

**VIRGINIA:**

At a regular meeting of the Washington County Board of Supervisors held Tuesday, April 14, 2009, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia the following were present:

**PRESENT:**

- Kenneth O. Reynolds, Chairman
- Jack R. McCrady, Jr., Vice Chairman
- Phillip B. McCall
- Dulcie M. Mumpower
- Odell Owens
- Paul O. Price
- 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 Mr. Kenneth O. Reynolds, Chairman of the Board, who welcomed everyone in attendance.

**2. Invocation and Pledge of Allegiance**

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

**3. Approval of Agenda**

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

- Addition of Second Harvest Food Bank Presentation*
- Deletion of Item 9 Closed Meeting*

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

- Mr. McCall                    Aye*
- Mr. McCrady                Aye*
- Mrs. Mumpower            Aye*
- Mr. Owens                    Aye*
- Mr. Price                     Aye*

*Mr. Reynolds*            *Aye*  
*Mr. Taylor*             *Aye*

**4.     Consent Agenda:**

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

**a.     Approval of Minutes:**

1.     **March 17, 2009 Joint Recessed Meeting**
2.     **March 24, 2009 Regular Meeting**
3.     **March 31, 2009 Recessed Meeting**

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

1.     **Payment of Bills, March 2009**
2.     **Request for Revenue Refunds – Washington County Sheriff’s Office – Animal Sterilization Fees**
3.     **Request for Revenue Refund – Solid Waste Disposal Fee for 218.06**
4.     **Budget Status Reports – March 31, 2009**

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

1.     **Award of Bid and Approval of Easement Agreements for Mahogany Drive Drainage Improvements**

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

*Mr. McCall*            *Aye*  
*Mr. McCrady*         *Aye*  
*Mrs. Mumpower*     *Aye*  
*Mr. Owens*           *Aye*  
*Mr. Price*             *Aye*  
*Mr. Reynolds*        *Aye*  
*Mr. Taylor*           *Aye*

**5. Public Hearings:**

- a. Public Hearing and Consideration of Adoption of an Ordinance to Amend Chapter 58, Sections 58-83, 58-84, and 58-85 of the Code of the County of Washington, Virginia, to Update Financial Eligibility Criteria for the Partial Exemption from Taxation of Qualifying Elderly and Handicapped Persons**

Ms. Phillips provided the Board with introductory remarks. The proposed ordinance would amend financial criteria applicable for persons at least sixty-five years of age or anyone found to be permanently and totally disabled so that such person’s annual income shall not exceed \$23,038.00 and gross net worth shall not exceed \$69,159.00 to qualify for a percentage reduction in property taxes, if other applicable criteria are met. The ordinance would also update the schedule of rates of exemptions in accordance with cost of living increase of 5.8 percent. Ms. Phillips stated that amendments to the ordinance are done annually due to inflation.

Mr. Reynolds opened the public hearing and invited comments in regards to the proposed ordinance.

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

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

**AN ORDINANCE  
TO AMEND CHAPTER 58, SECTIONS 58-83, 58-84, AND 58-85 OF THE CODE OF THE  
COUNTY OF WASHINGTON, VIRGINIA, TO UPDATE FINANCIAL ELIGIBILITY CRITERIA  
FOR THE PARTIAL EXEMPTION FROM TAXATION OF QUALIFYING ELDERLY AND  
HANDICAPPED PERSONS**

*WHEREAS, Section 58.1-3210 of the Code of Virginia (1950, as amended) allows the local governing body, by ordinance, to provide for exemption from taxation of real estate and manufactured homes in such amount as provided by the ordinance; and*

*WHEREAS, the Washington County Code (2002, as amended) provides for such exemption, for which eligibility is determined based on specified financial criteria; and*

*WHEREAS, such financial criteria requires amendment from time to time to adjust for inflation, and the Commissioner of Revenue has recommended adjustment by an inflation factor of five and eight tenths percent (5.8 %) based on the Consumer Price Index;*

*NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of Washington County, Virginia, after notice and public hearing, as required by law, and finding it in the best interest of the public health, safety, and welfare:*

- 1. That Chapter 58, Subsections 58-83, 58-84, and 58-85 are amended, as set forth below; underline and italic indicates language to be added; strikethrough indicates language to be deleted:*

**Chapter 58 TAXATION**

**ARTICLE II. AD VALORAM**

**DIVISION 3. REAL PROPERTY**

**Subdivision II. Exemption from Taxation of Certain Elderly and Handicapped Persons**

*Sec. 58-83. Requirements for exemption.*

(a.) Exemption under this subdivision shall be granted for real estate taxes on the qualifying dwelling and land, not exceeding one acre, subject to the following provisions:

