

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, November 9, 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 (arrived at 6:34 p.m.)
- 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 Mr. Reynolds was not present at the time the meeting was called to order.

2. Invocation and Pledge of Allegiance

Supervisor Tom Taylor gave the Invocation and led the Pledge of Allegiance.

3. Approval of Agenda

On motion of Mr. Owens, second by Mr. McCall, 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> |

4. Consent Agenda:

On motion of Mr. Taylor, second by Mr. Straten, the Board acted to approve item a of the Consent Agenda as set forth below.

a. Approval of Minutes:

- 1. October 25, 2010 Joint Recessed Meeting**
- 2. October 26, 2010 Regular Meeting**

b. Approval of Routine Financial Matters:

There were no financial matters presented to the Board.

c. Award of Bids and Approval of Contracts:

There were no bids or contracts presented to the Board.

d. Authorization of Routine Business Matters:

There were no routine business matters presented to the Board.

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. Public Hearings:

a. Request(s) for Rezoning:

- 1. Shane Crabtree, Property Tax Map #124-A-12: Request to rezone approximately 5.08 acres of property located on the south side of State Route 11 (19226 Lee Highway) near the intersection of State Route 11/State Route 895 (Self Hill Drive) from A-2 (Agricultural, General) to B-2 (Business, General), Madison Magisterial District, A-01 Election District**

County Zoning and Subdivision Official Cathie Freeman addressed the Board and provided an overview of the proceedings before the Washington County Planning Commission at their October 25, 2010 meeting in regards to the request of Shane Crabtree to rezone property. Ms. Freeman explained in May 2008, the Board of Supervisors approved a rezoning request made by Mr. Crabtree. His request at that time was to rezone his property from agriculture to business (A-2 to B-2) in order to construct an addition

to his home. Mr. Crabtree was not able to build the addition; he now requests his property be rezoned from business to agriculture.

Ms. Freeman explained Mr. Crabtree's request was discussed with County Administrator Mark Reeter. Mr. Crabtree was asked to provide information to justify the request. She pointed out included in the Board's agenda materials is a contract for the sale of the property. Ms. Freeman explained Wright Equipment will relocate to the Crabtree property.

Ms. Freeman advised that the Planning Commission received no opposition to Mr. Crabtree's request; and they unanimously recommended approval of the rezoning.

Ms. Mumpower opened the public hearing and invited comments both in support of and in opposition to the request for rezoning.

Mr. Charles Meade addressed the Board speaking in support of Mr. Crabtree's request. Mr. Meade explained his company; Caudill Hill Ventures acquired Wright Equipment Company in June of this year. The current site of Wright Equipment is owned by Virginia Highlands Airport, who will take ownership of the property by end of December 2011. He further explained property was sought close to the current location of Wright Equipment, and felt the Crabtree property would be a good fit for the business. It was also important to keep the business in Washington County. Mr. Meade stated that a purchase agreement has been signed for the Crabtree property.

Mr. Reynolds inquired if both Wright Equipment and WECO would relocate.

Mr. Meade explained that his company purchased Wright Equipment only and did not purchase WECO. It is a separate company. However, WECO will be required to relocate from their current site.

Mr. Taylor inquired if there would be room on the Crabtree property for WECO to relocate.

Mr. Meade explained this has not been discussed. He advised the Board that the property is five acres and not all flat land. There will be less than five usable acres, which will be a tight fit for Wright Equipment Company.

Mr. McCall inquired if the Virginia Highlands Airport has been contacted concerning the construction of a new facility in the airport overlay zone.

Mr. Meade explained he has spoken with Virginia Highlands Airport Manager Mickey Hines. Mr. Hines indicated he is fine with the initial plan. Mr. Meade further explained the engineers working with his company have submitted their site plans to the Planning Commission.

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

Ms. Mumpower questioned staff if the Airport Overlay Zone was taken into consideration.

Ms. Freeman explained that an application would have to be made to the Virginia Highlands Airport for approval. The site and building plans have not been provided to the Planning Commission. She believes the submittal by Mr. Meade's engineer was made to the County Engineer.

Ms. Mumpower asked if it were premature for the Board to act on the request at this time.

Ms. Freeman explained the request before the Board is for rezoning and not for uses of the property.

On motion of Mr. McCall, second Mr. Reynolds, the Board acted to follow the recommendation of the Washington County Planning Commission and approve the request of Shane Crabtree to rezone approximately 5.08 acres of property located on the south side of State Route 11 (19226 Lee Highway) near the intersection of State Route 11/State Route 895 (Self Hill Drive) from A-2 (Agricultural, General) to B-2 (Business, General), Madison Magisterial District, A-01 Election District.

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>

b. Public Hearing and Consideration of Adoption of an Ordinance to Amend Chapter 66, Subsections 1, 549, 550, and 560, and to Add New Subsection 560.1, to the Code of the County of Washington, Virginia, to Update Provisions for Regulation of Land Use in Flood Hazard Zones for Consistency with State and Federal Law

County Attorney Lucy Phillips addressed the Board and explained at the September 14, 2010, regular meeting an ordinance was adopted to update the county’s Flood Hazard Zoning District regulations for purposes of continued compliance with requirements of the U. S. Department of Homeland Security’s Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP). FEMA set a deadline of September 29, 2010, for localities to update floodplain management ordinances in order to maintain eligibility with NFIP. Ms. Phillips explained she submitted the ordinance that was adopted by the Board to FEMA for review and learned from FEMA that several additional amendments were necessary. In response, she prepared additional draft revisions in accordance with FEMA comments and submitted the draft version to FEMA to review. FEMA representatives have advised the County that with the revisions all requirements for a compliant and enforceable floodplain ordinance have been addressed. Ms. Phillips provided a review of the proposed revisions explaining the substantive change is the addition of Chapter 66 that provides specific building standards for building in the flood hazard area.

