



AGENDA

WASHINGTON COUNTY BOARD OF SUPERVISORS

NOVEMBER 29, 2012 RECESSED MEETING

7:00 PM

JOHN S. BATTLE HIGH SCHOOL AUDITORIUM

ITEM	TOPIC	PRESENTER
1.	Call to Order and Welcome	<i>Chair</i>
2.	Approval of Meeting Agenda	
3.	Overview of Purpose of Meeting and Review of Meeting Procedures	<i>Lucy Phillips</i>
4.	Speaker Presentations:	
a.	Leon Boyd, Vice President, Field Operations - Noah Horne Well Drilling, Inc.	
b.	Greg Kozera, Sales Manager - Superior Well Services	
c.	Jon Bowerbank, President/CEO - EMATS, Inc.	
d.	Rick Cooper, Director, Division of Gas and Oil - Virginia Department of Mines, Minerals and Energy	
5.	Ten-Minute Recess	
6.	Question & Answers from the Board of Supervisors	
7.	Adjourn or Recess	

AMENDMENT(S) TO THIS AGENDA (IF ANY) ARE ATTACHED FOLLOWING THIS PAGE

WASHINGTON COUNTY BOARD OF SUPERVISORS

JOSEPH C STRATEN
Chair
E-11 "Taylor" Election District
PHILLIP B. MCCALL
Vice-Chair
A-11 "Harrison" Election District
RANDY L. PENNINGTON
B-11 "Jefferson" Election District
WILLIAM B. GIBSON
C-11 "Madison" Election District
C. WAYNE STEVENS, JR.
D-11 "Monroe" Election District
ODELL OWENS
F-11 "Tyler" Election District
DULCIE M. MUMPOWER
G-11 "Wilson" Election District

WASHINGTON COUNTY ADMINISTRATION

NADINE S. CULBERSON
County Administrator
LUCY E. PHILLIPS
County Attorney
MARK W. SEAMON
Director of Budget & Finance

BOARD OF SUPERVISORS REGULAR MEETINGS

SECOND & FOURTH TUESDAY EACH MONTH
6:30 PM

Board Auditorium
County Government Center
1 Government Center Place
Abingdon, Virginia 24210

www.washcova.com

NEXT REGULAR MEETING: TUESDAY, DECEMBER 11, 2012, 6:30 PM



MEETING AGENDA ITEM

◀ PREVIOUS AGENDA ITEM

▲ RETURN TO AGENDA ▲

NEXT AGENDA ITEM ▶

AGENDA ITEM:

Overview of Purpose of Meeting and Review of Meeting Procedures

ITEM TYPE:

Information

MEETING DATE:

November 29, 2012

ATTACHMENT(S):

ATTACHMENT 1 ▶

Natural Gas Extraction Presentation – Speaker Information

ISSUE(S):

Southeast Land & Mineral, LLC, (SELM) has requested that the Washington County Board of Supervisors amend the County Zoning Ordinance (Chapter 66 of the *2002 Code of the County of Washington, Virginia*) to allow extraction of natural gas via the installation and operation of gas wells in various locations in the western portion of the County, which is currently not a use expressly permitted by right or by Special Exception anywhere within Washington County under the current County Zoning Ordinance. SLEM's request was initially reviewed by the Joint County Planning & Land Use Committee, which consists of two members of the Washington County Planning Commission and two members of the Board of Supervisors in 2011. After hearing separate presentations from representatives of the Virginia Department of Mines Minerals and Energy (DMME), which regulates natural gas extraction in the Commonwealth, and SELM, the Joint Committee determined that the issues involved with natural gas extraction were sufficiently complex to the extent that it would be best if a panel of experts were convened to give presentations directly to the local legislative bodies that must ultimately decide whether the requested use should be allowed by amendment of the County Zoning Ordinance and (possibly) the County Comprehensive Plan. Therefore, a panel presentation scheduled for January 23, 2012, was organized and held. The purpose of that presentation was to provide information to members of the Planning Commission and Board of Supervisors, as well as the interested public that would be helpful to a local legislative decision of whether to allow extraction of natural gas in Washington County.