- (1) *The title of the property for which exemption is claimed is held, or partially held, on January 1 of the taxable year by the person claiming exemption.*
- (2) *The person occupying the dwelling and owning title or partial title thereto is 65 years of age or older or is permanently and totally disabled on December 31 of the year immediately preceding the taxable year. Such dwelling must be occupied as the sole dwelling of the person not less than 65 years of age or permanently and totally disabled. A dwelling jointly held by a husband and wife, with no other joint owners, may qualify if either spouse is 65 or over or is permanently and totally disabled.*
- (3) *The person qualifying for and claiming exemption shall have income no greater than ~~\$21,775~~ \$23,038.00. The total combined gross income received from all sources during the preceding calendar year by owners of the dwelling who use it as their principal residence and owners' relatives and non-relatives who live in the dwelling shall not exceed the county's median adjusted gross income of its married residents as determined by the most recent median adjusted gross income of individual income tax returns of the married residents of the county for a taxable year as published by the Weldon Cooper Center for Public Service of the University of Virginia; provided that the first ~~\$4,085.00~~ \$4,322.00 of income of each ~~relative~~ individual who is not the spouse of an owner living in the dwelling and who does not qualify for the exemption shall not be included in such total.–*
- (4) *The net combined financial worth, including equitable interests, as of December 31 of the preceding calendar year of the owners and of the spouse of any owner, excluding the value of the dwelling and the land, not exceeding one acre, upon which it is situated shall not exceed ~~\$65,368.00~~ \$69,159.00.*
- (5) *For purposes of this division, “income” shall mean total gross income from all sources, without regard to whether a tax return is actually filed. Income shall not include life insurance benefits or receipts from borrowing or other debt.*

(b.) Prorated tax exemption.

- (1) *The provisions of this subsection that require prorating of the exemption shall not apply to dwellings jointly held by a husband and wife, with no other joint owners.*
- (2) *The tax exemption shall be prorated as provided in this section if the dwelling is jointly owned by two or more individuals not all of whom are at least age 65 or permanently and totally disabled and the dwelling is occupied as the sole dwelling by all such joint owners. The applicant shall be eligible only if the net combined financial worth of all such joint owners, including the present value of all equitable interests and computed without any exclusion for the dwelling or for any other asset as of December 31 of the immediately preceding calendar year, does not exceed \$69,159.00.*
- (3) *The tax exemption shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the percentage of ownership interest in the dwelling*

held by all such joint owners who are at least age 65 or permanently and totally disabled, and as a denominator, 100%. As a condition of eligibility for such tax exemption, the joint owners of the dwelling shall be required to furnish to the relevant local officer sufficient evidence of each joint owner's ownership interest in the dwelling.

- (4) Nothing in this section shall be interpreted or construed to provide for an exemption from tax for any dwelling jointly held by non-individuals.

(c.) Change in circumstances.

- (1) In the event of changes in income, financial worth, ownership of property or other factors occurring during the taxable year for which an affidavit is filed that have the effect of exceeding or violating the limitations and conditions provided herein, the exemption shall be prorated to apply only for the portion of the taxable year during which the taxpayer qualified for such exemption.
- (2) In the event of a change in ownership to a spouse or a non-qualifying individual, when such change resulted solely from the death of the qualifying individual, or a sale of such property, the exemption shall be prorated to apply only for the portion of the taxable year during which the taxpayer qualified for such exemption. The proceeds of the sale which would result in the prorated exemption shall not be included in the computation of net worth or income as provided in subsection A. Such prorated portion shall be determined by multiplying the amount of the exemption by a fraction wherein the number of complete months of the year such property was properly eligible for such exemption is the numerator and the number 12 is the denominator.
- (3) An individual who does not qualify for the exemption under this article based upon the previous year's income limitations and financial worth limitations, may nonetheless qualify for the current year by filing an affidavit that clearly shows a substantial change of circumstances, that was not volitional on the part of the individual to become eligible for the exemption and that will result in income and financial worth levels that are within the limitations of the ordinance. The exemption shall be prorated from the date the affidavit is submitted.
- (4) Any exemption affected by change in circumstances as presented in this subsection shall be conditioned upon the individual filing an affidavit no later than July 1 of the taxable year affected by change in circumstances showing that the actual income and financial worth levels were within the limitations set by the ordinance.

**Sec. 58-84. Application for exemption.**

(a) **Annually, and not later than ~~May~~ February 1 of the taxable year, the person or persons claiming an exemption must file a real estate tax exemption affidavit or written statement with the commissioner of the revenue setting forth in a manner prescribed by the commissioner of the revenue:**

- (1) **The location, assessed value and tax on the real estate;**
- (2) **The names of the related and non-relative persons occupying the real estate;**
- (3) **The combined gross income from all sources of the persons specified in subsection 58-83(a.)(3); and**

