

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, February 23, 2010, at 6:30 p.m., at the County Administration Building in Abingdon, Virginia the following were present:

PRESENT:

Dulcie M. Mumpower, Chair
Odell Owens, Vice Chair
Phillip B. McCall
Nicole M. Price
Kenneth O. Reynolds
Joseph C. Straten
Thomas G. Taylor

Mark K. Reeter, County Administrator
Lucy E. Phillips, County Attorney
Mark W. Seamon, Accounting Manager
Naoma A. Norris, Recording Clerk

1. Call to Order

The meeting was called to order by Ms. Dulcie M. Mumpower, Chair of the Board, who welcomed everyone in attendance. Ms. Mumpower noted that all members of the Board were present.

2. Invocation and Pledge of Allegiance

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

3. Public Comment

Lilly Buck, 7000 Reedy Creek Road, Bristol, Virginia
Lynn Manweiler, 18129 North Fork River Road, Abingdon, Virginia
Ken Singleton, 19676 Serenity Lane, Bristol, Virginia
Tommy Sweet, 20180 Monroe Road, Damascus, Virginia
Bill Gibson, 185 Par Place, Abingdon, Virginia
Richard MacBeth, 1139 Panorama Drive, Abingdon, Virginia
James Alligood, 31110 Old Saltworks Road, Meadowview, Virginia
Mark Mitchell, 19000 Wild Plum Drive, Glade Spring, Virginia
Lewis Loughlin, 4073 Cove Creek Road, Bristol, Virginia

4. Approval of Agenda

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

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

5. Consent Agenda:

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

a. Approval of Minutes:

- 1. January 27, 2010 Joint Recessed Board of Supervisors/School Board Meeting**
- 2. February 9, 2010 Regular Board of Supervisors Meeting**

b. Approval of Routine Financial Matters:

No financial items were presented to the Board for approval.

c. Award of Bids and Approval of Contracts:

No bids or contracts were presented to the Board.

d. Authorization of Routine Business Matters:

- 1. Approval of Revised Position Description for Information Systems Technician I**
- 2. Approval of New Personnel Policy Section 14-05, County Mobile Telecommunication Devices**

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>

Mr. Taylor *Aye*

6. Public Hearings:

- a. Public Hearing and Consideration of Adoption of an Ordinance to Amend Chapter 10 of the 2002 Code of the County of Washington, Virginia, to Add Section 10-33 to Prohibit Excessive Dog Barking

Ms. Mumpower reviewed the procedures for the public hearing. She noted that former Board of Supervisor member Paul Price proposed the County take measures to protect neighbors against excessive dog barking. Therefore, the proposed dog barking ordinance is being considered by the Board.

Ms. Phillips addressed the Board and provided a review of the proposed dog barking ordinance. She explained the proposed ordinance establishes criteria that define excessive dog barking. The following is an overview of the proposed ordinance.

Chapter 10. Animals
Article II. Dogs and Cats
Division 1. Generally

Sec. 10-33. Excessive dog barking.

- a. Excessive dog barking is prohibited.
- b. Excessive dog barking shall mean barking that:
- (1) occurs on a frequent or habitual basis for multiple days;
 - (2) that persists continuously for periods of time in excess of 15 minutes or multiple shorter episodes for consecutive, cumulative time periods in excess of one hour; and
 - (3) such barking is plainly audible across outdoor real property boundaries or through partitions common to two residences within a building.
- c. Exemptions from the restrictions include permitted, professionally-operated animal shelters or kennels; dogs hunting with supervision of the dog owner; any dog which, at the time of the barking, was responding to pain or injury, or was protecting itself, its kennel, its offspring or its owner or owner's property.
- d. No summons or warrant charging a violation of this section shall be issued except (1) upon the sworn complaint before a magistrate of two persons, each a resident of a separate household, and each alleging facts within their own personal knowledge or (2) upon complaint by a law enforcement official based on their personal observation.
- e. No person shall be convicted of a violation of this section unless there is evidence presented to the court that at least one of the complainants or a law enforcement officer had requested the owner or custodian of the dog to control the excessive barking and that such excessive barking continued on days(s) after the day of the request.
- f. Involvement of a law enforcement office is not a precondition to the issuance of a summons pursuant to the terms of this section. Furthermore, nothing in this chapter is intended to preclude

private actions to abate or enjoin nuisances. The enforcement of this chapter by public officers shall not be a precondition to the bringing of a private nuisance action to abate dog barking.

