

**VIRGINIA:**

At a regular meeting of the Washington County Board of Supervisors held Tuesday, February 12, 2013, at 6:30 p.m., at the County Administration Building in Abingdon, Virginia the following were present:

**PRESENT:**

Dulcie M. Mumpower, Chairman  
Phillip B. McCall, Vice Chairman  
William B. Gibson  
Odell Owens  
Randy L. Pennington  
C. Wayne Stevens, Jr.  
Joseph C. Straten

Nadine S. Culberson, County Administrator  
Lucy E. Phillips, County Attorney  
Mark W. Seamon, Director of Budget & Finance  
Naoma A. Norris, CAP, Executive Assistant/Recording Clerk

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**1. Call to Order**

The meeting was called to order by Ms. Dulcie Mumpower, Chair of the Board, who welcomed everyone in attendance.

**2. Invocation and Pledge of Allegiance**

Supervisor Randy Pennington gave the Invocation and led the Pledge of Allegiance.

**3. Public Comment**

The following individuals addressed the Board:

- Carl Richardson
- Bob Kifer
- Barbara Waters
- Ted Dingler
- Neel Rich
- Jack McCrady
- Linda Wade
- Jack Hinshelwood
- James DeBoard
- Larry Hines

- Carol Kaerish
- Ed Morgan

#### **4. Approval of Agenda**

Ms. Culberson, County Administrator, requested the Board move Item 8.a.3 in General Business – Consideration of Proposed Refinancing for Development of The Highlands Shopping Center for Purpose of Reducing Finance Expense to a new Item 8.a.1.a.

Ms. Culberson next reviewed revisions to the minutes of the January 8, 2013 annual meeting explaining that Item 4. b. Election of Vice-Chairman was revised.

*On motion of Mr. Owens, second by Mr. Gibson, it was resolved to approve the agenda as amended.*

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

<i>Mr. Gibson</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Pennington</i>	<i>Aye</i>
<i>Mr. Stevens</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>

#### **5. Special Recognitions & Presentations:**

##### a. Presentation of Fiscal Year 2013-2014 County Operating Budget Revenue Estimates

County Treasurer Fred Parker, Commissioner of Revenue David Henry, and County Director of Budget & Finance Mark Seamon presented the FY 2013-2014 County Operating Budget revenue estimates. Particular issues/figures to note in the presentation include:

- Reassessments are below average in growth. The property rates are projected to increase by 2.60% which equates to around \$500,000 in new revenue. The taxable land valuation for 2012 is \$1,876,816,200 (actual) and the projection for 2013 is \$1,897,436,600.
- Collection rate for delinquent taxes is around 92%. A judicial sale is scheduled for the end of March. There are about 19 parcels in the County abandoned or from estates that cannot be settled.
- The Clear Creek tax sharing will Bristol will bring to the County 25% of tax revenues from property around the Clear Creek Subdivision and around Mellow Mushroom and Alpha Natural Resources.
- Sales tax for FY 2012-2013 coming in below the projected figure.

- Net decrease for FY 2013 amended to FY 2013 projected is -\$547,666
- Net decrease for FY 2013 amended to FY 2014 proposed is -\$872,719

Discussions ensued among the Board, Mr. Parker and Mr. Seamon.

***Scrivener's Note: The FY 2013-2014 County Operating Budget Revenue Projections reference above are included as Minutes Exhibits Item 2013-2-12-A.***

**6. Consent Agenda:**

***On motion of Mr. Straten, second by Mr. Pennington, the Board acted to approve items a and c of the Consent Agenda as set forth below.***

***a. Approval of Minutes:***

- 1. January 8, 2013 Annual Meeting – as revised***
- 2. January 15, 2013 Recessed Meeting***
- 3. January 22, 2013 Regular Meeting***
- 4. January 30, 2013 Recessed Meeting***

***b. Approval of Routine Financial Matters:***

***No financial matters were presented.***

***c. Award of Bids and Approval of Contracts:***

- 1. Consideration of Contract from Springsted to Provide an Executive Service Search for the County Administrator's Position***

***d. Authorization of Route Business Matters:***

***No routine businesses matters were presented.***

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

<b><i>Mr. Gibson</i></b>	<b><i>Aye</i></b>
<b><i>Mr. McCall</i></b>	<b><i>Aye</i></b>
<b><i>Ms. Mumpower</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Owens</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Pennington</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Stevens</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Straten</i></b>	<b><i>Aye</i></b>

**7. Public Hearings:**

**a. Public Hearing Regarding Proposed Quick-take Condemnation Proceeding to Allow Bristol Virginia Utilities Authority to Place an Additional Fiber Optic Line on Existing Appalachian Electric Power, Old Dominion Power and/or Verizon Utility Poles Located on Identified Properties within Washington County**

Ms. Phillips, County Attorney, explained that Mr. Walt Bressler, Legal Counsel for Bristol Virginia Utilities Authority (BVUA) was present and would make initial comments about the request.