- (4) *The total combined net worth of the persons specified in subsection 58-83(a)(4).*
- (b) *If the person claiming exemption is under 65 years of age, such affidavit or written statement shall have attached thereto proof of permanent or total disability in the manner prescribed by Code of Virginia, § 58.1-3213(D).*
- (c) *If after audit and investigation the commissioner of the revenue determines that the person or persons are qualified for exemption, he shall issue to the person a certificate that shall show the amount of the exemption from the claimant's real estate tax liability upon the qualifying dwelling and land, not exceeding one acre.*
- (d) *Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit or written statement is filed and having the effect of exceeding or violating the limitations and conditions provided in this subdivision shall nullify any exemption for the then current taxable year and the taxable year immediately following.*
- (e) *The commissioner of revenue may require submittal of certified tax returns to establish the income and financial worth of any applicant for tax relief.*

*Sec. 58-85. Amount of exemption.*

*The person qualifying for and claiming exemption shall be relieved of that portion of the real estate tax levied on the qualifying dwelling and land, not exceeding one acre, in the amount calculated in accordance with the following schedule:*

**TABLE INSET:**

<i>If income is:</i>	<i>and net worth is:</i>	<i>the percentage is:</i>
<i>\$0.00 to \$8,768</i>	<i>\$0 to \$21,775</i>	<i>80%</i>
	<i>\$21,776 to \$43,578</i>	<i>64%</i>
	<i>\$43,579 to \$65,368</i>	<i>56%</i>
<i>\$8,769 to \$13,009</i>	<i>\$0 to \$21,775</i>	<i>60%</i>
	<i>\$21,776 to \$43,578</i>	<i>48%</i>
	<i>\$43,579 to \$65,368</i>	<i>42%</i>
<i>\$13,010 to \$17,392</i>	<i>\$0 to \$21,775</i>	<i>40%</i>
	<i>\$21,776 to \$43,578</i>	<i>32%</i>
	<i>\$43,579 to \$65,368</i>	<i>28%</i>
<i>\$17,393 to \$21,775</i>	<i>\$0 to \$21,775</i>	<i>20%</i>
	<i>\$21,776 to \$43,578</i>	<i>16%</i>
	<i>\$43,579 to \$65,368</i>	<i>14%</i>

<u>If income is:</u>	<u>and net worth is:</u>	<u>the percentage is:</u>
<u>\$0.00 to \$9,277</u>	<u>\$0 to \$23,038</u>	<u>80%</u>
	<u>\$23,039 to \$46,106</u>	<u>64%</u>
	<u>\$46,107 to \$69,159</u>	<u>56%</u>
<u>\$9,278 to \$13,764</u>	<u>\$0 to \$23,038</u>	<u>60%</u>
	<u>\$23,039 to \$46,106</u>	<u>48%</u>
	<u>\$46,107 to \$69,159</u>	<u>42%</u>
<u>\$13,765 to \$18,401</u>	<u>\$0 to \$23,038</u>	<u>40%</u>
	<u>\$23,039 to \$46,106</u>	<u>32%</u>
	<u>\$46,107 to \$69,159</u>	<u>28%</u>
<u>\$18,402 to \$23,038</u>	<u>\$0 to \$23,038</u>	<u>20%</u>
	<u>\$23,039 to \$46,106</u>	<u>16%</u>
	<u>\$46,107 to \$69,159</u>	<u>14%</u>

2. *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.*

3. *That this ordinance shall become effective immediately upon its enactment.*

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

- Mr. McCall Aye*
- Mr. McCrady Aye*
- Mrs. Mumpower Aye*
- Mr. Owens Aye*
- Mr. Price Aye*
- Mr. Reynolds Aye*
- Mr. Taylor Aye*

**b. Public Hearing and Consideration of Resolution pursuant to Chapter 14, Article II, Section 14-24 of the Code of the County of Washington, Virginia regarding the former Robert E. Lee Motel Property**

Ms. Phillips provided introductory remarks. She reviewed the agenda materials relative to the Robert E. Lee Motel property including the proposed Resolution, and explained that the language in the proposed Resolution addresses all elements of Chapter 14, Article II, Section 14-24 of the Code of the County of Washington, Virginia. Board action would be based on 1.) whether the property endangers the public health or safety; 2.) whether the owner has taken action to abate the threat to public health or safety or has presented a plan to do so that would adequately protect the public health and safety in a timely manner; 3.) Whether the County shall proceed to secure, repair or remove the unsafe structure.

Ms. Phillips explained that a site visit and structure inspection has been performed on the property of the former Robert E. Lee Motel by architect and engineering professionals. Their reports conclude that the structure is severely deteriorated and unsafe, and should be demolished.

Ms. Phillips in the interest of the public in attendance reviewed photographs of the Robert E. Lee Motel property.

Mr. Reynolds opened the public hearing and invited comments regarding the proposed ordinance.

