

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, December 8, 2009, at 6:30 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

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 Jack McCrady gave the Invocation and led the Pledge of Allegiance.

Mr. Reynolds noted that Mr. Reeter has the flu and will be unable to attend the meeting.

3. Approval of Agenda

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

New Item 6.a.6

Establishment of Purchase of Development Rights Program Committee and Appointment of Members

New Item 6.a.7

Consideration of Resolution Concerning Reinstatement of Funding for the Virginia Cooperative Coyote Damage Control Program

New Item 6.a.8***Consideration of Letter of Support for Proposed Amendment to Virginia Code Section 15.2-2314 Relating to Board of Zoning Appeals***

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>

At this time, Mr. Reynolds recognized the Washington County Leadership Class observing the Board meeting. Mr. Barry Firebaugh, Washington County Leadership Program Director, provided remarks about the Leadership Class

Mr. Reynolds also recognized students from Emory & Henry College who were observing the meeting as part of a Planning Class. Mr. Taylor provided remarks concerning the class from Emory & Henry College.

4. Consent Agenda:

Washington County Treasurer Fred Parker addressed the Board and presented a recommendation from the Selection Committee appointed to solicit proposals for County banking services to award the contract to First Bank and Trust Company for a two-year period with option to renew for an additional two years. Mr. Parker explained that the Request for Proposals was sent to 13 of the County's 14 banks. Four banks submitted proposals.

Mr. Parker noted that he abstained from voting on a recommendation because one of the four banks submitting a proposal to the County employees his wife.

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

a. Approval of Minutes:

- 1. November 24, 2009, Regular Meeting**

b. Approval of Routine Financial Matters:

- 1. Payment of Bills – Month of November 2009**
- 2. Request for Revenue Refunds – Washington County Sheriff's Office-Animal Sterilization Fees**

3. Request for Supplemental Appropriations-Washington County Sheriff’s Office and Commonwealth’s Attorney Office

c. Award of Bids and Approval of Contracts:

1. Award of County Banking Services Contract

d. Authorization of Routine Business Matters:

1. Consideration of Resolutions Requesting Incorporation of Deer Run Drive Middlebrook Drive, Glenwood Drive and Sedona Drive within Deer Run Estates Subdivision; & Destiny Lane and Fortunes Way within Abingdon Heights Subdivision into State System of Secondary Highways – Approved as follows:

**RESOLUTION 2009-42
ADDITION OF 1.01 LINEAR MILES OF DEER RUN DRIVE, MEADOWBROOK DRIVE,
GLENWOOD DRIVE AND SEDONA DRIVE
TO SECONDARY SYSTEM OF STATE HIGHWAYS
DEER RUN ESTATES SUBDIVISION**

WHEREAS, the street(s) described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on the plats recorded in the Clerk’s Office of the Circuit Court of Washington County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department’s Subdivision Street Requirements, and

BE IT FURTHER RESOLVED this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easement for cuts, fills and drainage, and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**RESOLUTION 2009-43
ADDITION OF 1.0 LINEAR MILE OF DESTINY LANE AND FORTUNES WAY
TO SECONDARY SYSTEM OF STATE HIGHWAYS
ABINGDON HEIGHTS SUBDIVISION**

WHEREAS, the street(s) described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on the plats recorded in the Clerk’s Office of the Circuit Court of Washington County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department’s Subdivision Street Requirements, and

BE IT FURTHER RESOLVED this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easement for cuts, fills and drainage, and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

2. Approval of Parade Permit, Mendota Community Association’s Winter Wonderland-2009 Event

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>

5. Public Hearings:

a. Public Hearing pursuant to Virginia Code Section 15.2-1800(B) concerning a Proposed Boundary Line Adjustment to Convey County Property to Meadowview First, Inc., for Railroad Station Renovation Project Affecting Meadowview Square

Ms. Phillips addressed the Board and explained that State law requires a public hearing to be held before the County can convey any real property to another party. She further explained that Meadowview First has asked the County for a 20’ wide strip of land that adjoins the Meadowview Train Depot property of

which was deeded to Meadowview First by Norfolk and Southern Railway. Meadowview First plans to relocate the train station away from the railroad tracks.

Mr. Talmage Stanley, Chair of the Meadowview First Board of Directors, addressed the Board and explained there is a need to relocate the train depot away from the Norfolk Southern property and further away from the active rail lines. The boundary adjustment would allow the train depot building to be more accessible and user friendly for community activities.