Mr. Bressler and Mr. Ben Chafin with Chafin Law Firm appeared before the Board and outlined the request of BVUA to proceed with Quick-take condemnation to allow BVUA to place an additional fiber optic line on existing Appalachian Electric Power and Verizon utility poles. Mr. Bressler explained BVUA received a NTIA federal grant to complete a fiber optic project in Washington County and throughout Southwest Virginia. The areas where high speed fiber optic lines will be installed in Washington County are from Abingdon to Damascus to Taylor's Valley. The fiber optic line would be installed on existing utility poles owned by American Electric Power and Verizon where these companies have easements already in place. He noted that easements have been obtained from all but nine property owners. Mr. Bressler commented that the fiber optic project could not be completed by the required June 30, 2013, deadline if BVUA has to go through the eminent domain process.

Mr. Bressler further commented that Mr. Chafin, on behalf of BVUA, is asking from each County that the fiber optic project goes through to allow him to be special counsel for that locality to bring quick-take certification filings on properties that BVUA has not yet been successful in negotiating an easement so that the fiber optic project be completed by the June 30, 2013. He explained that BVUA feels it needs easements from the underlying property owner in order to go through with a different kind of line than what is already in place. Mr. Bressler stated that BVUA is paying \$500 per property for easements, and their appraisers say to attach an easement where there is already one in place, the monetary offer is above the fair market value. Mr. Bressler explained with the quick-take condemnation proceeding, BVUA can start the work and the money for the easements is placed with the court while the court decides the value for the easement.

Mr. Bressler explained the Board is requested to adopt the proposed resolution that gives authorization to Chafin Law Firm to handle the quick-take condemnation proceedings on behalf of the County.

Lengthy discussions ensued among the Board, Mr. Bressler and Mr. Chafin concerning the request.

Mr. Straten asked for additional explanation of why BVUA is requesting easements in light of the fact that easements already exist on the utility poles and why the condemnation process is being requested. Mr. Bressler explained the easements do not take away underlying property owner rights it just allows the wire to be run on the existing poles. Property owners can use the underlying property for any reason except for constructing tall buildings that would interfere with lines and trees must be kept cut. Mr. Bressler added the NTIA funding source stated they wanted separate easements for the fiber optic line. Mr. Straten asked if there is a common thread of reason why people refuse to grant easements. Mr. Bressler stated there is not and that a majority of the cases are that property owners cannot be found.

Mr. Gibson asked if the easement would devalue a person's property for future use. Mr. Bressler commented that BVUA does not believe that it does. Mr. Gibson asked if the people believe that granting an easement would devalue their property. Mr. Bressler stated that he could not answer that

question as he has not been involved in the land work. Mr. Gibson asked if the land in question was condemned before the existing easements were granted. Mr. Bressler commented that he could not answer that question. Mr. Gibson inquired about a constituent in the Madison District that would not grant BVUA an easement stating that he had tried to reach the individuals and was unsuccessful. Mr. Bressler stated the property owners referenced by Mr. Gibson indicated they had a bad experience with the Virginia Department of Transportation.

Mr. Stevens asked for clarification as to the route the fiber optic line would run in Washington County. Mr. Bressler presented a map that depicted the route. Mr. Stevens asked how many properties from Abingdon to Damascus required easement. Mr. Bressler stated there were 195 total properties and out of this number there are only nine properties where easements have not been obtained.

Mr. McCall asked if BVUA knows how many people the fiber optic project will accommodate. Mr. Bressler explained the backbone is being installed now, and as money becomes available the last mile will be completed. Mr. Bressler further commented that BVUA desires to provide service to all localities in Southwest Virginia except for counties within the Lenowisco Planning District Commission; they have their own system. He commented the fiber optic project be implemented now by BVUA is the one that brought Northrop Grumman and CGI to Southwest Virginia. Mr. Chafin added that quick-take actions have been authorized by Buchanan, Russell and Tazewell Counties.