- g. A complaint of excessive dog barking shall not be treated as an emergency matter for purposes of dispatch of law enforcement officers.

Ms. Phillips noted that it would be at the Sheriff's discretion whether or not to dispatch law enforcement officers.

- h. Any person convicted pursuant to this section shall be guilty of a Class 4 misdemeanor and shall be punished as provided in section 1-15.

Ms. Phillips noted that punishment for violation of the proposed dog barking ordinance would be similar to violating the ordinance requiring rabies vaccinations for dogs, which is a Class 4 misdemeanor. The fine for this violation is \$25.

Ms. Phillips advised the Board that at their stations were comments regarding the proposed ordinance from a citizen of the County.

At this time, Ms. Mumpower opened the public hearing and invited comments regarding the proposed ordinance.

The following individuals addressed the Board and spoke in favor of the proposed dog ordinance:

Mr. Paul Price
Ms. Laurel Flaccavento
Mr. Jim Kessee

The following individuals addressed the Board and spoke in opposition to the proposed dog barking ordinance:

Mr. Tommy Sweet
Ms. Marcia Horne
Mr. Bud Roe
Mr. Joseph Palford
Ms. Heather Buchanan
Ms. Kristen Tracy
Kayla Campbell
Lilli Buck
Mr. Fred Newman, Sheriff, Washington County
Ms. Tracy Swann

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

The following action was proposed by the Board:

On motion of Mr. Owens, second by Ms. Price, the Board acted to deny adoption of an ordinance to amend Chapter 10 of the 2002 Code of the County of Washington, Virginia, to add Section 10-33 to prohibit excessive dog barking.

Discussions ensued among the Board regarding the proposed ordinance.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

Ms. Mumpower on behalf of the Board, thanked persons attending the meeting and stated that their comments are important to the Board.

In another matter, Ms. Mumpower stated for the benefit of the audience that later in the meeting an informational presentation would be made concerning matters pertaining to acquisition of the Alpha Natural Resources. She encouraged people to stay to hear the presentation.

The Board of Supervisors took a ten minute recess at this time.

7. General Business:

a. Actionable Items:

1. Consideration of Approval of Economic Incentives Performance Agreement for Governor’s Opportunity Fund Grant and Local Incentive Matching Funding for Universal Fibers, Inc.

Ms. Mumpower explained that Universal Fibers has been located in the County for 41 years. This company has provided good jobs and been involved in the community. In tough economic times it is important for the County to do everything possible to assist existing industry.

Assistant County Administrator Christy Parker addressed the Board and asked for approval of the Economic Incentives Performance Agreement for Universal Fibers, Inc., for the Governor’s Opportunity Fund Grant in the amount \$150,000 and local incentive matching funds in the amount of \$50,000. Ms. Parker explained that the County had the privilege of recently announcing Universal Fibers expansion. This company has strong competition that threatens to lure its business and jobs away from Washington County. The proposed economic incentive package would strengthen the market position of this vital manufacturing employer through grant funds to assist with training and equipment purchase that would allow the company to produce their product more efficiently and cost effectively and also to continue its development of innovative recycled products. She further explained through the development of EarthSmart Technology®, Universal Fibers has created high-quality; post-consumer recycled Nylon 6, 6, a unique nylon fiber produced from recycled carpet.

Ms. Parker explained a Performance Agreement is required when public funds are offered to a company. Under the terms of the Performance Agreement, Universal Fibers must make an investment in machinery and tools in the amount of \$13 million and create 84 new, full time jobs within a 36 month period. If the company does not meet the requirements of the Performance Agreement they may be required to repay

some or all of the grant funds. Ms. Parker noted that legal counsel for the County, Industrial Development Authority, Universal Fibers, Governors Opportunity Fund and the Tobacco Commission have approved the Performance Agreement.

