

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, February 8, 2011, 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
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

ABSENT:

Phillip B. McCall

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 stated that Mr. McCall's brother passed way today.

2. Invocation and Pledge of Allegiance

A moment of silence was observed for Phil McCall and family.

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

3. Approval of Agenda

Mr. Reeter explained the agenda was amended to add a closed meeting to be held following approval of the agenda.

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

New Item 3.a. Closed Meeting:

1. *Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(6) for discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected; specifically discussion of the terms and conditions of the Agreement for investment of public funds for establishment of a medical school by King College in Washington County.*

The vote on this motion was as follows: (6-0)

<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>

3.a. Closed Meeting

1. **Request for Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(6) for discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected; specifically discussion of the terms and conditions of the Agreement for investment of public funds for establishment of a medical school by King College in Washington County.**

On motion of Mr. Owens, second by Mr. Taylor, the Board acted to convene in Closed Meeting pursuant to Virginia Code Section 2.2-3711(A)(6) for discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected; specifically discussion of the terms and conditions for investment of public funds for establishment of a medical school by King College in Washington County. It was further resolved to include County Administrator Mark Reeter, County Attorney Lucy Phillips and Assistant County Administrator/Community and Economic Development Director Christy Parker in the closed meeting.

The vote on this motion was as follows: (6-0)

<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>

After returning to the meeting, the Chairperson noted that upon motion of Ms. Price, second by Mr. Owens and favorable vote, the Board of Supervisors reconvened in open meeting. The Chairperson called for any participant in the closed meeting(s) who believed that there was a departure from the requirements of the Virginia Freedom of Information Act during the closed meeting(s), to state the

substance of the departure that they believed took place. No members of the Board responded to the Chairperson's call for statements.

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

The vote on this motion was as follows: (6-0)

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

a. Approval of Minutes:

- 1. January 20, 2011 Recessed Meeting**
- 2. January 25, 2011 Regular Meeting**
- 3. January 27, 2011 Recessed Meeting**

Note: Mr. Taylor was absent at the January 20, 2011 recessed meeting. Therefore, he abstained from voting on this particular set of minutes.

b. Approval of Routine Financial Matters:

No financial matters were presented to the Board.

c. Award of Bids and Approval of Contracts:

No bids or contracts were presented to the Board.

d. Authorization of Routine Business Matters:

No routine business matters were presented to the Board.

The vote on this motion was as follows: (6-0)

<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:

1. Consideration of Dog Damage Claim, Delores Stein

Sergeant Jason Alexander with the Washington County Animal Control Department addressed the Board and presented testimony in the dog damage claim of Delores Stein. Sergeant Alexander explained this claim dates back to December 2009, at which time; Ms. Stein had two sheep killed. He distributed pictures to the Board of the dead animals and of the unusually large paw prints around the bodies of the animals. The Board was also provided with pictures of wild cat tracks that were taken from the internet. Sergeant Alexander further explained the sheep could have been killed by a wild animal, and he could not say with any degree of certainty that the sheep were killed by dogs. It appears to be the doings of a wild cat. He advised that Ms. Stein has acquired a donkey to use as a guard animal and has had no further problems.

Discussions ensued among the Board.

Mr. Owens explained based on his experience in investigating cases where animals were killed by dogs that the marks on the sheep do not appear to have been caused by a dog. He had goats attacked by dogs; the attack sites on his goats were different than the ones found on Ms. Stein's animals.

Sergeant Alexander explained normally damage to an animal caused by dogs is to the rear of the animal and around their ear and snout. It is not often damage is seen in the throat area. However, depending on the type of dog an attack could be made to the throat area.

Further discussions ensued.

On motion of Mr. Owens, second by Mr. Straten, the Board acted to deny payment of a Dog Damage Claim to Delores Stein because the testimony presented by the Animal Control Officers provides evidence the animals were not killed by dogs.

The vote on this motion was as follows: (6-0)

<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*

2. Consideration of Dog Damage Claim, Buck Hutton

Sergeant Alexander addressed the Board and presented testimony in the dog damage claim of Buck Hutton. He explained Mr. Hutton suffered considerable loss of animals due to what several neighbors described as being caused by domestic dogs. Sergeant Alexander stated that Mr. Hutton's neighbors were helpful in providing description of the dogs. As a result, two animals were found on Old Mill Road crossing over some farm property. Pictures of the dogs were taken and shown to Mr. Hutton's neighbors. The neighbors however stated they could not testify in court with any degree of certainty that the dogs in the photographs were the same ones that killed Mr. Hutton's animals. He further explained that Animal Control spoke with the owners of the dogs, but there was no concrete evidence to bring charges against them. Mr. Hutton has had no more problems or additional animals killed.

Note: Accompanying Mr. Alexander was Animal Control Officer Wes Wright.

Discussions ensued among the Board.