Mr. Straten asked if the project is not completed by June 31, 2013 and the grant money is lost, does BVUA know how much funding would be lost and how the funds would be replaced. Mr. Bressler stated that question is hard to answer, but a total of \$32 million has been spent on the fiber optic project over the entire area. He added that not completing the project by the deadline would also mean that most likely BVUA would be prohibited from obtaining federal grant money in the future, and he added that it is by grant funding that broadband has been provided in Southwest Virginia.

Chairperson Mumpower opened the Public Hearing and invited comments both in support of and in opposition to the Bristol Virginia Utilities Authority request.

The following people spoke in opposition to request:

Mr. Watson commented that the advertisement in the paper gave absolute no indication that the county was getting ready to exercise condemnation powers for a utility. It would behoove the board to take note that the General Assembly in granting BVUA its powers for eminent domain did not grant them quick take powers. The reason for not granting quick take powers is this power can be abused. The condemnation process is set up through the courts where landowners and people who know what property is worth are assembled by the court. They hear the evidence and determine the value of an easement. Mr. Watson stated he finds it interesting that BVUA is before the Board asking for powers that the Board has never exercised for entities of the county. He commented that WCSA in his lifetime never heard them here before the Board to ask for shortcuts to condemn someone property. Also should take note 20,000 voters in this County voted to restrict condemnation in Virginia. He stated that he realizes the state legislation does not apply to utilities, but does give some idea of the public's interest in the issue. Mr. Watson stated that whether an American Electric Power or Centurylink pole already exists does not matter. Those utilities paid for and gained the easements. BVUA stringing another line on that person's pole subjects a landowner to other people coming on their property and having the right to be there and its land they are paying taxes one, and he believes it behooves this board to take particular note to protect the landowner and person who worked and paid for the property and not merely pass on authority to one

entity to go into court condemn a person's property and argue over the price later. Mr. Watson said this is wrong and he does not believe the Board should approve the request.

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

Mr. McCall asked if the Board does not approve the proposed resolution and BVUA has to through with eminent domain how long would that process take. Mr. Bressler stated that the federal government has zero tolerance on grant funds. He further stated that BVUA could go through with eminent domain but does not think there is sufficient time.

Mr. Straten commented that during his term on the Board he has received comments about providing broadband service to Taylor's Valley, and he has repeatedly approached the congressmen asking for broadband. The broadband will be of great benefit to the citizens and does not think the nine holdouts should disrupt service to Taylor's Valley.

Mr. Gibson asked how long BVUA has worked on the Broadband Project and why they waited so long to make the request to the Board. Mr. Bressler explained that BVUA has worked on the total project for two years in six counties and number of towns and they felt it was their obligation to the landowners not to come before localities until other means were exhausted.

Mr. Stevens asked how many total quick takes that BVUA had to obtain. Mr. Bressler said there were 25 out of the total 485 properties.

Ms. Mumpower asked Ms. Phillips, County Attorney, if serving on the BVUA Board constitutes a conflict of interest in voting on the BVUA request.

Ms. Phillips asked Ms. Mumpower if she received compensation for serving on the BVUA Board. Ms. Mumpower replied that she does not. Ms. Phillips then asked Ms. Mumpower if she made any revenue as result of BVUA operations. Ms. Mumpower replied no. Ms. Phillips next asked if Ms. Mumpower was a voting member of the BVUA Board. Ms. Mumpower replied yes. Ms. Phillips clarified with Ms. Mumpower that she is a voting member of the BVUA Board, but does not receive compensation. Ms. Mumpower said Ms. Phillips was correct. Ms. Phillips advised Ms. Mumpower that she would be exempted from any type of conflict provision because she is a member of a group and does not stand to gain anything individually by purpose of the decision before the Board so there is no conflict.

Mr. Gibson commented that he supports broadband, but with condemnation and pending legislation in the General Assembly, cannot support the BVUA request. He stated that the Country was built on due process of law and believes the Board would be intervening and taking away a person's due process. Mr. Gibson further commented that BVUA should have come before the Board sooner.

