of a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in Washington County, more specifically regarding location of a potential new business or industry in Oak Park Center for Business and Technology**

*On motion of Mr. McCall, second by Mr. Owens, the Board acted to convene in Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(5) for discussion of a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in Washington County, more specifically regarding location of a potential new business or industry in Oak Park Center for Business and Technology. County Administrator Nadine Culberson, County Attorney Lucy Phillips, Director of Economic Development and Community Relations Christy Parker and IDA Chairman Henry Snodgrass were asked to participate in the Closed Meeting.*

*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>

- b. Reconvene in Open Meeting and Certification of Joint Closed Meeting(s):**

*After returning to the meeting, the Chairperson noted that upon motion of Mr. Owens, second by Ms. Mumpower, and favorable vote, the Board of Supervisors reconvened in open meeting. The Chairperson called for any participant in the closed meeting(s) who believed that there was a departure from the requirements of the Virginia Freedom of Information Act during the closed meeting(s), to state the substance of the departure that they believed took place. No members of the Board responded to the Chairperson's call for statements.*

*On motion of Mr. McCall, second by Mr. Owens, the members of the Board certified the closed meeting(s) in accordance with the requirements of the Virginia Freedom of Information Act. By vote in favor of this motion, each member certified that the closed meeting was conducted in conformity with Virginia law, and that only public business matters lawfully exempted from open meeting*

*requirements and identified in the motion by which the closed meeting was convened was heard, discussed, or considered in the closed meeting.*

*The vote on this motion was as follows: (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>

**11. Adjourn or Recess**

*On motion of Mr. Gibson, second by Mr. Stevens, the Board acted to adjourn the meeting.*

*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>

\*\*\*\*\*

**Prepared by:**

\_\_\_\_\_  
Naoma A. Norris, Recording Clerk

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

\_\_\_\_\_  
Joseph C. Straten, Chairman