Following the panel presentation on January 23, 2012, the Board of Supervisors authorized Mr. Odell Owens to arrange a training session for the Board to learn more about the process of drilling natural gas including hydraulic fracture stimulation. Mr. Arvel Nelson with Southeast Land & Mineral, LLC and Mr. Tony Holbrook, Land Surveyor worked with Mr. Owens to identify presenters that work in the natural gas extraction industry. The speakers will provide the Board with information based on their experience working in the field.

DESIRED ACTION(S):

The panel presentation is organized as follows:

The presentation is planned to be completed within three hours. Three (3) speakers from the natural gas extraction industry have agreed to speak. Mr. Rick Cooper, Director, Oil and Gas Division, Virginia Department of Mines, Minerals and Energy, will participate in the panel presentation to answer questions from the Board. Information concerning these speakers is provided as Attachment 1. Each speaker will be allowed twenty (20) minutes for his presentation. After all three speakers have given their presentation, each speaker will be allowed an additional five (5) minutes to respond to comments made by the other speakers in the event that clarification or response would be helpful. After all presentations have been completed, the members of the Board of Supervisors will be invited to ask questions of the presenters. It is requested that questions be presented in writing, if possible in advance of the meeting, to allow the speakers to be prepared to provide the response. If the program stays on schedule, the program will allow for a ten (10) minute intermission and approximately thirty (30) minutes for questions and answers.



STAFF RECOMMENDATION(S):

This panel presentation is for Board of Supervisors information only. No action will be taken.

SUGGESTED MOTION(S):

N/A



**PANEL PRESENTATION
NATURAL GAS EXTRACTION
IN WASHINGTON COUNTY, VIRGINIA**

**Thursday, November 29, 2012 @ 7:00 p.m. – 10:00 p.m.
John Battle High School Auditorium
21264 Battle Hill Drive; Bristol, Virginia 24202**

SPEAKER BIOGRAPHIES

- **Greg Kozera – Sales Manager, Superior Well Services**

Mr. Kozera is a father, grandfather, registered professional engineer with a Masters in Environmental Engineering and over 35 years of experience in the natural gas and oil industry. He is the Southern Appalachian Region Sales Manager for Nabors Completion and Production Services. Mr. Kozera is also the current President of the Virginia Oil and Gas Association.

Mr. Kozera is a leadership coach and the author of three books and numerous technical papers and articles. He is also a regular industry and newspaper columnist, radio personality as well as a professional speaker. Mr. Kozera is a high school soccer coach whose teams have made 8 West Virginia State Tournament appearances and just won their fourth consecutive State Championship and had an undefeated season.

Mr. Kozera's new book *Just the Fracks Ma'am, The TRUTH about Hydrofracking and the Next Great American Boom* has recently been released and is available at all major on line outlets, like Amazon.com, Barnes & Noble and Books a Million.

- **Leon Boyd -- Vice President of Field Operations, Noah Horn Well Drilling**

Mr. Boyd graduated Grundy High School in 1985 and began work with Noah Horn Well Drilling in 1987. He has worked in the gas and oil drilling since 1990. In 2005, he became the Vice President of Field Operations for Noah Horn. In his work as Vice President of Field Operations he manages the drilling and trucking divisions of the company.

Mr. Boyd currently serves on the Virginia Oil and Gas Association board of directors, and he has been a member of the Virginia Water Well Association since 1999. He also works closely with the Virginia Department of Game and Inland Fisheries on wild life restoration and conservation.

- **Jon Bowerbank – President/CEO, EMATS, Inc.**

Mr. Bowerbank is founder and principal of EMATS, Inc., which was established in 1998 to provide the energy business with quality contractual Energy, Engineering, Management and Technical Support services (EMATS). The company has offices in Virginia, West Virginia, North Carolina, Kentucky, Wyoming, and Texas, and provides support services for projects across North America.

Mr. Bowerbank earned a degree in Chemical Engineering from University of Michigan and a degree in Financial Administration and History from Michigan State University. His work history encompasses over 30

years of diversified industrial knowledge and allied operational experience; the last 19 of which have been spent specifically within the oil and gas industry, with particular focus in the areas of asset management, business development, engineering, operations, marketing, sales, transportation and administration.

Mr. Bowerbank currently serves as Supervisor-at-Large for the Russell County Board of Supervisors.