The following individuals addressed the Board concerning the Robert E. Lee Motel property:

Mr. John Jessee, Legal Counsel for Janak and Neelam Sachdev, addressed the Board on behalf of his clients. Mr. Jessee explained that Janak and Neelam Sachdev sold the property to Rani Meena who lives in India, but are the lien holders of the property. He further explained that his clients propose at their expense to erect a six foot fence around the property to protect the public health and safety of the residents and to secure the property. Mr. Jessee addressed the cost estimate of \$84,000 obtained by the County to demolish the property and that the tax appraisal on the property is only \$50,000. Since Rani Meena is a resident of India, Mr. Jessee stated that he does not believe that the likelihood of collecting the costs of demolishing the property from Rani Meena is good. Mr. Jessee explained that when it becomes more economically feasible and when land values increase, his clients would look at demolishing the property or perhaps a renovation of the property in light of its historical significance. Mr. Jessee petitioned the Board to allow his clients to erect the six foot fence at the Neelam's expense as opposed to the County spending the money to demolish the property at this time. If the fence does not solve the issues then the Board could take further action. Mr. Jessee stated there is evidence of trespassers and/or vagrants on the property. However, he believes the fence would take care of the health and safety issues of the community and keep people off the property.

Mr. Price inquired if the lien is a deed of trust. Mr. Jessee explained he had not seen a recorded deed of trust, but his clients are lienholders.

Ms. Phillips explained that in her research she did not find a lien on the property.

Discussions ensued among the Board concerning the lien discussed by Mr. Jessee and the assessment on the property.

Ms. Phillips reiterated that she did not find a lien recorded on the property. However, a lien would not alter the way in which the County would handle this property. She reviewed the current assessment on the property which is \$73,400.

Further discussions ensued among the Board, Ms. Phillips and Mr. Jessee concerning the threats that the Robert E. Lee Motel property pose to the safety and health of the community.

Dr. Scott Miller addressed the Board speaking in favor of the demolition of the Robert E. Lee Motel property. Dr. Miller explained that he has a dental practice adjacent to the Robert E. Lee Motel property and has experienced problems with rodents coming from the motel property. He stated that it is embarrassing to speak to his clients about dental health when there are rats running through his property. Dr. Miller asserted that the six foot fence would not keep children from gaining access to the property.

Mr. Brian Owens addressed the Board explaining that his property adjoins the back side of the Robert E. Lee Motel property. He explained that he has lived at this property since 1996 and that the property has continually gone down since that time. Mr. Owens explained that he has two small children and will not permit them to play in the back part of the yard because of the hazards associated with the motel property. He stated that he has experienced problems with rodents coming from the property. Also, there are

noises that come from the property that sounds like air conditioning units hitting the ground. Mr. Owens asserted that the fence would not keep someone from obtaining access to the property and would not control the problems with rodents. Mr. Owens stated that he supports the demolition of the property.

Mr. Wayne Rose addressed the Board explaining that his property adjoins the back of the Robert E. Lee Motel property. Mr. Rose explained that he has had problems with trash, debris, metal, rodents and vagabonds coming from this property. He stated that the fence would not keep children from accessing the property and that any help the Board of Supervisors could provide would be appreciated.

Mr. George Winn from Charlotte, NC addressed the Board concerning the Robert E. Lee Motel sign. The Board was provided with correspondence from Tod Swormstedt, President of the American Sign Museum in Cincinnati, OH expressing interest in obtaining the sign for the museum. Mr. Winn explained that he would personally bring a crew from Sign Art in Charlotte, NC to dismantle the sign and take it to the museum in Cincinnati where it would be restored to its original state and placed in the museum. He further explained that it is hoped that the sign would be donated as they would incur expenses in dismantling and refurbishing the sign. Mr. Winn said the sign has a lot of history and it would be a good thing for Washington County to be represented in the museum.

Mr. Ronnie Ball addressed the Board concerning the Robert E. Lee sign. Mr. Ball said since the sign is in Virginia it should stay in the State and asked the Board to pursue a company in Virginia that would be interested in the sign. Mr. Ball stated that he is accompanied by a lady whose husband spent 30 years as the owner of the Robert E. Lee Motel.

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

Lengthy discussions ensued among the Board.

Mrs. Mumpower thanked Board for getting to this point addressing the serious problems associated with the Robert E. Lee Motel property. She commended the people in the community for their patience. Mrs. Mumpower explained that the County has followed the appropriate schedule and that the owners of the property were notified by the County Attorney and County Administrator concerning the problems with the property. The County has incurred a lot of time and expense associated with this property. The County had an engineering and architectural firm evaluate the structure and the professionals determined that it is unsafe and poses a health and safety threat. Both firms recommend that the structure be destroyed. The structure has been vacant for several years. There has been illegal activity on the property. The property is infected with rodents, snakes and other insects. Mrs. Mumpower respectfully submitted to the Board that erecting a fence would not be an adequate solution to the problems. Curious children will still obtain access to the property. The property poses many dangers to a child that may gain access. For the benefit of the audience, Mrs. Mumpower reviewed the time schedule that has been involved with this issue.