Mr. Reynolds opened the public hearing and invited comments.

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

On motion of Mr. Taylor, second by Mr. McCrady, the Board acted to approve the proposed conveyance to Meadowview First, Inc., and to direct the County Attorney to prepare a Quitclaim Deed.

Discussions ensued among the Board prior to the vote.

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>

b. Public Hearing and Board Consideration of Adoption of an Ordinance to Vacate Lot 18 on Lancaster Drive from Subdivision of Property of Levisa Land Company Inc. (Plat Book 22, Page 17) in the Madison magisterial District of Washington County, Virginia

Ms. Phillips explained that the County received a request from Robert Turner to vacate property from its recorded subdivision plat in order that he may do a family division of the property. The lot is recorded in the Levisa Land Company Subdivision Plat. State law requires that a lot be vacated from its recorded subdivision plat before changes can be made. Ms. Phillips noted that the Levisa Land Company has had many changes to the subdivision plat.

Mr. Reynolds opened the public hearing and invited comments.

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

Discussions ensued among the Board.

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

AN ORDINANCE VACATING LOT 18 ON LANCASTER DRIVE FROM SUBDIVISION OF PROPERTY OF LEVISA LAND COMPANY INC. (PLAT BOOK 22, PAGE 17) IN THE MADISON MAGISTERIAL DISTRICT OF WASHINGTON COUNTY, VIRGINIA

WHEREAS, a subdivision of Property of Levisa Land Company, Incorporated, located in Madison Magisterial District was recorded in 1985 in the Office of the Clerk of Court of Washington County, Virginia, in Plat Book 22, Page 17; and

WHEREAS, several modifications and additional divisions of parcels in the recorded plat have occurred since 1985; and

WHEREAS, the owner of Lot 18 wishes to divide it as shown on the plat drawn by Addison Surveyors titled, "Family Division of the Robert Turner, Kimble Turner, Sherry Turner & Lona Turner Lands" dated July 24, 2009 (Plat); and

WHEREAS, Virginia Code § 15.2-2272(2) (1950, as amended) established that adoption of an ordinance may be used as a tool to vacate a lot from the recorded subdivision plat; and

WHEREAS, the Board of Supervisors of Washington County, Virginia, after public notice and public hearing, as required by law, does hereby find that vacation of Lot 18 from the subdivision plat for purpose of division as shown on Plat would not harm the public interest or public safety.

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

- 1. Lot 18 of the Subdivision of Levisa Land Company, Inc. (Plat Book 22, Page 17) is hereby vacated pursuant to Virginia Code § 15.2-2272(2) from being part of the recorded subdivision; and*
- 2. The owner of Lot 18 shall record a division of the lot in the general form as shown on the Plat; and*
- 3. Pursuant to Virginia Code § 15.2-2276, after the effective date of this ordinance, the Clerk of Circuit Court of Washington County, Virginia is directed to mark Lot 18 as "Vacated" on the subdivision plat recorded at Plat Book 22, Page 17 and record a certified copy of this ordinance in the Office of the Clerk of Circuit of Washington County, Virginia indexed to Plat Book 22, Page 17 pursuant to Virginia Code § 15.2-2272(2); and*
- 4. That should any section or provision of this ordinance be decided by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or of the Washington County Code.*
- 5. That this ordinance shall become effective thirty (30) days after its adoption unless an appeal pursuant to Virginia Code § 15.2-2272(2) is filed within that time period, in which case, this ordinance shall become effective as directed by a court of competent jurisdiction.*

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

Mr. McCall Aye
Mr. McCrady Aye

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

6. General Business:

a. Actionable Items:

1. Consideration of Request for Authorization to Apply for and Accept Facility Financing Proposals, Highlands Community Services Board

Highlands Community Services (HCS) Executive Director Jeffery Fox addressed the Board and presented proposals for construction of two new facilities for HCS. HCS proposes construction of a new Adult Psychosocial Rehabilitation Program facility to be built on a 3.5 acre tract of land located on Ivy Road in the Town of Abingdon. The new facility will replace the program’s current facility. Mr. Fox reviewed plans for the proposed 13,000 square foot facility and explained that HCS hopes to break ground on the project in the near future. The budget for the proposed project is \$2,600,000.00.