On motion of Mr. Taylor, second by Mr. Straten, the Board acted to approve a Performance Agreement, in substantially the form of the presented proposed agreement for award of a Governor's Opportunity Fund grant in the amount of \$150,000.00 to Universal Fibers, Inc., to authorize the Board Chair to sign the Agreement on behalf of the County, and to approve appropriation of \$75,000.00 from the County Opportunity Account within the County's Economic Development Fund to the Industrial Development Authority in support of the local match.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

Scrivener's Note: The Performance Agreement referenced above is included as Minutes Exhibits Item 2010-02-23-A.

2. Consideration of Approval of Purchase and Sale Agreement and form of Commercial Lease Agreement for Alpha Natural Resources Office Building

Ms. Mumpower provided comments concerning the acquisition of the Alpha Natural Resources Office Building. She explained the County put a great deal of thought into the purchase of the Alpha building for County Government Office space. The Facilities Committee began work in 2002 to identify space for a County Government Office Complex, and commissioned a space needs assessment be done. As a result of the study, the Facilities Committee has considered several options.

Ms. Mumpower explained the Board wishes to keep County citizens informed about issues. However, there are times information such as land acquisition must be withheld from the public for a certain period of time because of legal reasons. She further explained the County Attorney will be making an informational presentation concerning the acquisition of the Alpha building.

Ms. Phillips addressed the Board and explained the Board is requested to take action the proposed Purchase and Sale Agreement and Commercial Lease Agreement for the purchase of the Alpha building. A schedule of personal property included in the Alpha building acquisition is included as an exhibit. She further explained the Board was provided at their stations with a revised Purchase and Sale Agreement that will be reviewed later in the meeting.

At this time, Ms. Phillips provided a lengthy PowerPoint presentation concerning the acquisition of the Alpha building. She explained the presentation was prepared for the purpose of the audience and not the Board of Supervisors and was put together at the request of Ms. Mumpower. The PowerPoint presentation included the following information:

- Evaluation of Need
- Research of Alternatives
- Unexpected Opportunity – Alpha Natural Resources
- Comparison of Alternatives
- Negotiations for the Alpha Building
- Financial Implications for the County Citizens

Ms. Phillips concluded the presentation by providing a review of the Purchase and Sale Agreement, the Lease Agreement and the schedule of personal property included in the sale.

Mr. Owens commented on remarks that have been made in regards to the County not purchasing the Alpha building and providing additional funding to the School System. He explained that the Board has already provided funds to the School System for the Phase I Construction Project and are now providing funds for the Phase II Construction Project. He asked the County Attorney if the Alpha building is not purchased will it mean the County could provide additional funds to the School System.

Ms. Phillips explained that the County would obtain financing (a mortgage) to purchase the Alpha building. The County would not borrow money (obtain a mortgage) to pay its operational expenses and it would not be prudent for the County to do so.

Ms. Mumpower thanked County Attorney Lucy Phillips for the informative presentation made for the citizens. She also thanked Legal Assistant Vicky Henderson and the County Information Systems Department for their work on the presentation.

The following action was proposed by the Board:

On motion of Mr. Owens, second by Mr. Reynolds, the Board acted to approve the Purchase and Sale Agreement and accept the form of Commercial Lease Agreement of the Alpha Natural Resources Office Building property and to authorize the Board Chair to certify the County's acceptance of these Agreements and proceed with the real estate closing on the property, and to appropriate \$20,000.00 from Reserve for Contingencies for the Purchase Deposit.

Discussions ensued among the Board.

Mr. Straten stated that the presentation was outstanding and should go a long way in clearing up misgivings people may have regarding the Board's decision to purchase the Alpha building. He explained there are over 50,000 people in the County, and he has spoken with many of his constituents about the Alpha building purchase. He has had as many people congratulate the County for the purchase as he has had people comment against it. Mr. Straten stated that although the Board Chair announced several times there would be a presentation about the Alpha building purchase there were less than 20 people that stayed to listen to the reasons the County is making the purchase. He believes the County has gone a long way towards trying to tell the constituents of the County why the building is being purchased and why it is the right decision. Mr. Straten applauds the County's decision to purchase the Alpha building and applauds the presentation made.