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

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

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

AN ORDINANCE TO AMEND CHAPTER 66, SUBSECTIONS 1, 549, 550, AND 560, AND TO ADD NEW SUBSECTION 560.1, TO THE CODE OF THE COUNTY OF WASHINGTON, VIRGINIA, TO UPDATE PROVISIONS FOR REGULATION OF LAND USE IN FLOOD HAZARD ZONES FOR CONSISTENCY WITH STATE AND FEDERAL LAW

WHEREAS, the United States Department of Homeland Security Federal Emergency Management Agency (FEMA) requires local regulation of development in flood hazard areas to meet federally set standards if the locality wishes to be eligible for participation in the National Flood Insurance Program (NFIP);

WHEREAS, Virginia Code section 15.2-2223 established that each local governing body in the Commonwealth may by ordinance adopt a plan for the physical territory within its jurisdiction for management of flood plains and drainage and the Code of the County of Washington, Virginia (County Code) includes such measures that govern the management of flood plains and drainage;

WHEREAS, FEMA updated its Flood Insurance Rating Maps (FIRMaps) and established September 29, 2010, as the date the new maps would go into effect and set the same date as a deadline for localities to update their local regulations for compliance with federal requirements to allow continued participation in the National Flood Insurance Program (NFIP);

WHEREAS, the Board of Supervisors of the County of Washington, Virginia (Board) at its September 14, 2010, regular meeting adopted Ordinance 2010-004 with the intent that it would bring Washington County flood plain management regulations into compliance with federal law, but FEMA reviewed the adopted ordinance and advised that additional revision was necessary to achieve complete compliance;

WHEREAS, the Board's adoption of Ordinance 2010-006 on an emergency basis satisfied compliance with NFIP regulations, but re-adoption after notice and public hearing will allow enforcement of the provisions beyond the sixty day period allowed for enforcement of an emergency ordinance; and

WHEREAS, upon due consideration, the Board has found it in the best interest of the public health, safety, and welfare to adopt this ordinance to amend County Code Chapter 66, Zoning, to update its provisions and conform them to the requirements of federal regulation of development in the flood plain;

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

- 1. That this ordinance shall become effective immediately and shall supersede Ordinance 2010-006, which was adopted on an emergency basis on September 28, 2010;*
- 2. That the Editor is directed to revise the formatting and section designations of this ordinance for consistency with the Code of the County of Washington, Virginia (2002, as amended);*
- 3. That should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Washington County Code; and*
- 4. That Chapter 66, Subsections 1, 549, 550, and 560 are amended and new section 560.1 is added, as set forth below:*

Chapter 66.

ZONING

Article I. In General

Sec. 66-1 Definitions.

GIS Map or Geographic Information Systems Map means the digital map maintained by the County Department of Information Systems and published on the County Internet website. This map shall be amended only by action of the board of supervisors and shall be the official map of the county for purposes of designation of zoning districts, including overlay districts.

Article V. Districts

*Division 15. Flood Hazard District FH**

Sec. 66-546. - Purpose.

The purpose of the FH flood hazard district is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, the impairment of the tax base, and the loss of recognizable ecological values, by:

- (1) Regulating uses, activities and developments that, acting along or in combination with other existing or future uses, activities and developments, will cause unacceptable increases in flood heights, velocities, and frequencies.*
- (2) Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding.*
- (3) Requiring all those uses, activities and developments that do occur in floodprone areas to be protected and/or floodproofed against flooding and flood damage.*
- (4) Protecting individuals from buying lands and structures that are unsuited for intended purposes because of flood hazards.*

(Code 1997, § 66-631)

State Law Reference – Authority to regulate flood plains, Code of Virginia § 15.2-2280.

Sec. 66-547. - Applicability.

The provisions of this division shall apply to all lands within the jurisdiction of the county and identified as being floodprone as stipulated in this division.

(Code 1997, § 66-632)

Sec. 66-548. - Compliance.

* Cross reference—Flood control and drainage in subdivisions, [§ 54-56 et seq.](#) [§§ 52-151, 52-186, et seq.](#)

No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this division and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this division.

(Code 1997, § 66-633)

Sec. 66-548.1 – Abrogation and Greater Restrictions.

This ordinance supersedes any ordinance currently in effect in flood-prone districts. Any ordinance, however, shall remain in full force and effect to the extent that its provisions are more restrictive.

Sec. 66-548.2 - Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

Sec. 66-549. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the Floodplain Administrator and the Zoning Administrator of the county.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation means the Federal Emergency Management Agency (FEMA) designated one hundred (100)-year water surface elevation or 1% annual chance flood. The water surface elevation of the base flood in relation to the datum specified on the Flood Insurance Rate Map, which is incorporated into the Geographic Information System (GIS) by the County.

Basement means any area of the building having its floor sub-grade (below ground-level) on all sides. In the event the Virginia Uniform Statewide Building Code provides a more stringent definition of “basement” the Virginia Uniform Statewide Building Code definition shall control.

Code of Federal Regulations or CFR means the United States Code of Federal Regulations, as amended.

Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes, mining, dredging, filling, grading, paving, excavating, ~~or~~ drilling operations, or storage of equipment or materials.

Digital Flood Insurance Rate Map or DFIRM means Flood Insurance Rate Map or FIRM as herein defined.

Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of the floodplain.

Federal Emergency Management Agency or FEMA means the agency of the federal government by that name.

Fill means the placing, storing or dumping of any material, such as (by way of illustration but not of limitation) earth, clay, sand, concrete, rubble or waste of any kind, upon the surface of the ground that results in increasing the natural ground surface elevation.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1. The overflow of inland or tidal waters.*
- 2. The unusual and rapid accumulation or runoff of surface waters from any source.*
- 3. Mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground.*

Normally, a "flood" is considered as any temporary rise in stream flow or stage that results in significant adverse effects in the vicinity. Adverse effects may include damages from overflow of land areas, temporary backwater effects in sewer and local drainage channels, creation of unsanitary conditions or other unfavorable situations by deposition of materials in stream channels during flood recessions, rise of groundwater coincident with increased stream flow, and other problems.

Flood hazard district means the land located within the 100-year floodplain that includes the floodway, floodway fringe, and approximate floodplain.

Flood Insurance Rate Map or FIRM means the ~~digital flood insurance map found in the GIS~~; official map of a community on which the Federal Insurance Administrator with the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. The FIRM applicable to the county shall be designated on the GIS map. In the event the GIS conflicts with the FIRM panel maintained by FEMA, the FEMA FIRM panel shall control.

Flood Insurance Study or FIS means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Floodplain means a relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation and to the unusual and rapid accumulation of runoff of surface waters from any source.

Floodplain management is a term applied to the full range of public policy and action for ensuring wise use of the floodplains. It includes everything from collection and dissemination of flood control information to actual acquisition of floodplain lands, including the enactment and administration of floodplain regulations, including building codes and the building of flood-modifying structures.

Floodprone area means any land area susceptible to being inundated by water from any source.

Floodproofing means any combination of structural and nonstructural additions, changes or adjustments to properties and structures that reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings. In the event the Virginia Uniform Statewide Building Code provides for a more stringent definition of "floodproofing" the Virginia Uniform Statewide Building Code definition shall control.

Floodway means the designated area of the 100-year floodplain required to carry and discharge floodwaters of a given magnitude.

Floodway fringe means the remaining portions of the 100-year floodplain adjacent to the floodway.

Freeboard means one (1) foot above base flood elevation.

Historic structure means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the federal Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;*
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;*
- (3) individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or*
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - ii) by an approved state program as determined by the Secretary of the Interior;*
 - or,*
 - iii) directly by the Secretary of the Interior in states without approved programs.**

Lowest floor means the ~~The~~ lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44 CFR §60.3.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also

includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New construction means for ~~For~~ the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after March 16, 1988, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after March 8, 1988, and includes any subsequent improvements to such structures.

One-hundred year flood or 100-year flood means the flood level that is estimated to have a one percent chance of occurring each year. It does not imply that no greater flood is likely to occur, nor that such a flood will not happen more often than once every 100 years.

Recreational vehicle means a vehicle that is:

- (1) built on a single chassis;*
- (2) four hundred (400) square feet or less when measured at the largest horizontal projection;*
- (3) designed to be self-propelled or permanently towable by a light duty truck; and*
- (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.*

Shallow flooding area means a special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Special flood hazard area means the land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Section 66-549 of this ordinance.

Start of construction, for other than new construction and substantial improvement, means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date.

Structure means, for flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term "substantial improvement" does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Title 44 of the Code of Federal Regulations, Secs. 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(Code 1997, § 66-634)

Cross reference—Definitions generally, § 1-2.

Sec. 66-550. - Establishment of flood hazard districts.

(a) Basis of districts. The various flood hazard districts shall include areas subject to inundation by waters of the 100-year flood. The basis for the delineation of these districts shall be the digital flood insurance rate map (DFIRM) and the flood insurance study (FIS) for Washington County prepared by the Federal Emergency Management Agency, effective September 29, 2010, as amended

(1) The floodway district is delineated for purposes of this article using the criteria that a certain area within the floodplain must be capable of carrying the water of the 100-year flood without increasing the water surface elevation of that flood more than one foot at any point. These areas included in this district are specifically defined in the above-referenced flood insurance study and shown on the accompanying flood insurance rate map. "Floodway" shall be that area identified as "Floodway" in Table 2 in the FIS (flood insurance study) prepared by the Federal Emergency Management Agency (FEMA). The term shall also include floodway areas which have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the FIS prepared by the Federal Emergency Management Agency.

(2) The flood fringe district shall be that area of the 100-year floodplain not included in the floodway district. The basis for the outermost boundary of this district shall be the 100-year flood elevations contained in the flood profiles of the flood insurance study referenced in subsection (1) of this section and as shown on the accompanying flood insurance rate map.

(3) *The "approximated floodplain area" shall be that floodplain area for which no detailed flood elevations or floodway information is provided. Such areas are shown as zone A on the maps accompanying the flood insurance study prepared by the Federal Emergency Management Agency. For these areas, elevation and floodway information from other federal, state or other acceptable source shall be used when available.*

(b) Overlay concept.