Mr. Fox explained the second facility that HCS proposes to develop is a Children’s Campus facility to be located on Walden Road just outside of the Town of Abingdon corporate limits. He stated that the treatment services for children with emotional and behavioral problems are currently fragmented and inadequate. The proposed campus would allow space to consolidate all of the children’s services. The facility is proposed to be constructed on a 19.8 acre tract of land and would provide enough green space for various outdoor activities for the children. The purchase of the property is expected not to exceed \$700,000.00.

Mr. Fox explained the total estimated cost for both projects is \$3,300,000.00. The Code of Virginia requires that community services boards obtain approval from their respective locality to enter into agreement for loans. He further explained that the loan agreements would have no financial impact to the County.

Discussions ensued among the Board and Mr. Fox concerning the scope of both projects.

The following action was proposed:

On motion of Mr. Owens, second by Mr. McCall, the Board acted to authorize Highlands Community Services to seek financing proposals for a new Adult Psychosocial Rehabilitation Program facility and a proposed “Children’s Campus” facility.

Prior to the vote, substantial discussions ensued among the Board and Mr. Fox concerning the scope of both projects, the HCS Business Plan for the projects and the means by which HCS plans to repay the loan agreements. Mr. Fox explained there would be mortgages on both properties, and the payments would be made through fees collected by HCS. There will be no financial obligation to the County.

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 Bond Financing Resolution for Emory & Henry College

Mr. Dennis Jones, Legal Counsel representing Emory & Henry College, addressed the Board and presented a request for approval of a Bond Financing Resolution for the College. The total principal amount of the bonds shall not exceed \$5,500,000.00. The bond proceeds will be used to finance construction and equipping of a 116-bed residence hall on the College campus and to pay all or a portion of the costs of the issuance of the bonds. The Washington County Industrial Development Authority (IDA) conducted a public hearing on bond financing at their November 4, 2009, meeting and adopted a Resolution authorizing the sale of the bonds contingent upon Board approval. Revenues to repay the bonds will be generated from the residents of the College. Mr. Jones remarked about the significant contributions by Emory & Henry to Washington County in providing excellent education to its students.

Ms. Phillips addressed the Board and explained the Board was provided with a revised Resolution for their consideration.

On motion of Mr. Taylor, second by Mr. Price, the Board acted to adopt the following revised Resolution:

Prior to the vote, discussions ensued among the Board and Mr. Jones concerning moral obligation to the County/IDA. Mr. Jones explained the County/IDA will not be responsible for repayment of the bonds.

RESOLUTION 2009-44 OF THE BOARD OF SUPERVISORS OF WASHINGTON COUNTY, VIRGINIA

WHEREAS, the Industrial Development Authority of Washington County, Virginia (the "Authority") has considered the application of Emory and Henry College, a Virginia non-stock corporation, the owner and operator of an institution of higher education located at 30461 Garnand Drive, Emory, Washington County, Virginia (the "Applicant"), requesting the issuance of the Authority's Lease Revenue Bonds and/or Notes in a principal amount not to exceed \$5,500,000 (the "Bonds"). The proceeds of the Bonds, if issued by the Authority, will be used to assist the Applicant in financing (1) the costs of acquiring, constructing and equipping a 116-bed residence hall at the College (the "Project") and (2) pay all or a portion of the costs of issuance of the Bonds, the costs of capitalized interest, if any, on the Bonds and financing of reserve funds for the Bonds; and,

WHEREAS, following notice of a public hearing published on November 6 and November 13, 2009 respectively the Authority conducted a public hearing regarding the issuance of the Bonds on November 23, 2009 at 3:00 p.m.; and,

WHEREAS, following the public hearing the Authority passed a resolution recommending that the Board of Supervisors of Washington County, Virginia approve the issuance and sale of the Bonds.