Mrs. Mumpower further stated her primary concerns are for the health and safety of her constituents, for the people doing business, and for people traveling through the area of the motel property. She appealed to the Board to resolve this issue tonight and to take into consideration not only the costs associated with demolition but the safety and welfare of the people in the area.

Further discussions ensued among the Board concerning the County's legal rights to demolish the property and the preservation of the Robert E. Lee Motel Sign.

Ms. Phillips explained that if the Board determines that demolition of the property is warranted that all the legal issues have been covered. She further explained that it would be good to insert language into the proposed Resolution speaking to the Board's wishes to preserve the Robert E. Lee Motel sign.

Mr. Reeter proposed that the Board instruct his office to contact the Virginia Department of Historic Resources asking for their guidance with the preservation of the Robert E. Lee Motel sign.

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

**RESOLUTION 2009-08  
DETERMINATION OF THE BOARD OF SUPERVISORS REGARDING REMEDIATION OF  
PUBLIC HEALTH AND SAFETY ISSUES DUE TO STRUCTURES ON THE  
FORMER ROBERT E. LEE MOTEL PROPERTY (TAX MAP NO. 142-A-62)  
PURSUANT TO COUNTY CODE CHAPTER 14, ARTICLE II**

*WHEREAS, the Board of Supervisors of the County of Washington, Virginia, (Board) determined that deteriorating properties, including the improvements and land on which they are built, may create a threat to the public health and safety, and on the basis of this determination, adopted Chapter 14, Article II of the Washington County Code (Code) to rectify public safety issues created by deteriorating, unsafe structures; and*

*WHEREAS, after receiving citizen complaints of safety issues caused by structures located on property identified by Washington County Tax Parcel Number 142-A-62 and street address 15353 Lee Highway (the Property), the Board determined on the basis of architectural and engineering site investigation reports that the structures located on this parcel, which are the structures remaining from the former Robert E. Lee Motel, pose a public health and safety risk, as follows, that can be reasonably remedied by the County only by demolition and disposal, and*

*WHEREAS, the following public health and safety risks are present in regard to the Property:*

- A. Vacant structure. The structures on the property have been vacant for at least one year;*
- B. Illegal occupancy. The structure has evidence of use by trespass for shelter or illegal activities;*
- C. Vermin infestation. There is evidence of vermin infestation or harborages caused by conditions on the property;*
- D. Potential trespass. The owner has failed to take adequate precautions to prevent the use of or access to of the property by trespassers;*
- E. Attractive nuisance. Dangerous conditions are present that may attract children onto the property, thereby causing a risk to their safety, including, but not limited to, stairwells, balconies, open doors, and broken windows;*
- F. Dilapidated state of repair. All structures on the property are in a state of disrepair that constitutes a threat of collapse and a threat to public safety generally.*

*WHEREAS, the County Administrator provided notice to the owner of the Property and afforded the owner reasonable opportunity to remedy the public health and safety issues presented by the structures on the Property or to propose a plan for remediation, but the owner did not respond with action to remediate or a plan for remediation; and*

**WHEREAS, the Board held a public hearing to receive comments regarding disposition of the Property;**

**NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Washington, Virginia, on the basis of the foregoing:**

- 1. The County Administrator is directed to procure services for the following actions to address the public health and safety issues created by the Property:**
  - a. Extermination of vermin and insect infestations that are likely to exist in the structure;**
  - b. Asbestos analysis and removal;**
  - c. Preparation, as necessary, of an erosion and sedimentation control plan, application for permit, and erosion/sedimentation control management;**
  - d. Underground storage tank location and closure, as necessary for demolition;**
  - e. Structure demolition;**
  - f. Waste removal and disposal; and**
  - g. Site cleanup, grading, and dressing.**
- 2. These actions shall be initiated as soon as possible upon completion of procurement processes.**
- 3. The County Administrator shall, thirty (30) days in advance of structure demolition, deliver to the Property owner a copy of this Resolution along with notice that the Property owner shall be responsible for costs of these remedial actions and for ongoing maintenance of the Property.**
- 4. The County Attorney is directed to seek cost recovery from the Owner for the costs of these remediation actions and to establish a lien against the Property for such costs as allowed by Washington County Code Section 14-27, or otherwise as allowed by law.**

**BE IT FURTHER RESOLVED, that the Board directs the County Administrator to provide for \$100,000.00 in the Recommended County Operating Budget for Fiscal Year 2009-2010 to provide for the expenses associated with the foregoing, subject to appropriation by the Board.**

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

<b>Mr. McCall</b>	<b>Aye</b>
<b>Mr. McCrady</b>	<b>Aye</b>
<b>Mrs. Mumpower</b>	<b>Aye</b>
<b>Mr. Owens</b>	<b>Aye</b>
<b>Mr. Price</b>	<b>Aye</b>
<b>Mr. Reynolds</b>	<b>Aye</b>
<b>Mr. Taylor</b>	<b>Aye</b>

Mrs. Mumpower thanked the Board members for support on the issue and thanked the citizens in area that attended the meeting.