(1) *The flood hazard districts described above shall be overlays to the existing underlying zoning districts as shown on the official zoning ordinance map; and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.*

(2) *Where there happens to be any conflict between the provisions or requirements of any of the flood hazard districts and those of any underlying district, the more restrictive provisions of either shall apply.*

(3) *If any provision concerning a flood hazard district is declared inapplicable as a result of any legislative or administrative action or judicial discretion, the underlying district provisions shall remain applicable.*

(c) Official zoning map. The boundaries of the flood hazard districts are established as shown on the flood insurance rate map which is declared to be a part of this article and which shall be kept on file by the county.

(d) District boundary changes. The delineation of any of the flood hazard districts may be revised by the board of supervisors where natural or manmade changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, the Tennessee Valley Authority, or other qualified agency or where an individual documents the need or possibility for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency.

(e) Interpretation of district boundaries. Initial interpretations of the boundaries of the flood hazard district shall be made by the administrator or his designee. Should a dispute arise concerning the boundaries of any of the districts, the board of zoning appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence if he so desires.

(Code 1997, § 66-635)

Sec. 66-550.1 – Submitting Technical Data.

Base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the data such information becomes available, the administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data. Such a submission is necessary so that, upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

Sec. 66-551. - Zoning permit required for utilization of the flood hazard district.

(a) Generally. All uses, activities and development occurring within any flood hazard district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this article and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code referenced in section 14-1 and the county subdivision regulations of chapter 52. Prior to the issuance of any such permit, the administrator shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channel or floodways of any watercourse, drainage ditch, or any other drainage facility or system. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and the Federal Insurance Administrator.

(b) Application. All applications for development in the floodplain district and all building permits issued for the floodplain shall incorporate the following information:

- (1) For structures that have been elevated, the elevation of the lowest floor, including basement.*
- (2) For structures that have been floodproofed (nonresidential only), the elevation to which the structure has been floodproofed.*
- (3) The elevation of the 100-year flood.*
- (4) Topographic information showing existing and proposed ground elevations at two-foot contour intervals or less, using best available data.*

(Code 1997, § 66-636(a), (b))

Sec. 66-552. - Permitted uses.

The following uses shall be permitted in the floodway district, provided that they are in compliance with the provisions of the underlying district:

- (1) Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, and farming, and wild-crop harvesting.*
- (2) Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, and fishing areas.*
- (3) Open accessory residential uses, such as yard areas, gardens, play areas and previous loading areas, but not storage or other structures.*
- (4) No development shall be permitted which increases flood heights and produces hazardous velocities. The effect of such development on flood heights must be offset by accompanying improvements which have been approved by all federal, state and local authorities. This section is not intended to prevent property owners from installing fencing that has an insignificant effect on flood heights.*

(Code 1997, § 66-636(c))

Sec. 66-553. - Special exception uses.

The following uses may be permitted in the floodway district as a special exception as provided in this chapter, provided that they are in compliance with the provisions of the underlying district:

- (1) Structures, except for manufactured homes, accessory to the uses and activities in section 66-551(a).*
- (2) Utilities and public services.*
- (3) Temporary uses, such as circuses, carnivals and similar activities.*
- (4) Other similar uses and activities, provided that they cause no increase in flood heights and/or velocities. All uses, activities and developments shall be undertaken in strict compliance with the floodproofing provisions contained in this division and all other applicable codes and ordinances.*

(Code 1997, § 66-636(d))

Sec. 66-554. - Prohibited uses.

No use, structure, fill, deposit, obstruction and/or storage of materials or equipment will be permitted in the flood hazard district that, acting alone or in combination with existing or future uses, will result in affecting the capacity of the floodway or unduly increasing flood limits. Such limits will be those established by the Federal Emergency Management Agency and the Virginia Uniform Statewide Building Code.

(Code 1997, § 66-636(e))

Sec. 66-555. - Manufactured homes prohibited.

The placement of any manufactured home within the Flood Hazard district is specifically prohibited.

(Code 1997, § 66-636(f))

Sec. 66-556. - Floodway fringe and approximated floodplain districts.

In floodway fringe and approximated floodplain districts, the development and/or use of land shall be permitted in accordance with the regulations of underlying district provided that all such uses, activities and/or development shall be undertaken in strict compliance with the elevation, floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code, ~~Supplement section 1313.0~~, and all other applicable portions of the county Code and ordinances.

(Code 1997, § 66-636(g))

Sec. 66-557. - Records.

The administrator shall obtain and maintain records of actions associated with administering this ordinance including but not limited to the lowest floor elevations and floodproofing levels for all new or substantially improved structures within the designated floodplain.

(Code 1997, § 66-636(h); Ord. No. 2000-01, § 1(66-636), 4-11-2000)

Sec. 66-558. - Procedures for considering special exceptions, rezoning, variances and zoning amendments in the flood hazard districts.