***On motion of Mr. Straten, second by Mr. Owens, the Board acted to authorize Bristol Virginia Utilities Authority to proceed with quick-take condemnation and adopt the following Resolution:***

#### ***RESOLUTION 2013-05***

***WHEREAS, the Board of Supervisors of Washington County, Virginia, (hereinafter "the County"), in cooperation with Bristol Virginia Utilities, finds it in the public interest to promote the upgrading of existing wireless communication towers with construction of one additional fiber optic***

*line on existing Appalachian Electric Power and/or Verizon poles located on identified properties within the County; and*

*WHEREAS, such addition to the existing fiber optic routes will result in enhanced wireless communication abilities through a 4g wireless network for the County's present and future residents and businesses; and*

*WHEREAS, the vast majority of landowners owning land where the enhanced fiber optic line runs on the aforesaid poles have agreed to convey easements for the purpose of creating an advanced wireless communication 4g wireless network as set forth above; and*

*WHEREAS, in order to ensure the acquisition of 100% of the easements for the fiber optic line considered herein, the County hereby finds it to be in the public interest to approve, ratify and direct the public use and acquisition of such easements to further the purposes of the 4g wireless network; and*

*WHEREAS, based upon the negotiated amount of compensation previously offered and accepted by numerous County landowners, it is hereby determined by the County that the remaining affected landowners should be paid the aggregate sum of \$500.00 per tract of land along the aforesaid existing American Electric Power and/or Verizon poles; and*

*WHEREAS, pursuant to Section 15.2-1903, Code of Virginia, (1950), as amended, and following a duly advertised and conducted public hearing, the County hereby authorizes the procurement of the aforesaid remaining easements over the affected properties pursuant to Section 15.2-1901, et. seq., and Sections 15.2-1904 and 15.2-1905, Code of Virginia, (1950), as amended; and*

*WHEREAS, petitions and all other necessary legal processes shall be filed in the name of the County to acquire the remaining easements, using the appropriate caption as provided by law, and same shall be filed and processed by Chafin Law Firm, P.C., of Lebanon, Virginia, or its designee, as Special Counsel to the County upon the terms and conditions previously reached with applicable funding sources and agencies.*

*NOW, THEREFORE, BE IT RESOLVED that the County, by its Board of Supervisors, hereby adopts the foregoing Resolution and further affirms, approves and ratifies the actions taken by its Special Counsel to procure the remaining easements and justly compensate the affected landowners as provided herein and by applicable law, by a vote of 6 for and 1 against.*

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

<i>Mr. Gibson</i>	<i>Nay</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Pennington</i>	<i>Aye</i>
<i>Mr. Stevens</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>

The Board took a five minute recess before hearing General Business items.

**8. General Business:**

**1. Presentation of County Financial Statements for Fiscal Year Ended June 30, 2012**

Ms. Deanna Cox with Robinson Farmer Cox Associates presented the County Financial Statements for Fiscal Year Ended June 30, 2012. Ms. Cox distributed and reviewed with the Board an audit presentation summary and discussed the new Governmental Accounting Standards Board (GASB) 67 and 68 policies that will be implemented in next fiscal year’s audit. She explained that GASB 67 speaks to changes in terminology and GASB 68 will require Virginia Retirement System pensions to be included on the County’s financial statements, which will negatively impact the net assets of the County and particularly because of the school being large, the greater impact will be on the school fund.

*On motion of Mr. Owens, second by Mr. Straten, the Board acted to accept the County Financial Statements for Fiscal Year ended June 30, 2012.*

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

- Mr. Gibson                    Aye*
- Mr. McCall                    Aye*
- Ms. Mumpower                Aye*
- Mr. Owens                     Aye*
- Mr. Pennington               Aye*
- Mr. Stevens                   Aye*
- Mr. Straten                    Aye*

*Scrivener’s Note: The County Financial Statements and Audit Presentation Summary for Fiscal Year Ended June 30, 2012 referenced above are included as Minutes Exhibits Item 2013-2-12-B.*

**1.a.1 Consideration of Proposed Refinancing of Bond Financing for Development of The Highlands Shopping Center for Purpose to Reduce Finance Expense**

County Treasurer Fred Parker and the County’s financial consultants, David Rose and Roland Kooch with Davenport and Company, presented information to the Board about proposed refinancing of the bonds for The Highlands Shopping Center that would reduce the finance expense.