Mr. McCall stated that it is the right decision to purchase the Alpha building to better serve the citizens of the County. He explained if the County sees the need at a later time, the building could be sold.

Mr. Owens discussed issues pertaining to the inadequate public access to both the County Administration Building and the Treasurer's Building where the Treasurer and Commissioner of Revenue offices are located. He explained that when he became a member of the Board of Supervisors he evaluated both buildings and spoke to many employees about the difficulty the public has accessing the buildings and concluded the existing conditions were not fair to the citizens of the County. Therefore, he asked the Board to establish a committee to study office space needs. Mr. Owens stated his vision with the purchase of the Alpha building is not for the Board of Supervisors or County employees, but to provide better service to the citizens of the County. The County needs to provide the public with respect and good facilities for them to visit when obtaining services.

Mr. Taylor discussed issues pertaining to inadequate handicapped accessibility to the County Administration Building and the Board of Supervisors Meeting Room and referred to illustrations in the presentation made by the County Attorney. He explained the Alpha building will provide good handicapped accessibility and believes it is a good business decision to make the purchase. Mr. Taylor noted the original County Comp Plan adopted in 1975 included a recommendation for a new County Office Building. However, at the time a new courthouse was needed. It is now time for this Board to do what should have been done many years ago as far as the recommendation for a new County Office Building. He believes there are many citizens that will be proud of the County's decision.

Ms. Mumpower explained she served on the County Facilities Committee for many years. The Facilities Committee struggled with County office space issues and spent a great deal of time looking at all the options. The purchase of the Alpha building appears to be the best solution to meet the County's needs. The County is obligated to provide adequate facilities for citizens to conduct business.

Ms. Mumpower stated that while the economic times are bad right now, the decision to purchase adequate office space will have to be made at some point. She does not believe the County will be in a better position in the future than it is now to purchase a building to house County Offices and that mostly like the costs would be higher.

Mr. McCall discussed issues pertaining to parking around the Courthouse and Treasurer's Building. He explained a committee was formed in the past to study the parking issues of which he was a member. The committee proposed the construction of a parking garage behind the County Courthouse, but incurred problems with the Historical Society of Washington County. The committee could not identify solutions to relieve the parking problems.

Mr. Reynolds explained several members of the Board had opportunities to visit other counties that have renovated their County Office facilities. None of the localities were negative about improving their facilities to better serve the citizens. Mr. Reynolds talked about the inadequate public access to the County Administration building.

Ms. Phillips addressed the Board and requested an amendment to the motion previously made that the Commercial Lease be approved with the exception of the request for the extended lease term period of January 1, 2012, through June 30, 2012. The extended lease term needs to be discussed with Mr. Dan Siegel, Bond Counsel for the County, who is currently out of the country.

Mr. Owens amended the motion as follows:

On motion of Mr. Owens, second by Mr. Reynolds, the Board acted to approve the Purchase and Sale Agreement and accept the form of Commercial Lease Agreement of the Alpha Natural Resources

Office Building property with the exception of the request for an extended lease term of January 1, 2012 through June 30, 2012 and to authorize the Board Chair to certify the County's acceptance of these Agreements and proceed with the real estate closing on the property, and to appropriate \$20,000.00 from Reserve for Contingencies for the Purchase Deposit.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Nay</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

Scrivener's Note: The PowerPoint Presentation, Purchase and Sale Agreement and Commercial Lease Agreement referenced above is included as Minutes Exhibits Item 2010-02-23-B.

b. Information Items:

1. Presentation of Requested and Recommended County Operating Budget for FY 2010-2011

Mr. Reeter because of the late hour of the meeting asked the Board to review the detailed executive summary provided for in the Requested and Recommended County Operating Budget for FY 2010-2011. He explained that the recommended budget includes a \$0.2 increase in the real property tax rate.

Mr. Seamon reviewed the new format of the budget sheets included in the budget books.