(a) Variances shall be issued only upon:

- (i) a showing of good and sufficient cause,*
- (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and*
- (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in*
 - a. unacceptable or prohibited increases in flood heights,*
 - b. additional threats to public safety,*
 - c. extraordinary public expense; and will not*
 - d. create nuisances,*
 - e. cause fraud or victimization of the public, or*
 - f. conflict with local laws or ordinances.*

(b.) While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

(c.) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(d.) In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors. All actions by any agent, commission or board of the county, including rezoning, special exceptions, and amendments to this chapter, shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and the following additional factors:

- (1) The danger to life and property due to increased flood heights or velocities which may be caused by encroachments.*

- (2) *The danger that materials may be swept onto other lands or downstream to the injury of others.*
- (3) *The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.*
- (4) *The susceptibility of the proposed facility or use and its contents to flood damage, and the effect of such damage on the individual owner.*
- (5) *The importance of the services provided by the proposed facility or use to the community.*
- (6) *The requirements of the facility or use for a waterfront location.*
- (7) *The availability of alternative locations not subject to flooding for the proposed use.*
- (8) *The compatibility of the proposed use or structure with existing and anticipated development.*
- (9) *The relationship of the proposed use to the comprehensive plan and the floodplain management program to a town and surrounding area.*
- (10) *The safety of access to the property in terms of flood for ordinary and emergency vehicles.*
- (11) *The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected on the site.*
- (12) *Such other factors which are relevant to the purpose of this article.*

(b) Compliance with state building code. When considering special exceptions and/or variances, the board of supervisors, the planning commission, and the board of zoning appeals will ensure that the granting of the special exception and/or variance will comply with the requirements of the Virginia Uniform Statewide Building Code. In addition, no special use and/or variance within the floodway will be granted if it will cause an increase in the 100-year flood elevation.

(c) Request for technical assistance. The board of supervisors, planning commission, or board of zoning appeals may refer an application and accompanying documentation pertaining to any request for a special exception or variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.

(d) Issuance of special exceptions and variances. Special exceptions and/or variances shall only be issued after the board of supervisors and board of zoning appeals have determined that the granting of such will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety or extraordinary public expense; create nuisances; cause fraud or victimization of the public; or conflict with local laws or ordinances.

(e) Minimum relief. Special exceptions and/or variances shall only be issued after the board of zoning appeals has determined that the special exception and/or variance will be the minimum relief to any hardship.

(f) *Notification of increased insurance rates. The board of zoning appeals and board of supervisors, or their designated representatives, shall notify the applicant for a special exception and/or variance, in writing, that the issuance of a special exception and/or variance to construct a structure below the 100-year flood elevation increases risks to life and property and will result in increased premium rates for flood insurance.*

(g) *Record of notification. A record of the notification referred to in subsection (f) of this section, as well as all variance actions, including justification for issuance, shall be maintained; and any variance which is issued shall be noted in the annual or biennial report submitted to the Federal Emergency Management Agency.*

(Code 1997, § 66-637)

Sec. 66-559. - Existing structures in floodplain districts.

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with this division, may be continued subject to the following conditions:

- (a.) *Existing structures and/or uses located in the floodway district shall not be expanded or enlarged unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements to the stream. Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the existing and proposed expansion would not result in any increase in the base flood elevation.*
- (b.) *Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any flood plain areas to an extent or amount of less than fifty percent of its market value shall conform to the Virginia Uniform Statewide Building Code.*
- (c.) *The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the Virginia Uniform Statewide Building Code.*

(Code 1997, § 66-638)

Sec. 66-560. - Site design regulations.

(a) *Consistency with state building code. All subdivision proposals and other new developments in the flood hazard district, including utilities and drainage, shall be located and designed to be consistent with the need to minimize flood damage as stated in the Virginia Uniform Statewide Building Code referenced in section 14-1.*

(b) *Site plan criteria. . The administrator shall review all proposed building sites to determine that they will be reasonably safe from flooding. The owner or developer of any proposed subdivision and/or other new development in the flood hazard district shall submit a site plan to the administrator that includes the following information:*

- (1) *All requirements stated heretofore in this article.*
- (2) *Name of engineer, surveyor or other qualified person responsible for providing the information required in this section.*

(3) *A map showing the location of the proposed subdivision and other new development with respect to the county and adjacent town floodprone areas, proposed lots and sites, fills, flood or erosion protection facilities, and areas subject to special deed restriction. In addition, it is required that all subdivision proposals greater than 25 lots or five acres, whichever is the lesser, shall include base flood elevation data.*

(4) *Where the subdivision and other new development lies partially or completely in the floodprone areas, the plan map shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall also show contours at intervals of two or less feet, depending upon the slope of the land, and shall identify accurately the boundaries of the floodprone areas. Property with slopes less than 20 percent shall show contours at intervals of two feet.*

(c) *Design criteria. For additional information required for purposes of flood hazard mitigation in proposed subdivisions or other developments which are within the floodplain districts as delineated, the following additional provisions shall be met:*

(1) *All new or replacement sanitary sewer facilities and private package sewage treatment plants, including all pumping stations and collector systems, shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.*

(2) *All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and shall be located and constructed to minimize or eliminate flood damages.*

(3) *All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall ensure drainage away from buildings and on-site waste disposal sites. Drainage plans shall be consistent with facilities' discharge of excess runoff into adjacent properties.*

(4) *All utilities such as gas lines, electrical and telephone systems being placed in floodprone areas should be located, elevated, where possible, and constructed to minimize the chance of impairment during a flooding occurrence.*

(5) *All electric water heaters, electric furnaces and other critical electrical installations shall be permitted only at elevations at or above the level of the 100-year flood.*

(6) *Water supply systems, sanitary sewage systems, and gas and oil supply systems shall be designed to preclude infiltration of floodwaters into the systems and discharges from the systems into floodwaters.*

(7) *Adequate drainage shall be provided to minimize exposure to flood heights.*

(8) *The preliminary plat requirements shall include a map showing the location of the proposed subdivision and/or land development with respect to any designated flood district, including information on but not limited to, the 100-year flood elevations, boundaries of the floodplain district, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.*

(Code 1997, § 66-639)

Sec. 66-560.1 – Construction Design Standards

(a) All new construction and substantial improvements that are located in the flood hazard district shall be designed in accordance with flood protection requirements of the Virginia Uniform Statewide Building Code referenced in section 14-1 of the county code.