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Tax Code") and § 15.2-4906(c) of the Code of Virginia of 1950, as amended (the "Virginia Code") provides that the governing body of the locality is the highest elected governmental unit on behalf of which the bonds of the Authority are issued shall within sixty calendar days from the public hearing held by the Authority either approve or disapprove financing of any project recommended by the Authority; and,

WHEREAS, following the public hearing held on November 23, 2009, the Authority adopted a resolution (the "Inducement Resolution") in which it recommended and requested that the Board of Supervisors of the County of Washington (the "Board") approve the issuance of the Bonds of the Authority. The Board constitutes the highest elected governmental unit of Washington County, Virginia (the "County"). A copy of the Inducement Resolution, a brief summary of the Authority's public hearing and the Applicant's Fiscal Impact Statement have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WASHINGTON, VIRGINIA:

1. The Board approves the issuance of the Bonds by the Authority in a principal amount not to exceed \$5,500,000 for the benefit of the Applicant, as required by Section 15.2-4906(c) of the Virginia Code and Section 147(f) of the Tax Code, to permit the Authority to assist in the financing of the Project.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of (a) the Bonds, (b) the creditworthiness of the Project, (c) the Applicant, (d) the ability of the Applicant to repay the Bonds or (e) the successful operation of the Project, but, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the Authority nor the County shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefore and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including, the Authority or the County, shall be pledged thereto. Any purchaser of the Bonds shall purchase such at its sole risk with the Authority and the Board having no knowledge of, nor interest in the likelihood of success of the Project or repayment of the Bonds. Any purchaser of the Bonds must acknowledge and agree that no representations of any kind have been made by the Authority or the County as to the Bonds or the Project. The approval provided herewith by the County is solely for federal tax purposes, as requested by the Applicant and Bond Counsel. The applicant hereby agrees, by acceptance of this resolution, to indemnify and save harmless the Board, the County, Authority, their respective officers, members, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, losses, costs and expenses in any way connected with the Project or the issuance of the Bonds. The Applicant recognizes that the Board, by adoption of this resolution has made no representation, nor has the Authority made any representation, whatsoever, that the Authority will issue the Bonds.

3. The Board on behalf of the County hereby designates the Bonds and/or the Notes as "Qualified Tax-Exempt Obligations" for purposes of Section 265(b) of the Tax Code. Neither the County nor any of its "subordinate entities" within the meaning of Section 265(b) of the Tax Code has issued any tax-exempt obligations for or on behalf of the Applicant during calendar year 2009 in

excess of \$30,000,000. The County will not designate more than \$30,000,000 of qualified tax-exempt obligations on behalf of the Applicant pursuant to Section 265(b) of the Tax Code during the calendar year 2009.

4. If the Bonds are issued, all financing documents shall be in form and substance satisfactory to the Authority, its Authority Counsel and Bond Counsel, and shall include provisions satisfactory to the Authority, with respect to indemnifying the Authority and payment by the Applicant to the Authority of additional funds as may be necessary on an annual basis to be applied to the Authority’s general operating and audit expense while such Bonds are outstanding and an annual administrative fee of the Authority equal to 1/8th of 1% of the outstanding principal balance of the Bonds relating to the Project. Such financing documents shall also provide that the Applicant’s failure to pay on-time and in-full the required fees and expenses specified shall result in the assessment of late fees against Applicant in accordance with adopted Authority policies related thereto, as well as the payment of any and all other additional costs that may be incurred by the Authority in the collection of the past due payments.

5. 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>

3. Consideration of County Facilities Committee Recommendation concerning Former Washington County Sheriff’s Office Property

Ms. Parker addressed the Board and explained that the County Facilities Committee was directed by the Board at their November 24 regular meeting to review the condition of the former Sheriff’s Office buildings located on Park Street in Abingdon in consideration of the Town of Abingdon’s request to utilize a portion of the property as the new location for the Cave House Craft Shop. The Facilities Committee met on November 30 and inspected all the buildings formerly occupied by the Sheriff’s Office and makes the following recommendations:

- 1.) The Sheriff’s Administration Building and Deputy’s Quarters Building be offered in a lease to the Town of Abingdon for a period of two (2) years for \$1.00 per year subject to the following conditions:
 - (a). The town may offer these buildings for sub-lease limited to \$1.00 annually;
 - (b). The buildings and associated parking lot would be offered for lease “as-is”, with no guarantee, warranty or responsibility on the County’s part for their current condition and operation. Any repairs, improvements, replacement of equipment, etc. to these buildings would be the sole responsibility and expense of the Town and/or its sub-lessee. Any improvements made would not be reimbursed by the County at the termination of the lease period, and

(c). The Town and/or its sub-lessee would cover all utilities and insurance costs associated with these buildings during the lease period.

2.) The Town’s interest in the former County Jail Building needs further information from the Town and Committee review and discussion before the Committee could consider making a recommendation.