The Board discussed at length issues pertaining to the Requested & Recommended FY 2010-2011 County Operating Budget, specifically, the format of the budget that would be included with the legal advertisement for the public hearing.

Ms. Mumpower noted that citizens get upset when they see the proposed increase in the real property tax rate that would be required should the County fund all the requests received.

Mr. Seamon explained the Washington County School Board is not requesting the Board of Supervisors make up the entire \$5.7 million shortfall in state funding. The final state revenue figures are not known at this time, and the School Board does not want the Board/public to interpret that they are asking for an increase in local funding to make up for the state revenue shortfall.

Mr. Reeter commented that municipal/county governments are not structure to step in and make up lost revenues when the General Assembly decides to cut public education. This is a Commonwealth of Virginia funding problem that cannot be addressed by local governments.

Discussions ensued among the Board concerning aide to the Commonwealth the County was required to pay during the current fiscal year. Questions arose if the County would be requested to do so in FY 2010-2011.

Mr. Seamon explained that aide to the Commonwealth is not included in the Requested & Recommended County Operating Budget for FY 2010-2011.

At this time, Mr. Reeter provided a review of scheduled budget related meetings.

Ms. Mumpower requested the budget adjustment worksession scheduled for March 18 be rescheduled for March 15 should the Board need a fifth worksession. She will not be able to attend a meeting on March 18.

Mr. Seamon explained that a decision is needed regarding the budget format that will be advertised in the newspaper.

Further discussions ensued among the Board concerning the budget format for advertisement in the newspaper.

Ms. Phillips explained that a clarification statement could be added to the legal advertisement that provides explanation about the requested County Operating Budget.

It was consensus of the Board to authorize the requested County Operating Budget for Fiscal Year 2010-2011 be published in the newspaper with the addition of a clarification statement.

Scrivener's Note: The Executive Summary referenced above is included as Minutes Exhibits Item 2010-02-23-C.

8. Board Member Reports

Ms. Price reported on program sponsored by Google where they are planning to build and test high speed fiber optic networks that will be 100 times faster than most broadband connects. Google is in the process of identifying test communities. She has talked with Congressman Boucher's Office about this program. They told her information was sent to the County, Town of Abingdon, Bristol Virginia Utilities (BVU) and perhaps to other agencies. So far they have heard from the Town of Abingdon and BVU, but not from the County. Ms. Price asked if this program is something the County would like to look into and be considered as a test community. She believes joining with the Town of Abingdon and BVU as a more regional approach may make this area a candidate. Ms. Price explained that she has spoken with County Information Systems Manager Nadine Culberson about this program. She further explained there would be some real benefits to the citizens by just going through the application process because it evaluates the needs, what is lacking and the speeds available to the citizens as far as internet access.

Ms. Price reported on free program offered by the National Association of Counties (NACo) to member counties where prescription drug cards are issued to citizens that may not be able to afford insurance. She explained however this program is not an insurance program. Ms. Price stated that she obtained information from NACo on the program and the contract required for participation. There are no costs to the County. She believes the program would be a benefit to the citizens of Washington County especially now in light of the hard economic times. Ms. Price requested that this item be placed on the Agenda for the February 25 recessed Board meeting for Board consideration. She noted that major drug store chains such as Rite Aide and Walgreens participate in the program.

Ms. Price reported on two water projects in the Jefferson District that represents \$2.5 million in state funds. Both projects are being held up because of difficulty in obtaining the necessary easements. There is concern these funds will be lost and if the money is lost the County will not be able to get it back. She explained the project costs may increase because of issues pertaining to the easements.

Ms. Price reported on a new radio show she is doing on Fridays at 3:00 p.m. on Emory & Henry College's radio station (90.7) called Washington County Connections. Her goal is to inform people of what is happening in the County. There has been a lack of information provided to the citizens, and people in the County are interested in what is happening. Ms. Price stated she hopes the radio show will become an informative call in show (not a debate show). She noted that Information Systems Manager Nadine Culberson has been a guest on the show. Emergency Management Coordinator Pokey Harris will be a guest on February 26.