Ms. Price questioned if the damages observed to Mr. Hutton's animals was consistent with injuries caused by domesticated animals.

Sergeant Alexander explained the wounds were fairly consistent with damage causes by dogs. Also, having neighbors witness domesticated dogs with collars in the area was helpful.

Mr. Taylor inquired if Mr. Hutton has guard animals.

Sergeant Alexander explained he is not aware of any.

Mr. Hutton addressed the Board and explained he does not have guard animals.

On motion of Mr. Taylor, second by Mr. Reynolds, the Board acted to authorize payment of a Dog Damage Claim to Buck Hutton in the amount of \$1,200.00.

The vote on this motion was as follows: (6-0)

<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 explained that the County's ordinance specifies that livestock killed must be done so by a domesticated animal in order to be considered for a dog damage claim. This is the reason for the Board's position on the dog damage claim of Delores Stein.

Mr. Taylor added that dog damage claims are paid out of revenue collected from sale of dog tags.

3. Consideration of Authorization of Public Hearings Concerning Application for Community Development Grant Funding for Mendota Community Water System Project

Mr. Doug Canady, Chief Engineer with the Washington County Service Authority (WCSA), addressed the Board on behalf of Robbie Cornett, General Manager. Mr. Canady explained that Mr. Cornett is out of town and sends his regrets.

Mr. Canady explained the WCSA seeks the Board of Supervisors support in applying for Community Development Block Grant funds (CDBG) to improve the water supply in the Mendota community, and further to request authorization to submit the CDBG application on behalf of the County; as is required by the CDBG Program. He further explained the WCSA, on behalf of the County, submitted a CDBG application last year for the same project and was unsuccessful. WCSA staff has since worked with the Virginia Department of Housing and Community Development and Mount Rogers Planning District Commission (MRPDC) to identify weaknesses in last year's application. WCSA is working to correct the weaknesses. A preliminary engineering report is being completed by Lane Engineering. They will also assist WCSA in preparing the CDBG application. In addition, MRPDC is conducting an income survey. These were the two major weaknesses identified. It is anticipated there will be better success with the new application. Mr. Canady noted the CDBG application is due by the end of March and will be

Mr. Canady next explained the scope of the project includes:

1. The Mendota community is served by a single well. Regulatory limitations require the WCSA to keep the connections to 60. This limit has been reached. The WCSA has no other water line located near the community to supplement or replace the well.
2. The well contains iron and manganese. While the iron and manganese do not present health related problems they do present esthetic problems. WCSA treats the water. However, the water still has an unpleasing taste, especially in heated beverages. It also stains laundry and plumbing fixtures. The cost for removing the iron and manganese is expensive both from maintenance and operation.
3. The WCSA has determined through findings of a Preliminary Engineering Study and Report prepared for the WCSA by the Lane Group, that the most feasible solution to correcting the water source problems would be to connect to the Scott County Public Service Authority System, They have a water line located near the County line about 3,000 feet from a connection with the Mendota System.
4. The estimated project cost is \$450,000.

Mr. Canady advised the Board of water quality issues that Scott County is experiencing at the current time with a higher than allowable level of disinfection by-product in the water. They are mandated by the Virginia Department of Health to get those levels down. WCSA is working with them to correct the problems. He stated that WCSA will not spend any CDBG funds to purchase water from Scott County until there is an assurance their water quality issues have been corrected.

Mr. Canady concluded by explaining the WCSA will hold a community meeting in Mendota on February 10 beginning at 7:00 p.m. at the Mendota Community Center to make the community aware of the project. He explained two public hearings will be required to be held by the Board of Supervisors and are proposed for the March 8 and March 22 regular meetings of the Board.

Mr. Owens explained he recently met with the Mendota Community Association and mentioned to the group that the WCSA would be holding a public information meeting about the Mendota Community Water System Project. He stated that the people in Mendota need better water.

On motion of Mr. Owens, second by Ms. Price, the Board acted to authorize the public hearings required for application for 2011 Community Development Block Grant funds.

Discussions ensued among the Board and Mr. Canady regarding matching funds for the CDBG application and issues pertaining to connection fees for any new users of the Mendota water system.

Mr. Canady noted that matching funds will need to be considered during the application process. Further, the primary purpose of the Mendota Community Water System Project is to improve water quality for existing customers; therefore, user fees should not be a factor.

In another matter, Mr. Canady explained a joint meeting between the Washington County Board of Supervisors, WCSA Board of Commissioners and the Washington County Industrial Development Authority has been requested so that Lane Group/Olver Incorporated may present the findings of the Western Washington County Sewer Collection and Treatment Study. The study will be completed at the end of March. The joint meeting has been tentatively scheduled for April 21, 2011, 6:30 p.m.

Mr. Reeter stated the venue for the joint meeting will most likely be the Southwest Virginia Higher Education Center.