3.) The Committee recommends the County retain the Detective’s Division Building indefinitely for use as a records-storage facility supporting the Courthouse and other governmental operations. Presently a considerable volume of court- and other County records are stored in the former County Jail; these will need to be systematically relocated to the Detective’s Division Building in the coming months. The building will also require some minor improvements over the next several months in order to be made suitable for permanent records storage use.

Discussions ensued among the Board regarding the recommendations of the Facilities Committee.

On motion of Mr. Price, second by Mr. McCall, the Board authorized the County Administrator and County Attorney to offer to the Town of Abingdon a two-year lease of the Sheriff’s Administration Building and Deputy’s Quarters Building to the Town and to authorize the development of the necessary lease or other agreements.

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>

Ms. Phillips noted that a lease with the Town of Abingdon will be negotiated.

4. Consideration of Proposed Amendment of County Code Chapter 58, Division 3 Concerning Exemption from Taxation of Certain Elderly and Handicapped Persons

County Commissioner of Revenue David Henry addressed the Board and presented a request for the Board to consider an amendment to the Elderly Tax Code. The new assessment values on real estate that became effective January 1, 2009, caused 47 elderly and/or handicapped taxpayers to be disqualified from the County’s Tax Exemption Program because of the increase in land assessments. The increases directly affected the net income of the 47 taxpayers by putting them over the County’s maximum limit of \$69,159.00. Mr. Henry explained in his annual review of the Consumer Price Index and Cost of Living Adjustments to calculate the maximum income levels for the Elderly Tax Exemption Program, he learned the seniors will not be receiving a cost of living adjustment during the 2010 tax year. This means the senior and disabled will be paying at least or equivalent to tax bills from the last tax year at the same level of income.

Mr. Henry requested the Board consider amending the local ordinance that sets the standards for eligibility by increasing the maximum total net worth from \$69,159.00 to \$100,000.00 and further to

increase the current exemption of the qualifying dwelling and once acre of land to the qualifying dwelling and five acres of land. He explained that in his research of what other counties throughout the state are doing that his recommendation falls within the averages considering counties of like size and population. The adjustments to the local ordinance would allow 36 of the 47 taxpayers that participated in the 2009 program that right now do not qualify for the 2010 program to participate at a cost to the County of approximately \$9000.00 based on the assumption that the 36 people receive a \$250.00 discount. Mr. Henry stated that the proposed amendments will present an opportunity to other taxpayers to qualify for the program that have not done so in the past because of the net worth and acreage limitations. He cited an example if a total of 50 new people qualified for the 2010 tax year at a discount of \$250.00 each, the increase cost of the program would be \$12,500.00.

Discussions ensued among the Board. Board members expressed appreciation to Mr. Henry for being sensitive to the needs of the seniors and disabled during the hard economic times.

On motion of Mr. Taylor, second by Mrs. Mumpower, the Board acted to accept the Commissioner of Revenue's recommendations and to direct the County Attorney to prepare an ordinance to make the amendments and to schedule a public hearing.

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.

5. Consideration of Proposed Amendment of Article 3. of the Board of Supervisors By-laws for Calendar Year 2009

Ms. Parker addressed the Board and explained that at the November 24 meeting, the Board discussed amending Article 3 of its 2009 By-laws to eliminate the two consecutive term limitation placed on the Board Chairman and Vice Chairman. If the Board wants the change to be effective for the upcoming elections at the January 12, 2010, Organizational meeting the changes need to be made to the Calendar Year 2009 Board By-Laws because they cover the election part of the organizational meeting.

Discussions ensued among the Board concerning amendment of Article 3.

Mr. Owens proposed the following amendment to Article 3 of the Board of Supervisors By-Laws for Calendar Year 2009:

No member of the Board may serve more than two consecutive terms as Chairman and Vice Chairman unless at the organizational meeting no other member(s) of the Board wishes to be considered for the office(s). If after nominations for the offices are called for and no other

member wishes to be nominated for the offices, the Chairman and/or the Vice Chairman may be elected to successive terms.

Mr. Owens explained this recommendation makes it possible for a Board member interested in serving as Chair/Vice Chairman to be considered. However, if there is not a Board member interested the current Chair/Vice Chair could be re-elected.