The following action was taken on the Robert E. Lee Motel sign.

**On motion of Mr. Owens, second by Mrs. Mumpower, the Board acted to direct the County Administrator to make contact with the Virginia Department of Historic Resources for guidance to**

*determine what could be done with the sign. If further Board action is required the issue could be placed on a future agenda.*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

Discussions ensued concerning legal issues pertaining to the value of the sign. Mrs. Phillips stated that she would research the issues.

**c. Public Hearing and Consideration of Adoption of Amendments to the 2002 Washington County Comprehensive Plan**

Mr. Reeter provided introductory remarks. He explained that the Washington County Planning Commission voted at their February 23 meeting to recommend certain revisions to update the County’s Comprehensive Plan. Virginia law requires that the Comprehensive Plan be reviewed and updated if necessary every five years.

Mr. Reeter explained that the Joint County Planning & Land-Use Committee (Supervisors Tom Taylor and Phillip McCall; Planning Commission Members Mickey Tyler and Bill Canter) initiated the updating process in 2008, focusing primarily on Chapters III and IV of the Plan document. The Joint Committee’s overall objective was to provide draft amendments and revisions merely to update the Plan to reflect changes, new developments, concepts and ideas since the original Plan was adopted in 2003, rather than a comprehensive rewrite.

The Board was provided with minutes from the Planning Commission meetings of October 27, 2008, and February 23, 2009, related to the amendments to the County comprehensive Plan.

Mr. Taylor and Mr. McCall (Board representatives to the Joint County Planning & Land-Use Committee) provided remarks concerning the proposed amendments.

Mr. Reynolds opened the public hearing and invited comments regarding the proposed amendments to the 2002 Washington County Comprehensive Plan.

Mr. Neil Kilgore, representing the Virginia Outdoor Foundation, and resident of Washington County for 20 years addressed the Board speaking in favor of the proposed amendments. He asked the Board to consider an additional revision in Chapter IV, Page 11 of the County Comprehensive Plan by amending the first paragraph to add the language “and economy” at the end of the third sentence. Mr. Kilgore addressed issues relating to the Purchase of Development Rights Program.

Ms. Meg Short representing the Holston River Soil and Conservation District addressed the Board speaking in favor of the proposed amendments. Ms. Short also addressed issues pertaining to the Purchase of Development Rights Program.

Discussions ensued among the Board and Ms. Short concerning the Holston Soil and Conservation District’s involvement in the County Comprehensive Plan as outlined in Chapter IV, Page 7, Article 21.

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

At this time lengthy discussions ensued among the Board concerning the proposed amendments to the County Comprehensive Plan. The following actions were taken by the Board in regards to further amendments to the Comprehensive Plan.

***On motion of Mr. Price, second by Mr. McCrady the Board acted to amend Chapter IV, Page 7, Article 21 of the Comprehensive Plan to add the language “or any other agency” after the words “Commonwealth of Virginia.”***

***Article IV, Page 7, Article 21 now reads:***

***Work with Mount Rogers Planning District Commission and the Holston River Soil and Water Conservation District and the Commonwealth of Virginia or any other agency to gather information on the watershed within Washington County and the surrounding Counties to insure the protection and availability of clean water to our citizens.***

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

<b><i>Mr. McCall</i></b>	<b><i>Aye</i></b>
<b><i>Mr. McCrady</i></b>	<b><i>Aye</i></b>
<b><i>Mrs. Mumpower</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Owens</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Price</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Reynolds</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Taylor</i></b>	<b><i>Aye</i></b>

***On motion of Mrs. Mumpower, second by Mr. Owens, the Board acted to amend Chapter IV, Page 4, of the County Comprehensive Plan by removing Article 22 - Reinstate the position of County Planner.***

***The vote on this motion was as follows: (5-2)***

<b><i>Mr. McCall</i></b>	<b><i>Nay</i></b>
<b><i>Mr. McCrady</i></b>	<b><i>Aye</i></b>
<b><i>Mrs. Mumpower</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Owens</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Price</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Reynolds</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Taylor</i></b>	<b><i>Nay</i></b>

***On motion of Mr. Price, second by Mr. McCall, the Board acted to amend Chapter IV, Page 11 of the County Comprehensive Plan, by amending the first paragraph to add the language “and economy” at the end of the third sentence.***

*The sentence now reads:*

*Farms and silvicultural activities are recognized for their role in the supporting tax base by providing income to local residents, preserving open space and rural character, and contributing to the local environment and economy.*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

The following action was taken by the Board concerning the adoption of the proposed amendments to the 2002 Washington County Comprehensive Plan:

*On motion of Mr. McCall, second by Mr. Price, the Board acted to adopt the following Resolution with the amendments previously approved:*

**RESOLUTION 2009-09  
FOR THE ADOPTION OF AMENDMENTS TO THE  
WASHINGTON COUNTY, VIRGINIA 2002 COMPREHENSIVE PLAN, PURSUANT TO  
SECTIONS 15.2-2229 AND 15.2-2230 OF THE CODE OF VIRGINIA**

*WHEREAS, the Washington County Planning Commission, on December 16, 2002, pursuant to the provisions of Section 15.2-2223 of the Code of Virginia prepared and recommended the adoption of a Comprehensive Plan for the physical development of the territory under its jurisdiction; and*

*WHEREAS, the Washington County Board of Supervisors, on February 4, 2003, approved and adopted the Washington County, Virginia 2002 Comprehensive Plan; and*

*WHEREAS, Section 15.2-2230 of the Code of Virginia requires the review and if necessary the revision or amendment of the Comprehensive Plan at least once every five years; and*

*WHEREAS, the Planning Commission has recommended amendments to said Comprehensive Plan on February 23, 2009, as a partial update to that originally adopted on February 4, 2003, and*

*WHEREAS, the Planning Commission and Board of Supervisors gave notice of the time and place of public hearings to be held separately before both bodies on said Comprehensive Plan amendments by giving notice in a newspaper of general circulation in the County once a week for two successive weeks, such hearings being held on October 27, 2008 and April 14, 2009, respectively, and*

*WHEREAS, the Board of Supervisors considered the testimony presented at said Public Hearing, and written testimony received prior to the closing of the public record.*

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Washington County, Virginia, as follows:

*1. That the Board finds that the amended Plan document, with accompanying maps, charts, and descriptive material, state Board’s intent for the general development of Washington County.*

*3. That the Washington County, Virginia 2002 Comprehensive Plan is hereby amended and re-adopted by the Board pursuant to Section 15.2-2229 of the Code of Virginia.*

*4. That the amending language and revisions be fully incorporated into the Plan document, with the specific amendments and revisions as presented to the Board set out as an Exhibit to the Minutes of the meeting of the Board at which this Resolution was adopted.*

*4. That this Resolution shall take effect immediately.*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

The Board took a five minute recess at this time.

**6. General Business:**

**a. Informational Items:**

**1. Presentation by Second Harvest Food Bank**

The Board received a presentation from Mr. Edd Roberts, Resources Officer and Ms. Pamela Irvine, President/CEO for Second Harvest Food Bank concerning a financial request of \$250,000.00 over three years toward the Second Harvest Food Bank’s capital campaign to secure a new facility located on Gravel Lake Road in Washington County. A packet of information about the Second Harvest Food Bank was distributed to the Board. An invitation was extended to the Board to tour the new facility.

**b. Actionable Items**

**1. Consideration of Appointments to Various Boards, Authorities and Commissions Expiring June 30, 2009**

Washington County Public Library Board of Trustees

*On motion of Mrs. Mumpower, second by Mr. Price, the Board acted to reappoint Hallie Chafin to represent the Wilson Election District on the Washington County Public Library Board of Trustees for a four year term beginning July 1, 2009, and expiring on June 30, 2013.*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

## **2. Consideration of Approval of Professional Services Agreement for Washington County Erosion and Sedimentation Control Program and Adjustment of Fees**

Mr. Reeter explained that in October of last year, the County undertook procurement for professional services to comprehensively administer its Erosion and Sedimentation Control Ordinance, which was updated by the Board. The Commonwealth of Virginia Department of Conservation and Recreation (DCR) have begun to expect more performance from the Southside and Southwestern portions of the State. Under a Corrective Action Agreement with DCR, Washington County is compelled to do a better job of administering the local Erosion and Sedimentation Control Program and the State's regulatory scheme. The County received a total of seven proposals of which four were interviewed by the County Administrator, County Attorney and Supervisor Tom Taylor. The engineering firm of A. Morton Thomas (AMT) of Lebanon, VA was selected as the top-ranked firm to provide the services to the County. A Professional Services Agreement has been negotiated with AMT. Under the terms of the proposed Agreement, AMT will act as the "lead consultant" for the County, essentially operating as an agent of the County in reviewing and approving plans for mitigating the effects of soil erosion and sedimentation control during land-disturbing activities associated with construction, in providing the required periodic inspection of active land-disturbing permits issued by the County Department of Building Inspection, and assisting the Office of County Attorney in legal prosecution of violations. Upon approval of the proposed Agreement and after AMT's development of certain programmatic documents and procedures, a second and possibly third engineering firm submitting a proposal will be solicited for retention by the County under the same basic contractual terms as have been negotiated with AMT; these additional firms will then be assigned projects requiring land-disturbing permits as they are submitted to the County on a rotating basis.