(b) All new construction and substantial improvements that are located in the flood hazard district shall be constructed in accordance with the following criteria:

(i) All new construction and substantial improvement shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(ii) All residential structures shall have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with 44 CFR 60.6 (b) or (c).

(iii) All non-residential structures shall (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(iv.) Where a non-residential structure is intended to be made watertight below the base flood level, (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of 44 C.F.R. 60.3(c)(3)(ii) or (c)(8)(ii), and (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained with the official designated by the community under 44 CFR 59.22(a)(9)(iii).

(v.) For all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(vi.) Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones AI-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Sec. 66-561. - Regulation of real estate sales in flood hazard areas.

(a) Any owner or partial owner of real estate or his agent and any real estate broker or his agent who contracts to sell or sells real estate in the flood hazard district without first notifying in writing the buyer or his agent that such real estate is subject to floodplain regulations shall be subject to the penalties set forth in subsection (c) of this section.

(b) Floodplain regulations referred to in subsection (a) of this section include the requirements of this chapter, subdivision regulations set forth in chapter 52, and building codes set forth in chapter 14 that impose restrictions specifically relating to flooding on the whole or a portion of the lands.

(c) The penalties for violation of subsection (a) of this section may, at the discretion of the court, include:

- (1) Rescission of the contract at the option of the buyer.
- (2) Payment to the buyer of damages he may have suffered whether the buyer rescinds the contract or not.
- (3) A fine of not more than \$1,000.00.

(Code 1997, § 66-640)

Sec. 66-562. - Penalties.

In addition to the penalty prescribed in section 1-15, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article; the imposition of a fine or penalty for any violation or noncompliance or permitting it to continue; and all such persons shall be required to correct or remedy such violations or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this article may be declared by the board of supervisors to be a public nuisance and abatable as such.

(Code 1997, § 66-641)

Sec. 66-563. - Liability.

The granting of a permit or approval of a subdivision or development plan in an identified floodprone area shall not constitute a representation, guarantee or warranty of any kind, by the county or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the county, its officials or employees.

(Code 1997, § 66-642)

Secs. 66-564—66-580. - Reserved.

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>

6. General Business:

a. Actionable Items:

There were no actionable items before the Board.

b. Information Items:

1. Presentation by William King Museum

Ms. Marcy Miller, Executive Director of the William King Museum (WKM), addressed the Board and provided an update on the WKM.

Ms. Miller began her presentation by reviewing history of the WKM and explained the museum was accredited in 2004 by the American Association of Museums, and is the only accredited museum within a 100 mile radius from here to Roanoke, VA. The current mission of WKM is to use art as a tool to educate both children and adults; to serve as a museum showcase for local artists; showcase and preserve the cultural heritage; and bring rotating exhibits of works of art from around the nation and world to our diverse audience. At present, WKM has two modern galleries showcasing the finest contemporary art from the region and world; and a cultural heritage gallery. The WKM is a key regional educational and cultural resource that offers dynamic programs where participants' lives are enriched by the power and excitement of the visual arts. The VanGogh Outreach Program at WKM is based on the Virginia Standards of Learning criteria. The program serves 3,200 second grade students, 16 teachers in 60 schools across 12 school districts.

Ms. Miller next reviewed issues WKM is facing today. The location of WKM is not visible; not within walking distance of downtown pedestrian areas; and the entrance is hard to find. The WKM building is old with outdated infrastructure and high maintenance costs, which has caused their debt to increase. The WKM needs financial support and partners. She explained the WKM Board of Directors voted to sell the 20+ acre property for the asking price of \$2.3 million, and to relocate to a heavily foot-trafficked segment of downtown Abingdon. This would make the WKM become more visible, accessible, more cost efficient and generate increased tourist traffic. WKM is currently searching for property in the downtown area that would accommodate a 20,000 sq. ft. building. Ms. Miller stated talks have been held with Barter Theatre on educational programs and sharing of multi-use space.

Ms. Miller explained WKM plans to vacate the existing building by the end of July 2011. At that time, WKM will close their exhibitions and relocate to a temporary space in the downtown Abingdon area where they will begin fundraising efforts to construct a new museum. She stated the educational programs would continue during the transition. Ms. Miller concluded her presentation by sharing statistics from the Virginia Association of Museums about the economic impact of museums.

Ms. Carol Jones, President of WKM Board of Directors addressed the Board and spoke of the economic benefits of WKM. Ms. Jones petitioned the Board for funding and support during the next fiscal year and stressed the impact of WKM on the citizens of Washington County today and in the future.

Substantial discussions ensued among the Board, Ms. Jones and Ms. Miller.

Ms. Mumpower stated that the WKM is a tremendous asset to Washington County. She stated during the recent Virginia Association of Counties Annual Conference a lot of information was distributed about the importance of tourism.

No action was taken by the Board.

2. Presentation Concerning School Board Funding of Student Achievements and Activities

Dr. Foney Mullins, Assistant Superintendent, Washington County Public Schools addressed the Board and made a presentation on funding of student achievements and activities. Dr. Mullins noted that he was accompanied by Gary Catron, Instructional Supervisor of High School and Dr. Barry Yost, Supervisor of Career and Technical, Adult and Alternative Education. Dr. Mullins explained in the 2010-2011 School Budget there were reduced allocations for instructional programs and supplies of \$518,200 to help offset funding shortfalls from the state. This necessitated reductions in many categories including gifted education, allocations to schools for supplies for math, science, English, social studies, field trips, professional development, etc.