Mr. Parker explained that he along with Mr. Rose and Mr. Kooch looked into the possibility of refinancing the bonds that were used to fund the economic incentives for the Highlands Shopping Center to take advantage of the current low interest rates. The analysis conducted shows there is a potential to save around \$90,000 net after deduction of transaction costs if a refinance were to occur. These savings would directly benefit TRANOM, the developer, because of the Agreement that TRANOM receives grant funding based on sales tax revenues from the shopping center after deduction of bond repayment expenses, including interest. Mr. Parker further explained that payment of transaction costs for the refinancing would be rolled into the total refinancing package for repayment over time by TRANOM. Mr. Parker commented that the transaction will not cost the County money and it is a good pro-business move that will help the developer and make a positive statement to other businesses.

Mr. Roland Kooch reviewed the refunding analysis prepared by Davenport & Company for Washington County regarding The Highlands Commercial Development. In providing background information on the development, Mr. Kooch explained in 2007, the County issued approximately \$3,580,000 in bank

qualified tax-exempt bonds through the Washington County Industrial Development Authority for The Highlands economic development project. Key features of the bonds included a 4.46% bank qualified interest rate; bond funded debt service reserve fund; moral obligation of the County; no collateral support; and optional redemption at par on January 15, 2013. After the January 15, 2013 principal payment, the County has \$1,995,000 of outstanding principal remaining on the 2007 Bonds. Given the current historically low interest rate environment, the county has a potential opportunity to achieve debt service savings via a refinancing implemented through either a Direct Bank Loan or Virginia Resources Authority. A key assumption of such refinancing is that substitute collateral would be necessary.

Mr. Kooch reviewed the two options for proposed refinancing.

**Option 1 - Direct Bank Loan** - Based on the current interest rate environment and Davenport's recent experience with similar refinancing, it is estimated that the County could potentially achieve an average annual savings of \$19,678/year for FY 2014-2017 with the total savings being estimated at \$83,135. Mr. Kooch reviewed characteristics of a Direct Bank Loan.

**Option 2: Virginia Resources Authority (VRA) Transaction** – Based on the current interest rate environment, it is estimated that the County could potentially achieve an average annual savings of \$22,950/year for FY2014-2017 for a total savings of \$90,160 when participating in the VRA pooled financing (assuming no new reserve fund). Mr. Kooch reviewed characteristics of a VRA refinancing.

Mr. Kooch concluded his presentation with a review of the next steps and timeline for the proposed refinancing, which include submitting an application to VRA by February 15 and distributing requests for proposals (RFP) for the Direct Bank Loan option to local, regional and national banks by February 19. RFP's would be due to Davenport by March 5. Davenport will analyze the RFP responses and provide recommendation for either Direct Bank Loan or VRA pool financing. At the March 12 regular Board meeting, Davenport will present recommendation for either direct bank loan or VRA Pool financing. If Direct Bank Loan approach is undertaken, approval of resolutions will be needed. The week of March 18-25 scheduling of IDA Board meeting would be necessary to approve necessary resolutions, if Direct Bank Loan approach is undertaken. The anticipated closing of Direct Bank Loan is April 5.

Mr. Gibson asked about the statement that there would be no impact to the County; however on page 6 of the Davenport and Company presentation it speaks to closing costs. Mr. Kooch explained the closing costs are built into the debt service, and the developer would pay these expenses over time. Mr. Parker added that the County Attorney has been in contact with legal counsel for the developer and they are in favor of the proposed refinancing.

*On motion of Mr. Straten, second by Mr. Gibson, the Board acted to direct staff to coordinate with the IDA for its consideration of the proposal and, if it is favorable, for adoption of a joint resolution to authorize the refinance, subject to anticipated favorable financial benefit.*

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

<i>Mr. Gibson</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Pennington</i>	<i>Aye</i>
<i>Mr. Stevens</i>	<i>Aye</i>

**Mr. Straten**                      **Aye**

2. Consideration of Request from Washington County Service Authority to Schedule a Public Hearing Regarding Community Development Block Grant Application for the Hidden Valley Water Extension Project – Phase I

Mr. Robbie Cornett, General Manager, Washington County Service Authority (WCSA) addressed the Board and recognized Mr. Kenneth Taylor, Member, WCSA Board of Commissioners, for accompanying him at the meeting.