Mr. Taylor reported on zoning issues that a developer in the Monroe District is having in regards to construction of apartment units in the Lover's Lane section of the County. In order for the developer to obtain financing through the Virginia Housing Authority, the County needs to take action to designate the area as a redevelopment area. If the County would make this designation it would make the project more financially attractive. Mr. Taylor requested County staff to look into this issue and advise the developer what they can do to be in compliance with the County's ordinance.

Mr. Reeter requested Mr. Taylor send him an e-mail about this issue and then he would look into it.

Mr. Owens explained that he would like to make an appointment to the Industrial Development Authority.

Ms. Phillips explained the Board is not supposed to act on matters during Board Member Reports and proposed the appointment be placed on the Agenda for the February 25 recessed meeting.

Ms. Mumpower requested that an appointment for the Wilson District representative to the Industrial Development Authority be placed on the Agenda for February 25.

Ms. Mumpower reported on the Virginia Association of Counties (VACo) Chairpersons' Institute she recently attended. There were many counties represented at the Institute. She obtained good information especially on the Virginia Freedom of Information Act and the Dillon Rule. It was stressed at the Chairpersons' Institute that localities keep citizens informed of things happening. Ms. Mumpower stated that she is pleased with Ms. Price's radio show and pleased that County Department Heads are involved. Ms. Mumpower explained she believes the County's website is a good way to get information out to the public. She envisions the creation of a Board members corner on the website where information would be put about issues the Board is considering and about things of interest coming up in the future. It would also include a summary of what happened during Board meetings and actions taken by the Board. Ms. Mumpower reiterated that VACo stresses that localities work hard on getting information out to the citizens. She said it is her goal as Board Chair to do a better job of providing the public with information. After the budget process is finished, Ms. Mumpower hopes the Board can have informational meetings in each election district of the County that would include participation by department heads. She requested that Mr. Reeter and Ms. Phillips, once the budget process is over, work on identifying ways that will help the County do a better job of getting information out to its citizens.

Ms. Mumpower requested Mr. Reeter arrange an introductory/courtesy meeting with the new Bristol City Manager.

Ms. Mumpower commented on the legislation that Governor McDonnell is about to sign regarding a reduction in electric bills from American Electric Power.

9. Board Information and Reminders

Mr. Reeter reviewed the following Board Reminders:

February 25 Recessed Meeting – Agency/Department Hearing on FY 2010-2011 County Operating Budget Requests, 6:30 p.m.

Ms. Phillips reviewed the following information:

She provided a status report on the Virginia Supreme Court’s decision regarding the City of Virginia Beach’s noise ordinance that was appealed to the United States Supreme Court. In late January, the United States Supreme Court denied the request to review the appeal and stayed with the decision of the Virginia Supreme Court. This means the bulk of Washington County’s Noise Ordinance is not enforceable. She reported on a legislative effort underway to make violations of noise ordinances a civil charge and not a criminal charge. Ms. Phillips recommended the delay of further work on revising the County’s Noise Ordinance.

Ms. Phillips reported on the Walsh zoning matter. Mr. Walsh is appealing to the Virginia Supreme Court the ruling of the Washington County Circuit Court to uphold the County’s decision in regards to Mr. Walsh’s zoning request. She is in the process of preparing a brief in opposition to the appeal.

Mr. McCall asked County staff at a future date to look into the ordinance recently adopted by Washington County, Tennessee regarding dogs. He would like information about how the ordinance was drafted and the opposition they received.

10. Adjourn or Recess

On motion of Mr. Price, second by Mr. McCall, it was resolved to recess to Thursday, February 25, 2010, 6:30 p.m. to receive agency/department comments concerning the Requested & Recommended County Operating Budget for Fiscal Year 2010-2011.

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

<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Ms. Price</i>	<i>Aye</i>
<i>Mr. Reynolds</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>
<i>Mr. Taylor</i>	<i>Aye</i>

Prepared by:

Naoma A. Norris, Recording Clerk

Approved by the Washington County Board of Supervisors:

Dulcie M. Mumpower, Chairman