Dr. Mullins explained the current balance of the Student Achievement Fund is \$46,733.06. He reviewed the current criteria for use of the Student Achievement Fund as follows:

- Scholarships for Valedictorians and Salutatorians at each high school (\$1,000 for each Valedictorian and \$500.00 for each Salutatorian). Dr. Mullins noted there can be multiple recipients at each level at the four high schools; therefore, complicating the budgeting of this item each year.
- Pay for expenses for students and sponsors to participate at state and national competitions in co-curricular activities. Dr. Mullins explained that co-curricular activities are those activities at each school that are extensions of courses offered during the instructional day (i.e. Agriculture/FFA, Drama/Forensics).

Dr. Mullins noted that student clubs have not been included in the funding allocation formula. There are 105 clubs (academic, service and social) in middle and high schools. Clubs such as the Technology Student Association (TSA) has received funding from various resources such as the Gifted and Talented Education Program. There was a line for the TSA to receive \$4,000. The line item was cut to \$1,800 because of funding reductions. There are service clubs such as 4-H in all of the schools that never receive funding. In concluding his presentation, Dr. Mullins reviewed the breakdown of how money has been

spent since 2003 and explained how the carryover of unspent funds from each fiscal year since 2003 creates the fund balance today.

Dr. Mullins advised the Board that an application form to apply for the funding was included in their agenda packets for review.

Lengthy discussions ensued among the Board, Dr. Mullins and Dr. Yost concerning the Student Achievement Fund established through funding by the Board of Supervisors; the policy set by the School Board to determine how the funds would be distributed; the Scholarships for multiple Valedictorians and Salutatorians; and funding to the three types of clubs.

There was a general consensus among the Board to request the School Board to review its Student Achievement Funding policies and consider ways to provide some funding to additional deserving clubs.

3. Presentation by Virginia Cooperative Extension (VCE) Leadership Council Concerning Proposed VCE Restructuring

Mr. Tom Vandyke, President of the Virginia Cooperative Extension (VCE) Leadership Council for Washington County addressed the Board in response to correspondence from Alan Grant, Interim Director for VCE Virginia Tech announcing the proposed VCE Restructuring Plan.

Ms. Melissa Belcher, member of the VCE Leadership Council for Washington County addressed the Board to discuss Virginia Tech's proposed VCE Restructuring Plan (Agency 229). Ms. Belcher noted she is the parent of two children, and owner of a small cattle farm. She explained Virginia Tech is proposing most of the budget cuts be made to extension programs. The proposal states it would be the responsibility of the locality to decide between having a 4-H, or Agriculture Program agent. There would be no administrative support provided to the agent. Ms. Belcher addressed services that would be moved to a central business center. She stated the proposed VCE Restructuring Plan does not affect the research component of VCE only extension programs. Ms. Belcher explained the Virginia General Assembly has budgeted funds for VCE, and asserted that Virginia Tech is manipulating the funds to spend on research and not extension programs. The VCE Leadership Council for Washington County is asking that the extension program have its own line item in the budget so that funding for extension programs cannot be manipulated.

Ms. Belcher talked about the importance of the programs offered through the Washington County Extension Office. There are 1,791 farms in Washington County that depend on the extension service. The VCE Leadership Council is asking for the Board's support in stopping the proposed restructuring plan and urges the Board to communicate with General Assembly representatives asking them not to accept Virginia Tech's proposal as presented.

Ms. Hannah Thayer, State Secretary for 4-H and member of the Washington County 4-H Program addressed the Board and expressed concerns about the impact of the proposed restructuring plan on 4-H. Ms. Thayer explained since she was eight years old, 4-H has been an important part of her life. She spoke of the many activities the 4-H Program provides for youth including public speaking and agricultural. The 4-H Program places agricultural education in schools along with the Future Farmers of America. Further, the 4-H Program's annual summer camp has a positive impact on children. Ms. Thayer talked about her accomplishments and leadership positions she has held as a result of the 4-H Program;

including serving as the Southwest Virginia 4-H Ambassador last year. Ms. Thayer asked for the Board’s support in opposing the proposed VCE Restructuring Plan.

Ms. Mumpower stated that Ms. Thayer’s presentation is an example of the importance of the 4-H Program and the positive impact it has the lives of students. These children are future leaders.

Mr. Straten explained over the past weekend he participated in the Virginia Association of Counties (VACo) Board of Supervisors Certification Program. The guest speaker at a lunch meeting was from Virginia Tech. The proposed VCE Restructuring Plan was addressed. The Virginia Tech representative advised there would be one agent per county and if a locality wanted an additional agent, they would have to pay for the position. The participates of the VACo Board of Supervisors Certification Program voiced their opposition to the VCE Restructuring Plan, and let the Virginia Tech representative know it was not acceptable. He stated the Washington County Extension Office is probably the most utilized agency in the County. Mr. Straten proposed coordinating with other localities to send letters to legislators strongly opposing the proposed VCE Restructuring Plan.

Discussions ensued among the Board.

On motion of Ms. Price, second by Mr. Owens, the Board acted to request the County Attorney prepare a Resolution from the Board of Supervisors expressing support for the Virginia Cooperative Extension Program; and ask the General Assembly to require Virginia Tech to abandon the plan of restructuring, which they talk about implementing immediately and which lacks any real input from participating localities.