Discussions ensued among the Board. The following action was taken:

On motion of Mr. Owens, second by Mrs. Mumpower, the Board acted to amend Article 3, Paragraph 3.3 of the 2009 Board By-laws as follows:

No member of the Board may serve more than two consecutive terms as Chairman and Vice Chairman unless at the organizational meeting no other member(s) of the Board wishes to be considered for the office(s). If after nominations for the offices are called for and no other member wishes to be nominated for the offices, the Chairman and/or the Vice Chairman may be elected to successive terms.

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>

6. Establishment of Purchase of Development Rights Program Committee and Appointment of Members

Mr. Taylor explained that an application was submitted to the Virginia Tobacco Commission for funding of the County’s Purchase of Development Rights Program (PDR). The Tobacco Commission met earlier today and considered the application, and a decision was made to table action on the application until their March meeting because Washington County does not have a PDR ordinance in place. Mr. Taylor further explained that the PDR Committee, which will be charged with preparing a PDR ordinance, needs to be established and appointment of members made so that work can begin immediately on drafting an ordinance. These appointments are scheduled for the January organizational meeting; however, the Board needs to take action now so that the Committee can begin work on drafting an ordinance to present to the Board for adoption before March. He stated that he would like to see the ordinance brought before the Board in January.

Discussions ensued among the Board. It was proposed that this action be placed on the Agenda for the December 15 recessed meeting of the Board to allow time for the list of recommended appointments to the PDR Committee to be provided to the Board.

It was consensus of the Board to place the establishment of the PDR Committee and appointment of members on the agenda for the December 15 recessed meeting.

7. Consideration of Resolution Concerning Reinstatement of Funding for the Virginia Cooperative Coyote Damage Control Program

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

Resolution 2009-45

WHEREAS, the Board of Supervisors of Washington County has concluded that the County has a serious problem with coyotes and that coyotes are a threat to the livestock industry; and

WHEREAS, the Virginia Cooperative Coyote Damage Control Program (VCCDCP) administered by the Virginia Department of Agriculture and Consumer Services (VDACS) and the USDA-APHIS-Wildlife Services (WS) was created in 1990 to address the threat of coyote depredations to Virginia’s livestock industries; and

WHEREAS, the state of West Virginia provides \$260,000 in state funding for a similar program; and

WHEREAS, funding support for the VCCDCP provided by vdacs was eliminated under governor Tim Kaine’s FY 2010 reduction plan; and

WHEREAS, additional funding for the VCCDCP would provide the resources necessary to effectively address Virginia’s livestock industries problems with coyotes.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Washington County, Virginia hereby requests VDACS funds be reinstated and increased to at least \$200,000 to cost share the Federal funding for FY 2011; and

BE IT FURTHER RESOLVED that the Board of Supervisors of Washington County, Virginia hereby requests that Virginia’s Delegations at the State and Federal levels seek additional Federal and State funding for the VCCDCP to enhance this proven effective and efficient service to an appropriate staffing level statewide.

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*

8. Consideration of Letter of Support for Proposed Amendment to Virginia Code Section 15.2-2314 Relating to Board of Zoning Appeals

Ms. Phillips addressed the Board and requested approval to submit a letter to the Washington County delegates to the General Assembly expressing support for the proposed amendment to Virginia Code Section 15.2-2314. This statute prescribes procedures for appeal to Circuit Courts for review of a decision of the Board of Zoning Appeals (BZA). The proposed amendment would reduce unnecessary use of taxpayer money to fund legal defense fees for BZA when a BZA decision is appealed to Circuit Court for review. The amendment also would improve the relationship between the locality and the BZA in the event of appeal of a BZA opinion.

Discussions ensued among the Board and Ms. Phillips. The following action was taken:

On motion of Mr. Owens, second by Mrs. Mumpower, the Board acted to authorize the County Attorney to send a letter to Washington County's delegates to the General Assembly expressing support for the proposed amendment to Virginia Code Section 15.2-2314.

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>

b. Informational Items:

1. Review of Final Draft of Proposed Board By-laws, General Policies and Operating Procedures for Calendar Year 2010

Ms. Parker presented for information only the final draft of the proposed By-Laws, General Policies and Operating Procedures for Calendar Year 2010.

Mr. Taylor noted a change that needs to be made on page 14 of 31 of the Board By-Laws in Article 7.2. Calendar Year 2009 should read Calendar Year 2010.

Mr. Taylor proposed an amendment to Article 8.4.m of the Board By-Laws that would change the way in which the Board would reconsider a motion that previously failed during the past fiscal year from a simple majority of Board members present at the meeting to require that 2/3 majority of Board members must be present to reconsider a motion.