The vote on this motion was as follows: (6-0)

<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>

At this time, the Board received comments from Ms. Delores Stein regarding her dog damage claim.

b. Information Items:

1. Update Presentation Concerning Virginia Cooperative Extension

Ms. Mumpower explained the Board was provided with a letter from the President of Virginia Tech announcing the direction has been changed in regards to the restructuring of the Virginia Cooperative Extension. The Boards involvement in this matter was effective.

Mr. Reeter added the letter from Virginia Tech summarizes the issues well. Virginia Tech has made the decision to step back, regroup and propose restructuring in a different way.

Discussions ensued among the Board.

6. Board Member Reports

Ms. Price commented on the dog damage claim of Delores Stein, and explained the County's Animal Control Ordinance requires the individual making the dog damage claim to show evidence that they attempted to recover their expenses from the dog owner, if the dog owner is known. The ordinance requires the Board to be good stewards of taxpayer dollars.

Ms. Price reported on a recent board meeting of the Southwest Virginia Regional Jail Authority (SWVARJA) that she attended. Board members were notified that it would cost more for localities to house inmates at the regional jails in the next fiscal year.

Ms. Price explained the SWVARJA is considering expansion of all three regional jail facilities (Abingdon, Haysi and Duffield) at an estimated cost of \$34,000,000.00. It is anticipated that the state will pay half of the expansion costs. She further explained the Virginia Department of Corrections (DOC) is leaving their prisoners in the local jails longer than they have in the past. The DOC is picking up only those inmates that receive sentences in excess of two years, and then only if there is space in a DOC facility. In the past, DOC picked up prisoners with sentences of one year or more. There are currently about 400 prisoners in the Abingdon Regional Jail that are DOC responsible prisoners, which the localities are helping to pay for. In all likelihood, the SWVARJA would not be considering expansion of their jail facilities if the DOC were picking up their prisoners.

Mr. Taylor commented on Ms. Price's report and explained the state built a new prison facility in Grayson County that is sitting empty. Approximately \$1,000,000 a year is spent to keep the facility open while DOC is placing the responsibility for care of their inmates on local governments. The State should do a better job.

Mr. Taylor reported on a call he received from Delegate Joe Johnson about a bill regarding sovereign immunity. This legislation is gone for this session of the General Assembly.

Mr. Owens reported on a Library Planning Committee meeting he attended. The new library in Glade Spring appears to be doing well. The Damascus Branch Library Project remains in limbo. There is a hold up with funds from the Virginia Department of Transportation (VDOT). He explained the Library Planning Committee discussed ways to get VDOT to release this money, as this has been an on-going issue for about four years now. Mr. Jack McCrady, Mayor, Town of Damascus, is going to request the Damascus Town Council adopt a resolution urging VDOT to make the money available. Mr. Owens asked if the Board would consider adopting a similar resolution. He stated the people in Damascus are becoming discouraged.

Mr. Owens noted that Library Director Charlotte Parsons overlooked inviting Supervisor Straten to the Library Planning Committee meeting.

It was consensus of Board to direct the County Administrator to prepare a resolution encouraging VDOT to release funds for the Damascus Branch Library Project, and bring this resolution before the Board at the February 22 Board meeting.

Ms. Mumpower thanked Administrative Supervisor Naoma Norris for preparing a letter opposing legislation that would affect the Crooked Road. The legislation was tabled for this session of the General Assembly.

7. Board Information and Reminders

Mr. Reeter reviewed the following Reminders and Board Information:

Reminders:

- Grand Opening of New Glade Spring Branch Library – Saturday, February 12, 3:00-5:00 PM. (305 North Glade Street, Glade Spring)

Information:

- Mr. Reeter explained the official census data has been released. Washington County's population is 54,876. This is a 7.4% increase in population since the figures of 2000, which were 51,103. The County is one of the few localities in the region that experienced an increase in population. Mr. Reeter noted the US Census Bureau has not directly sent information to the County that would assist in the redistricting process. The County Attorney will hold an organization meeting of the County Redistricting Committee in the near future.
- Representatives from Senator Mark Warner's office will be traveling around the Commonwealth holding a series of meetings with constituents. The meetings are called "Warner on your Corner." Meetings will be held at the Bristol Public Library on the second Wednesday of each month from 10:00 a.m. to 12:00 p.m. beginning on February 9.
- Compromise reached on HB 1588 and SB 1350 dealing with reassessment of real estate.
- The Transient Occupancy Tax is effectively headed to Governor McDonnell for signature. This legislation has been through the House of Delegates and is now going through the reconciliation process.
- Report made on the Legislative Day trip to Richmond.

Mr. Taylor provided a report on two sub-committee meetings he attended while in Richmond for Legislative Day; one relating to alternative sewer systems and the second with Urban Development Areas.

8. Adjourn or Recess

On motion of Ms. Price, second by Mr. Owens, it was resolved to adjourn the meeting.

The vote on this motion was as follows: (6-0)

<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