- **Rick Cooper – Director of Division of Gas and Oil, Virginia Department of Mines, Minerals, & Energy**

Mr. Cooper is the Director of the Virginia Division of Gas and Oil with the Virginia Department of Mines, Minerals and Energy (DMME). Mr. Cooper has worked with DMME for 19 years. He has over 30 years of experience in the Gas and Coal industry. Mr. Cooper has a B.S. degree in Mining Engineering and a B.S. in Management of Human Resources.

Briefly

East Tenn. fires intentionally set

KNOXVILLE, Tenn. — Tennessee forestry officials say someone has been setting fires along the Cumberland Trail. Four fires erupted on Saturday alone, burning a total of over 200 acres. Fires of suspicious origin last week were in Campbell, Scott and Anderson counties. Assistant District Forester Nathan Waters told WVLT-TV the burn patterns indicate the fires spread from intentional sources. Nearly 12,000 acres have burned so far this year in Tennessee. Very dry woods conditions in East Tennessee have caused forestry officials to halt issuing burn permits until moisture improves. Arson is a felony and can bring prison terms upon conviction.

Late rains, cooler weather save Tenn. crops

NASHVILLE, Tenn. — With most of the harvest done in Tennessee, farmers are lamenting the loss of corn but say timely rains that began midsummer saved most other crops. Cotton is expected to finish among the best per-acre yields ever.

Richard Buntin, extension director for the University of Tennessee Extension in Crockett County, said the U.S. Department of Agriculture estimated 861 pounds per acre. "That would be the fourth-largest yield on record," Buntin said.

Tobacco also is strong. Burley tobacco specialist Dr. Paul Denton, with the University of Tennessee and the University of Kentucky, said the crop was of high quality and average yield.

Denton said the prices leaf is commanding are approaching those seen before the 2004 tobacco buyout. And while floor sales quickly reflect demand, Denton said at least one tobacco company that contracts for leaf is rewriting agreements with producers to pay them more.

He explained that the burley crop fared much better than corn during a summer drought because of a fundamental difference between the crops. "You're growing leaves, not seeds," Denton said of tobacco. Still, he was amazed by how well burley rebounded from a deep drought in June.

Soybeans also rebounded after the rain began falling in July. Willis Jepson and his father, William, farm about 4,000 acres around Portland near the Kentucky line. The younger Jepson said he got a soybean yield of 55 bushels per acre. The crop usually makes around 40 bushels an acre on his land.

The corn was another story. Jepson said his yield of about 50 bushels per acre was a pale shadow of usual production, around 150 bushels an acre. The crops were insured, but he said "we'd a lot rather have a crop to sell than collect insurance."

It costs the Jepsons about \$600 per acre to plant corn, and a yield of 100 bushels per acre is the break-even point.

The farm lost about \$500,000 on the corn, which was their largest acreage.

Tom Womack, a spokesman for the Tennessee Department of Agriculture, said the corn crop in Tennessee was the lowest in 20 years. He also said how well farmers fared depended a lot on where their fields were.

"There are a number of farmers in northwest Tennessee that never did recover from the drought," Womack said.

Cooler temperatures and timely rainfall in the latter half of summer also is helping livestock producers by keeping pastures in decent condition, Womack said.

"Livestock farmers aren't having to feed (hay) as much this year as they sometimes do," he said.

Other crops struggled with an April freeze and then a late spring drought. Womack said the loss in berries ranges from partial to complete, but irrigated berry crops fared better.

Report: Va. public-private roads act needs more legislative oversight

Southern Environmental Law Center says PPTA puts burdens on taxpayers, puts profits ahead of sound planning

The Associated Press

CHARLOTTESVILLE, Va. — A study released Monday questions the public benefits of Virginia's Public-Private Transportation Act and recommends the General Assembly play a greater role in overseeing the road-building process.

The study prepared by the

Southern Environmental Law Center states that the act was intended to supplement the traditional, publicly funded approach to transportation improvements, but private-public projects now dominate.

"The PPTA is flawed, and this report raises significant doubts about how effectively it serves the public interest," Trip Pollard, a SELC spokesman, said in the statement. "Taxpayers are footing the bill for many PPTA project costs, while the public picks up the rest of the tab through tolls. All too often, the deals have been cut to allow profits to be put ahead of sound transportation planning."