Mr. Reeter explained that the overall goal is to outsource the erosion and sedimentation control work to consulting firms for the next 18 to 24 months in order to achieve compliance with DCR's requirements and to develop a program which can then be re-assumed by the County through refilling of the County Engineer's position and the hiring of a field-inspection position within the County Department of Engineering Services.

Mr. Reeter explained the State does not provide any financial assistance to the County in regards to the Erosion and Sedimentation Control Program. The costs for implementing the Program are expensive and warrant adjusting the current fee structure associated with the issuance of land-disturbing permits as well as the current surety required of permittees. The current fee structure is inadequate to cover the cost of the professional services required. It is recommended that the Board adopt a fee structure whereby the administrative plan review fee covers an increasing percentage of the cost of the plan review by the consultant (depending on the acreage of land to be disturbed), and the land-disturbing permit fee covers a portion of the cost of the field inspections the consultant will be required to conduct during the time the permit is in effect. The Board was provided in their Agenda materials with a proposed fee structure.

Substantial discussions ensued among the Board, Mr. Reeter and Ms. Phillips concerning the County’s Erosion and Sedimentation Control Program, the proposed Professional Services Agreement with AMT, the procurement process that was followed and the proposed fee structure.

County Chief Building Official Bill Cole provided remarks to the Board concerning the County’s Erosion and Sedimentation Control Program and the training offered by DCR. Mr. Cole explained that the training offered by DCR is insufficient for the Building Inspection staff to operate the Program and that to properly administer the Program an engineer is needed.

Further discussions ensued.

*On motion of Mr. Taylor, second by Mr. McCall, the Board Acted to approve the Professional Services Agreement between the County and A. Morton Thomas, Inc.*

*The vote on this motion was as follows: (5-2)*

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Nay</i>
<i>Mrs. Mumpower</i>	<i>Nay</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

*Scrivener’s Note: The Professional Services Agreement referenced above is included as Minutes Exhibits Item 2009-04-14-A.*

**7. Board Member Reports**

Ms. Mumpower thanked the Board for their support and action to authorize the demolition of the Robert E. Lee Motel Property.

Mr. Price asked that the County pursue a noise ordinance related to barking dogs.

Mr. Price explained that Mr. Bill Nunley, Chief of Police for the Town of Damascus, was in attendance. The Damascus Police Department is requesting a First Responders License from the County. Mr. Nunley is a highly trained Emergency Medical Technician (EMT) and has other police officers that are EMT’s. Mr. Price stated that he would like to request that the Board grant the First Responders License to the Damascus Police Department.

Mr. McCrady explained that the County Attorney is doing research concerning the regulations that charter the police department to identify if the Damascus Town Council could grant the First Responders License to the Damascus Police Department. He further explained that there are two emergency services agencies in Damascus that currently hold First Responders Licenses.

Ms. Phillips explained that the First Responders Licenses may have to come from the State Department of Health.

Mr. Bill Nunley provided remarks to the Board concerning the Damascus Police Department’s request for a First Responders License. Mr. Nunley explained that the license must be issued through the State Department of Health, but that the County’s support is required. He stated that the Town of Damascus could not issue the First Responders License. Mr. Nunley further explained that the Damascus Police Department would not be requesting funds from the County nor would they pursue any type of grant funds.

Further discussions ensued among the Board.

*On motion of Mr. McCrady, second by Mr. Price the Board acted to direct the County Administrator to forward a letter of approval from the Board of Supervisors to the Virginia Department of Health for the Damascus Police Department to obtain a Non-Transport First Responder License. This action is subject to review by the County Attorney.*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Nay</i>

In another matter, Mr. Price proposed that correspondence be sent to the Washington County Service Authority addressing the issue of the many citizens in the County that cannot afford to pay the required service tap fees.

Mr. Owens inquired about when the County would receive the State of the County report.

**8. Board Information and Reminders**

Mr. Reeter reviewed the following Board Information:

- Reminder of April 15 Second Board FY 2010 Budget Adjustment Worksession meeting beginning at 7:00 PM
- Reminder of the April 27 Washington County Extension Service Office Dinner beginning at 5:00 PM at the Abingdon Baptist Church
- Reminder of the April 27 Third Board FY 2010 Budget Adjustment Worksession Meeting beginning at 7:00 PM
- Reminder of the April 30 Public Hearing on the Reassessment beginning at 5:30 PM
- Reminder of the April 30 Public Hearing on the FY 2010 County Budget beginning at 7:00 PM

**9. Recess**

*On motion of Mr. McCall, second by Mr. Taylor, it was resolved to recess the meeting to April 15, 2009, at 7:00 PM to for the second budget adjustment worksession concerning proposed & recommended County Operating Budget for Fiscal Year 2009-10.*

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Mr. McCrady</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Price</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>

\*\*\*\*\*

**Prepared by:**

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

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

\_\_\_\_\_  
Kenneth O. Reynolds, Chairman