Discussions ensued among the Board concerning Mr. Taylor's proposed amendment to Article 8.4.m. No action was taken by the Board to incorporate the proposed change.

It was consensus of the Board to include the amendment to Article 3.3 of the Board's CY 2009 By-Laws into the CY 2010 Board By-Laws.

2. Review of January 12, 2010 Board Organizational Meeting for Calendar Year 2010

Ms. Parker addressed the Board and provided a review of the January 12, 2010, Board Organizational Meeting for Calendar Year 2010.

Mr. Taylor noted that Bobby Ingle does not wish to be reappointed to the Smyth Washington Industrial Facilities Authority. This appointment needs to be considered at the January 12 Organizational Meeting.

7. Board Member Reports

Mr. Price expressed appreciation to the Board for assisting him during his term on the Board to accomplish many things for the people living in the Jefferson District. He noted that he has been fortunate not to miss a regular meeting of the Board. Mr. Price stated that the Board has a difficult job ahead of them.

Mr. Taylor reported that the National Park Service proposes a new headquarters and visitor’s center for the Overmountain Victory National Historic Trail, a 330-mile long non-motorized route for public use that traverses portions of Virginia, Tennessee, North Carolina and South Carolina. He explained that this issue was discussed at a recent meeting of the Veterans Memorial Park Board of Directors. They would like to see this facility built within the Town of Abingdon. Mr. Taylor requested that a letter be sent to Congressman Boucher and other Congressional members asking that the Town of Abingdon be considered as the site for the new headquarters and visitor’s center because the largest number of people that fought in the battle of Kings Mountain was from this area.

On motion of Mr. Taylor, second by Mr. McCrady, the Board acted to direct the County Administrator to send a letter to Congressman Boucher and other Congressional members asking that the Town of Abingdon be considered as the site for the new headquarters and visitor’s center for the Overmountain Victory National Historic Trail because the largest number of people that fought in the battle of Kings Mountain was from this area.

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*

Mr. McCrady reported that the bids for the Beaverdam Creek Park Project will be opened on December 10.

Mr. McCrady thanked the Board for their support of the Taylor District during his term on the Board and for their friendship.

8. Board Information and Reminders

Ms. Parker reviewed the following Board Reminders and Information:

- An industrial announcement will be made on December 9 at 11:00 AM at the Bristol/Washington County Industrial Park.
- Reminder of the Wednesday, December 15 Board Recessed Meeting – 6:00 PM, Conference Room 2, County Administration Building to award bid for the Beaverdam Creek Park Project and to consider the establishment of a PDR Committee and appointment of members.

Mr. McCrady proposed moving the Board reception on December 15 to the Board Meeting Room. He also proposed beginning the December 15 recessed meeting at 6:30 PM.

It was consensus of the Board to accept Mr. McCrady’s recommendations.

- Reminder of the Administrative Division Employee Christmas Lunch – Friday, December 18, 12:00 Noon, Conference Room 1, County Administration Building
- Reminder of the Virginia Association of Counties’ New Supervisors’ Training Conference – Friday, January 8-Sunday, January 10, 2010, Richmond.
- Reviewed correspondence from Washington County Service Authority to Town of Abingdon dated November 24, 2009, regarding Wastewater Services Agreement.
- Reviewed correspondence from Washington County Service Authority to Town of Damascus, dated December 1, 2009, regarding offer to Town of Damascus to take over the sewer system.

Ms. Phillips reviewed the following information:

- Ms. Phillips distributed copies to the Board of the final order entered in Circuit Court in the matter of Roop vs. Taylor.
- Ms. Phillips distributed to the Board the Annual Statements of Economic Interest. She asked the Board to review the forms carefully to confirm the information, and if any Board member needs assistance with completing the forms to please contact the County Attorney’s office.

9. Adjourn or Recess

On motion of Mr. Taylor, second by Mr. Owens, it was resolved to recess to 6:30 PM on December 15, 2009, in Conference Room 2 of the County Administration Building.

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>

Mr. Owens *Aye*
Mr. Price *Aye*
Mr. Taylor *Aye*
Mr. Reynolds *Aye*

Prepared by:

Naoma A. Norris, Recording Clerk

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

Kenneth O. Reynolds, Chairman