The report states that the consortiums "understandably

negotiate to reduce their risk, with as high a return as possible, over as long a time period as possible." It continues, "This evolution in the use of PPTA should not be surprising given the private sector's motivation to maximize return within a low-risk environment."

As a result, the report questions whether the partnerships are producing projects "with as low a price as possible" and whether environmental impacts are being fully considered.

The study said public-private partnerships can complement the traditional system of road building, provided "adequate safeguards are in place to ensure that public interests are protected."

"These safeguards include a more transparent process to the public, independent reviews or project development and procurement decisions, and better rules for managing risk and deciding public subsidy levels," the study concludes.

Among its findings: More transportation decisions are made by fewer people who serve at the pleasure of the governor.

The National Environmental Policy Act should be a "starting point" for any transportation project.

Even though PPTA guidelines stress the need for competition, that is not always the case.

While only four PPTA projects have been completed since the law's implementation in 1995.

Tenn. House GOP returns Harwell as speaker

Judd Matheny dropped from No. 2 slot in Republican House leadership

The Associated Press

NASHVILLE, Tenn. — Members of the House Republican caucus on Monday unanimously nominated Speaker Beth Harwell for another term in charge of the chamber, but ousted Rep. Judd Matheny from the No. 2 slot.

Matheny, R-Tullahoma, was defeated by Rep. Curtis Johnson of Clarksville in a secret ballot.

Matheny announced in August that he was mulling a challenge to Harwell for speaker because he felt marginalized by other Republican leaders. He said they worked to dilute his key legislative initiatives ranging from loosening gun laws to battling what he perceived as the spread of Islamic law in the United States.

He later abandoned that bid in favor of another term in his current role, but by that point, Johnson had already begun to round up support for the position.

"We all need to pull together, we should all remember that our caucus tent is big enough to have different opinions," Johnson said before the vote.

Matheny left before the House GOP meet-



THE ASSOCIATED PRESS
Republican Beth Harwell renominated for Speaker of Tennessee House.

ing ended and did not speak to reporters. He was a main sponsor of a 2011 bill that sought to make it a felony to follow some versions of the Islamic code known as Shariah law.

Hundreds of Muslims came to the Legislature to express fears the measure would outlaw central tenets of Islam, such as praying five times a day toward Mecca, abstaining from alcohol or fasting for Ramadan.

The heavily watered-down law ultimately enacted by the Legislature bore little resemblance to the original proposal and

references to any specific religion were removed.

Matheny also clashed with House leaders over a bill seeking to guarantee employees the ability to store firearms in vehicles parked at work. Matheny rejected property rights concerns raised by several fellow Republicans in the House.

Harwell said the fact that only the major leadership position was challenged illustrates the level of unity within the caucus.

"There's not the dissention that some might think within the caucus," she said. "I think we have a great leadership team in place."

Harwell also welcomed Johnson's victory.

The speaker and the speaker pro tempore are the only positions elected by the entire House membership, but as Republicans hold 70 of 99 seats in the chamber, the official votes are expected to be little more than a formality.

Majority Leader Gerald McCormick of Chattanooga was unopposed for another term, and Rep. Glen Casada of Franklin was elected Republican caucus chairman, a position vacated by the primary defeat of Rep. Debra Maggart of Hendersonville.

Rep. Curry Todd, who was absent from the meeting, failed to be re-elected to fiscal review committee. The Collierville Republican has a court date this week in Nashville on drunken driving and gun charge.

Liberty

From Page A5

tion said it did not oppose Liberty's request.

Liberty is challenging the requirement that most individuals obtain health insurance or pay a penalty as well as a separate provision requiring many employers to offer health insurance to their workers.

Liberty law school dean Mathew Staver said, "This case now will go back to the federal court of appeals where we will address the undecided issues that the Supreme Court did not address."

When Liberty's case was in front of the 4th Circuit, Judge Andre Davis broke with his colleagues who thought the challenge was premature. Davis said of Liberty's claims, "I would further hold that each of appellants' challenges to the act lacks merit."

The appeals court could ask the government and the college for new legal briefs to assess the effect of the Supreme Court ruling on Liberty's claims before rendering a decision.

Liberty's case joins dozens of other pending lawsuits over health reform, many involving the requirement that employer insurance plans cover contraception. These cases are working their way through the federal court system.