Mr. Cornett provided the Board with general information about the Community Development Block Grant (CDBG) Program and gave a brief overview of the proposed Hidden Valley Water Extension Project – Phase 1. Mr. Cornett explained the WCSA has identified the Hidden Valley Water Extension Project as a good CDBG Project. The WCSA began the process of studying the Hidden Valley area in 2009 for interest in public water service. The response from the community was positive. In late 2010, WCSA commissioned an engineering study. In 2012, The Lane Group began to study the area and develop a Preliminary Engineering Report. The draft report is complete and WCSA expects final report by April 2013. A solution identified for the Hidden Valley Water Extension Project is to purchase water from the Russell County Service Authority, and to divide the project into two phases to address both hydraulic and affordability issues. He further explained Phase 1 can be served without a pump, water storage tank, or large pressure reducing valve and the estimated cost is \$800,000. Mr. Cornett explained there would be approximately 56 potential connections included in Phase I with 36 residents already expressing interest. Phase 2 will be more complex and there are 25 possible connections with 15 residents expressing interest. He commented the public hearing is requested for Phase I of the proposed project. If funding can be secured for Phase I it is believed that subsequent funding could be obtained for Phase 2. Mr. Cornett further commented that the income surveys required for CDBG projects have been conducted and proper economic conditions exist to facilitate the CDBG application.

Mr. McCall commented that Mr. Cornett brought the proposed project before the Joint County Utilities Committee. There seems to be adequate interest from people in the community wanting water at a good price and the project provides an opportunity to work with Russell County.

***On motion of Mr. Pennington, second by Mr. Stevens, the Board acted to authorize the County Administrator to schedule a public hearing as requested by the Washington County Service Authority.***

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

**Mr. Gibson**                      **Aye**  
**Mr. McCall**                      **Aye**  
**Ms. Mumpower**                      **Aye**  
**Mr. Owens**                      **Aye**  
**Mr. Pennington**                      **Aye**  
**Mr. Stevens**                      **Aye**  
**Mr. Straten**                      **Aye**

4. Consideration of Letter of Support or Non Support Regarding The Crooked Road National Heritage Designation

Mr. Charlie Hargis addressed the Board as a member of the Southwest Virginia Tea Party, member of Washington County Planning Commission, and property owner in Washington to present information opposing a National Heritage Area Designation (NHA) for The Crooked Road. Mr. Hargis emphasized that the Southwest Virginia Tea Party does not oppose The Crooked Road and believes they have done a good job promoting mountain music and bringing general recognition to Southwest Virginia. The Tea Party does oppose the NHA designation.

Mr. Hargis explained there are many problems with the proposed NHA designation. One problem is there was very little notification to citizens of the Ninth Congressional District. The Crooked Road organization held 12 public meetings throughout Southwest Virginia with little notification to the public. The maximum attendance was about 30 people at each meeting. The estimates are that less than 300 people attended all the meetings combined. He commented that had it not been for the diligent work of some Southwest Virginia Tea Party members across Southwest Virginia, the NHA designation would probably have been done by now and citizens would probably have not learned about it until it was too late to do anything about. He further commented that Mr. Jack Hinshelwood, Executive Director of The Crooked Road, said they notified town, city and county managers, but not any county supervisors or town or city council members or property owners.

Mr. Hargis next explained a second problem is obtaining information about The Crooked Road and related organizations is difficult to do. He explained it took three requests, several phone calls and e-mails, a Virginia Freedom of Information Act request, a ruling from the Virginia Freedom of Information Act Advisory Council, and almost two months to obtain a list of the 60 of the 80 members of The Crooked Road Board of Directors. He stated that he still does not have a list of the other 20 members. Mr. Hargis further explained related organizations of The Crooked Road are Heartwood, Southwest Virginia Cultural Heritage Foundation, Round the Mountain and Friends of Southwest Virginia. These organizations have several things in common; many members of the Boards of Directors of each of these organizations are on most of the other boards and all receive most of their funding from federal, state and local government and a few private grants.