Lengthy discussions ensued among the Board about making calls to legislators and sending e-mails to Governor McDonnell.

Mr. McCall talked about the 4,400 kids in the Washington County School System that are impacted by the 4-H Program.

Ms. Mumpower proposed that a letter be written to Alan Grant at Virginia Tech opposing the VCE Restructuring Proposal, and send him a copy of the Resolution.

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>

4. Review of First Draft of Proposed Board By-laws, General Policies and Operating Procedures for Calendar Year 2011

Mr. Reeter presented the Board with the first draft of the By-Laws, General Policies & Operating Procedures of the Board of Supervisors for Calendar Year 2011. The first draft has a number of proposed

amendments to the By-Laws and General Policies relating to Public Comment Agenda Item at Regular Board Meetings; Board Member Reports Agenda Item at Regular Board Meetings; Agenda Materials Available Via County Website; and New Supervisor Orientation. Mr. Reeter explained a number of proposed changes and additions to the Board's 2011 General Policies are being prepared and will be presented for initial review at the November 23 meeting. The Operating Procedures have been updated to reflect the Calendar Year 2011 holidays and budget preparation meetings.

Discussions ensued among the Board concerning proposed amendments to the By-Laws; particularly the amendments relating to public comment and agenda materials available via the County website.

Ms. Straten proposed the Board consider moving one of their monthly meetings to a day meeting. This would allow visitors not to be out late at night, and keep staff from working late twice a month. A day meeting would provide flexibility to citizens and support staff.

7. Board Member Reports

Ms. Price advised the Board that she would be out of town on November 23 for medical appointments and unable to attend the regular Board meeting.

Mr. Taylor thanked the citizens for allowing him to attend the VACo Annual Conference. He explained that Lieutenant Governor Bolling spoke at one of the sessions on an item important to the County; the Business and Professional Licensure (BPOL) (the County does not implement this revenue source) and the Machinery and Tools Tax, which is an important source of revenue for the County. Mr. Bolling reported that administration is not recommending other revenue sources to replace the BPOL and Machinery and Tools Tax. The Board needs to keep these issues in mind during the upcoming budget preparation cycle. Mr. Taylor stated the County is reaching its maximum property tax rate that can be imposed on its citizens.

Mr. Taylor announced that he does not intend to be a candidate in the 2011 General Election. He has enjoyed his time on the Board of Supervisors and looks forward to serving the remainder of his term.

Mr. Straten reported on the Beaver Dam Creek Park in Damascus. He explained the ballfields are about finished and grass is growing. The park will be a beautiful facility.

Mr. Straten reported he believes all the issues relating to the Damascus Branch Library have been resolved, and the request for proposals should be issued soon.

Mr. Straten reported he has constituent with a ten year old son that has brain cancer. The little boy is currently at St. Jude's in Memphis receiving radiation treatments. He will be coming home around Thanksgiving, and then going back to St. Jude's after Christmas for chemotherapy treatments. This family lives on a 600' stretch of road in the Taylor District (Red Rock Road) that is gravel and dirt. The radiation treatment lowers this boy's immune system. The doctors say he will be sensitive to dust. Mr. Straten reported he has spoken with officials from the Virginia Department of Transportation (VDOT) about this issue. VDOT will chloride the road just before the young boy comes home. Mr. Straten stated VDOT officials have said it is beyond the time to put tar on the road. He further stated he has spoken with the Commissioner of Transportation about this, and the Commissioner assured Mr. Straten he would look into the situation.

Mr. Straten discussed the proposed VCE Restructuring Plan. He explained in addition to the Resolution, he would like consensus of the Board to contact other localities encouraging them oppose the plan.

Ms. Mumpower inquired about the best approach.

Mr. Reeter explained he would contact county administrators in the region to make sure they are aware of the plan. He further explained that he would give wide distribution to the Resolution, including sending it to other localities.

Mr. McCall said agriculture is a jewel in Washington County; and the County may need to lead Southwest Virginia in opposing the plan.

Further discussions ensued in regards to the proposed VCE Restructuring Plan.

Mr. Owens reported on the Tyler Election District Public Information Meeting scheduled for Tuesday, November 30, 2010, 7:00 p.m., at Valley Institute Elementary School. He explained after the Public Information Meeting, Sheriff Fred Newman would meet with his constituents to form a Neighborhood Watch.

Ms. Mumpower reported that on the way back today from the VACo Conference there was paving of roads taking place in Botetourt County. She believes there still may be an opportunity to have tar placed on Red Rock Road.

Ms. Mumpower reported on the VACo Conference and expressed appreciation for the opportunity to attend. She explained the conference was very informative. The State continues to face major budget issues, which will have an impact on the County's budget.

8. Board Information and Reminders

Mr. Reeter reviewed Board information and reminders.

Ms. Phillips thanked the Board for their support in allowing her to participate in the Local Government Attorneys Conference. She reported that Joe Howard received his recognition from the Board of Supervisors and was very pleased.

9. Adjourn or Recess

On motion of Mr. McCall, second by Ms. Price, it was resolved to recess the meeting to 6:30 p.m. on November 10, 2010, for a joint meeting with the Washington County Industrial Development Authority.

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>

11-09-10 17336

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

Prepared by:

Naoma A. Norris, Recording Clerk

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

Dulcie M. Mumpower, Chairman