BVU

From Page A5

ensus in Bristol, Va., that would be about \$85.67 per month for water and wastewater combined. BVU's rates are about \$50 on average, so that means you wouldn't qualify," Wilson said.

Neither the board nor public should misinterpret that information, according to Rosenbalm.

"We are not laying the groundwork for a rate increase," Rosenbalm said during the meeting.

With its most recent increases, the average residential customer pays about \$2.70 more each month for water and \$4.21 more for wastewater, with those funds dedicated to replacing or repairing aging pipes and infrastructure.

Tourism

From Page A5

year, supported 207,000 jobs and provided \$1.32 billion in state and local taxes, according to McDonnell's announcement.

"These grants help enable local tourism partners to undertake projects that might otherwise be beyond their fiscal reach," Rita McClenny, president and CEO of the Virginia Tourism Corporation, said in the release.

mowens@bristolnews.com





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The panel presentation is to educate members of the Washington County, Virginia Board of Supervisors on issues related to extraction of natural gas in response to a proposal to amend Washington County's zoning ordinance to allow such use. All members of the public are invited to attend. Individuals requiring physical or sensory accommodations or additional information, please call Naoma Norris, Executive Assistant, Office of the County Administrator, (276) 525-1300, or call 1-800-828-1120 for TTY/TDD relay services.



Former Giants' Barry Bonds, right, hits his 761st career home run, a solo effort, off Milwaukee Brewers pitcher Chris Capuano in 2007. Bonds, along with Roger Clemens and Sammy Sosa are on the Hall of Fame ballot for the first time this year.

Bonds, Clemens, Sosa on Hall ballot for 1st time

The Associated Press

NEW YORK — The most polarizing Hall of Fame debate since Pete Rose will now be decided by the baseball shrine's voters: Do Barry Bonds, Roger Clemens and Sammy Sosa belong in Cooperstown despite drug allegations that tainted their huge numbers?

In a monthlong election sure to become a referendum on the Steroids Era, the Hall ballot was released Wednesday, and Bonds, Clemens and Sosa are on it for the first time.

Bonds is the all-time home run champion with 762 and won a record seven MVP awards. Clemens took home a record seven Cy Young trophies and is ninth with 354 victories. Sosa ranks eighth on the homer chart with 609.

Yet for all their HRs, RBIs and Ws, the shadow of PEDs looms large.

"You could see for years that this particular ballot was going to be controversial and divisive to an unprecedented extent," Larry Stone of The Seattle Times wrote in an email. "My hope is that some clarity begins to emerge over the Hall of Fame status of those linked to performance-enhancing drugs. But I doubt it."

More than 600 longtime members of the Baseball Writers' Association of America will vote on the 37-player ballot. Candidates require 75 percent

for induction, and the results will be announced Jan. 9.

Craig Biggio, Mike Piazza and Curt Schilling also are among the 24 first-time eligibles. Jack Morris, Jeff Bagwell and Tim Lincecum are the top holdover candidates.

If recent history is any indication, the odds are solidly stacked against Bonds, Clemens and Sosa. Mark McGwire and Rafael Palmeiro both posted Cooperstown-caliber stats, too, but drug clouds doomed them in Hall voting.

Some who favor Bonds and Clemens claim the bulk of their accomplishments came before baseball got wrapped up in drug scandals. They add that PED use was so prevalent in the 1980s, 1990s and early 2000s that it's unfair to exclude anyone because so many who-did-and-who-didn't questions remain.

Many fans on the other side say drug cheats — suspected or otherwise — should never be afforded the game's highest individual honor.

Either way, this election is baseball's newest hot button, generating the most fervent Hall arguments since Rose. The discussion about Rose was moot, however — the game's career hits leader agreed to a lifetime ban in 1989 after an investigation concluded he bet on games while managing the Cincinnati

Reds, and that barred him from the BBWAA ballot.

The BBWAA election rules allow voters to pick up to 10 candidates. As for criteria, this is the only instruction: "Voting shall be based upon the player's record, playing ability, integrity, sportsmanship, character, and contributions to the team(s) on which the player played."

That leaves a lot of room for interpretation.

Bonds, Clemens and Sosa won't get a vote from Mike Klis of The Denver Post.