Mr. Hargis commented that Mr. Hinshelwood has asked local governments and others to endorse the NHA designation. A list of the endorsements is available on The Crooked Road's website. The endorsements are from organizations such as the regional planning district commissions, some venues on The Crooked Road, some cities and towns, some civic clubs, the above mentioned related organizations and Giles County. Mr. Hargis stated he was sure many of the endorsees did not know much about the unintended consequences and the threats to local zoning ordinances, local ordinances and property rights when they voted to endorse the proposal. Mr. Hargis further stated the Southwest Virginia Tea Party is not saying that The Crooked Road is going to grab property; they are saying there is great potential for a government agency, the NGO (Non-Governmental Organization) in this case, to come in and do as they want.

Mr. Hargis reviewed materials provided to the Board in their agenda packets opposing the NHA designation and stated the newsletter documents many abuses of private property rights by the National Park Service both relating to parks, other federal installations and NHA's. Also in the materials is a letter from the Virginia Farm Bureau Federation to Congressman Morgan Griffith. He explained that each of the 49 NHAs in the United States were supposed to be self sufficient within in five to fifteen years, and to his knowledge, not one has accomplished this even though many have existed much longer than five to

fifteen years. This means more local funding when federal funds run out. Mr. Hargis stated that Mr. Hinshelwood has said that neither he nor The Crooked Road Board of Directors plan to take or exercise any control over property rights or local ordinances in Southwest Virginia. Mr. Hargis commented he has no reason to believe this is not true; however, Mr. Hinshelwood may not be the executive director in 20 years and the NHA designation will exist as long as the Ninth Congressional District and Federal Government exist which will be in perpetuity. Mr. Hargis explained the major problem is dealing with the National Park Service because this is bringing the National Park Service into our operations in Southwest Virginia. The National Park Service has shown little regard for private property in and around national parks, national historic areas and NHAs. He stated that Congressman Morgan Griffith has said he can put language in the designation to stop any infringement on private property rights; however, their experts from around the country say that is impossible. Mr. Hargis further stated that Congressman Griffith has said he is in favor of the NHA designation, but now has scheduled three town hall meetings in the spring. Mr. Hargis believes Congressman Griffith's support may change.

Mr. Hargis concluded his presentation by commenting there is only one way to keep the NHA from damaging zoning ordinances, local ordinances, and private property rights in Southwest Virginia and that is not doing it in the first place. The Board of Supervisors decision or endorsement of The Crooked Road NHA will have a dramatic affect on Southwest Virginia. He asked the Board to please help stop another federal power grab.

Mr. Gibson provided a lengthy statement concerning his opposition to The Crooked Road National Heritage Area designation and that of state legislative representatives for 16 out of the 19 counties in The Ninth Congressional District. He commented that the vote on a letter of support or non-support for the NHA designation is the most important vote he has made since his time on the Board.

Mr. Straten stated out of all the comments he has heard during the meeting he does agree there are unanswered questions and suggested that action by the Board be delayed and a public hearing scheduled on the matter where representatives from the National Heritage Area could attend and answer questions.

Lengthy discussions ensued among the Board concerning The Crooked Road National Heritage Area designation. Comments were made by each of the Board of Supervisor members. The following motions were made:

**Substitute motion:**

***A motion was made by Mr. Gibson, second by Mr. Stevens, to send a resolution or letter of non-support regarding The Crooked Road National Heritage Area designation.***

***The vote on this motion was as follows: (3-1-3)***

<b><i>Mr. Gibson</i></b>	<b><i>Aye</i></b>
<b><i>Mr. McCall</i></b>	<b><i>Nay</i></b>
<b><i>Ms. Mumpower</i></b>	<b><i>Nay</i></b>
<b><i>Mr. Owens</i></b>	<b><i>Abstained</i></b>
<b><i>Mr. Pennington</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Stevens</i></b>	<b><i>Aye</i></b>
<b><i>Mr. Straten</i></b>	<b><i>Nay</i></b>

The motion failed.

**Original motion:**

*On motion of Mr. Straten, second by Mr. McCall, the Board acted to table action on a letter of support or non-support regarding The Crooked Road National Heritage Area designation until a later date, and to schedule a public hearing on the matter and invite representatives of the National Heritage Area, legislative representatives, The Crooked Road representatives and those against the National Heritage Area designation.*

*The vote on this motion was as follows: (3-1-3)*

<i>Mr. Gibson</i>	<i>Nay</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Abstained</i>
<i>Mr. Pennington</i>	<i>Nay</i>
<i>Mr. Stevens</i>	<i>Nay</i>
<i>Mr. Straten</i>	<i>Aye</i>

The motion failed.