"Nay on all three. I think in all three cases, their performances were artificially enhanced. Especially in the cases of Bonds and Clemens, their production went up abnormally late in their careers," he wrote in an email.

They'll do better with Bob Dutton of The Kansas City Star.

"I plan to vote for all three. I understand the steroid/PED questions surrounding each one, and I've wrestled with the implications," he wrote in an email.

"My view is these guys played and posted Hall of Fame-type numbers against the competition of their time. That will be my sole yardstick. If Major League Baseball took no action against a player during his career for alleged or suspected steroid/PED use, I'm not going to do so in assessing their career for the Hall of Fame," he said.

ACC presidents vote to add Louisville as member

The Associated Press

Atlantic Coast Conference leaders got the school they wanted. Louisville was relieved to find a home amid the latest wave of realignment.

The ACC announced Wednesday that its presidents and chancellors unanimously voted to add Louisville as the replacement for Maryland, which will join the Big Ten in 2014.

Louisville athletic director Tom Jurich was concerned the Cardinals would be left behind in a constantly shifting landscape.

"You always worry about that, there's no question about it — especially when you're sitting in our chairs," Jurich said in a teleconference. "But I think when you look at what we've done and the body of work, I think it was very well worth it to wait because we were able to get what we wanted."

"We feel it's the best fit for this university."

Louisville was a candidate to join the Big 12 last year before that league took West Virginia, though Maryland's unexpected announcement last week created a new opportunity for both the school and the ACC.

But it wasn't a lock for the Cardinals.

A person familiar with the situation told The Associated Press that ACC leaders also considered Connecticut and Cincinnati over the past week before the vote to add Louisville during a conference call Wednesday morning. The person spoke to the AP on condition of anonymity because the ACC hasn't released details of the expansion discussions.

The Cardinals will bring a tradition-rich men's basketball program, a solid football program and a college-focused market to the ACC.

"When you look at Louisville, you see a university and an athletic program that has all the arrows pointed up — a tremendous uptick there, tremendous energy," ACC Commissioner John Swoford said. "It's always an overall fit in every respect and I think that's what we found."

Louisville is the fourth school in 15 months and seventh in the past decade

to leave the Big East for the ACC. Pittsburgh and Syracuse announced their move in September 2011 and will join the league next year, while Notre Dame said two months ago that it would eventually join in all conference sports except football.

Most of Notre Dame's non-football sports have competed in the Big East since 1995.

"We had incredible success in that conference," Jurich said of the Big East. "But when it began to deteriorate, we felt that all our options were pulled away from us and we had to look and we were forced to look."

"To see a lot of your peers moving around you and leaving nobody to schedule, it was very, very difficult for us to see and a very once-proud conference I think was in a very difficult position."

Politicians around Kentucky cheered the move.

Louisville mayor Greg Fischer issued a statement calling the ACC's decision "a fantastic development for the university, the city and the state." U.S. Senate Republican leader Mitch McConnell of Kentucky said in a statement the move was a credit to Jurich's leadership of the athletic department.

It's unclear exactly when Louisville will join the ACC. Swoford said that would have to be worked out between the school and the Big East. He also said the league is comfortable staying at 14 full members with the addition of Louisville.

The Big East has a 27-month notification period for any member that wants to leave.

The Big East has shown a willingness to negotiate, as it did with Pittsburgh and Syracuse, who paid \$7.5 million each to get out early when the exit fee was \$5 million.

The Big East has since increased that fee to \$10 million.

This latest rapid-fire round of realignment was set off last week by the Big Ten's additions of Maryland and Rutgers, which will join that conference in 2014.



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Get the word out about your company's significant awards or milestones, or salute an employee's achievements with BUSINESS HIGHLIGHTS, appearing every Sunday in the Bristol Herald Courier.

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BUSINESS HIGHLIGHTS



John Doe
John Doe is now the president of XYZ company. He spent 5 years as a sales representative. We would like to congratulate him on his promotion.

XYZ Company is proud to announce the promotion of John Doe to the position of President. John has spent the last five years as a sales representative, where he consistently exceeded his sales goals and was instrumental in securing several major new clients. His leadership and dedication have been a key factor in our company's recent growth. We are excited to see him continue to lead our team to new heights.



To place your business announcements, call Michele Guffey at: (276) 669-2181 x-3359 or email: rguffey@bristolnews.com



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