The Board held further lengthy discussions concerning the scheduling of a public meeting to obtain more information about The Crooked Road National Heritage Area designation.

5. Consideration of Heating Issues at the Branch Library Located in the Mendota Community Center

Mr. Owens explained the heating system for the Branch Library located in the Mendota Community Center is inadequate and he talked about the aging boilers in the building. He said the Mendota Community Association cannot afford to keep the building heated and conditions for the public and library staff are not comfortable. Mr. Owens explained the Library Board has instructed Charlotte Parsons to close the library if the temperature gets below 60 degrees. He stated that General Services Director Kevin Hill will review solutions that would help fix the problem.

Mr. Hill explained the County has two ductless heat pumps taken from the Treasurers Building and County Administration Building that could be added together and installed at the Mendota Community Center building to heat the room where the branch library is located. He commented that quotes were obtained from a HVAC vendor for installation of the gas line. Mr. Hill stated that it is also proposed to replace the electric system in the ceiling. The costs for the project would be about \$2,300.

There was no discussion.

*On motion of Mr. Owens, second by Mr. Gibson, the Board acted to appropriate \$2,300 from undesignated reserves to General Services to install heating unit at the Mendota Branch Library.*

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

<i>Mr. Gibson</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>

*Mr. Owens*                    *Aye*  
*Mr. Pennington*            *Aye*  
*Mr. Stevens*                *Aye*  
*Mr. Straten*                 *Aye*

6.        Consideration of Appointment to Southwest Virginia Emergency Medical Services Council

***On motion of Mr. McCall, second by Mr. Pennington, the Board acted to appoint Supervisor Wayne Stevens to the Southwest Virginia Emergency Medical Services Council for a three year term ending December 31, 2015.***

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

*Mr. Gibson*                    *Aye*  
*Mr. McCall*                    *Aye*  
*Ms. Mumpower*               *Aye*  
*Mr. Owens*                    *Aye*  
*Mr. Pennington*              *Aye*  
*Mr. Stevens*                 *Aye*  
*Mr. Straten*                 *Aye*

7.        Consideration of Washington County Appointment to the Mount Rogers Transportation Rural Technical Committee

This appointment was tabled until the February 26, 2013 regular meeting.

8.        Consideration of Appointments to Joint County Utilities Committee for Calendar Year 2013  
Tabled from January 8, 2013 Annual Meeting and January 22, 2013 Regular Meeting

***On motion of Mr. Owens, second by Mr. Pennington, the Board acted to appoint Supervisor Dulcie Mumpower to the Joint County Utilities Committee for Calendar Year 2013.***

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

*Mr. Gibson*                    *Aye*  
*Mr. McCall*                    *Aye*  
*Ms. Mumpower*               *Aye*  
*Mr. Owens*                    *Aye*  
*Mr. Pennington*              *Aye*  
*Mr. Stevens*                 *Aye*  
*Mr. Straten*                 *Aye*

b.        Information Items:

No informational presentations were made.

**9. Board Member Reports**

Mr. Gibson asked the County Attorney if the County opts out of appropriating funds to The Crooked Road does that exempt the County from the NHA designation.

Mr. Gibson next asked if the quick take condemnation authorization granted to BVUA is open ended or just for the nine properties referenced in the agenda materials.

Ms. Phillips commented the quick take condemnation was for the nine properties only and that the list of nine properties from BVUA could be made part of the letter of engagement with Chafin Law Firm.

**10. Board Information and Reminders**

Ms. Culberson reviewed Board information and reminders.

**11. Adjourn/Recess**

*On motion of Mr. Pennington, second by Mr. Owens, the Board acted to recess the meeting to Thursday, February 21, 2013 beginning at 6:30 p.m. for presentation of the County Administrator's Requested and Proposed Budget for FY 2013-2014.*

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

<i>Mr. Gibson</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Ms. Mumpower</i>	<i>Aye</i>
<i>Mr. Owens</i>	<i>Aye</i>
<i>Mr. Pennington</i>	<i>Aye</i>
<i>Mr. Stevens</i>	<i>Aye</i>
<i>Mr. Straten</i>	<i>Aye</i>

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**Prepared by:**

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Naoma A. Norris, Recording Clerk

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

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Dulcie M. Mumpower, Chairman