

FINAL

MINUTES
VIRGINIA OUTDOORS FOUNDATION
BOARD OF TRUSTEES MEETING
February 4, 2010
Department of Forestry, Charlottesville VA 10:00 am

Trustees present:

Chair, Frank M. Hartz, presiding	Suzanne M. Lacy
Mark Allen	Jeffrey K. Walker
Rupert Cutler	Harry Atherton
Absent: Molly Ward	

VOF staff attending:

G. Robert Lee, Executive Director	Jason McGarvey, Outreach & Communications Manager
Leslie Grayson, Deputy Director, Easements	Melissa Collier, Stewardship Manager
Martha Little, Deputy Director, Stewardship	Bruce Stewart, Staff Counsel, Easements
Tamara Vance, Deputy Director, Easements	Estie Thomas, Easement Manager
Sherry Buttrick, Easement Manager	Laura Thurman, Easement Manager
Bobbie Cabibbo, Executive Assistant	Ruth Babylon, Easement Specialist
Kristin Ford, Easement Specialist	Kerry Hutcherson, Staff Counsel, Stewardship
Josh Gibson, Easement Specialist	Abby Kennedy, Stewardship Specialist
Sara Ensley, Human Resource Manager	Harry Hibbits, Stewardship Specialist
	Erika Richardson, Stewardship Specialist

Also in attendance were:

Nancy Ambler, Wood Thrush Land Conservation	Brett Ellsworth Glymph, Office of the Attorney General
David Hurt, Conservation Partners	Fred Fisher, Office of the Attorney General (OAG)
Cornelia Christian, Conservation Partners	Rob Farrell, Department of Forestry
Rex Linville, Piedmont Environmental Council	Diane Dunaway, DCR
Heather Richards, Piedmont Environmental Council	Jeremy Stone, DCR
Sarah Richardson, Department of Conservation and Recreation (DCR)	Rusty Ford, Conservation Partners
	Mike Strugar, Tax Credit Exchange

Hank Hartz convened the meeting at 10:00 a.m.

Welcome

Public Comments

None were offered

Approval of the Order of Business

The following items were changes to the Order of Business:

- On the Non-Consent Agenda, the Thompson proposed easement has been withdrawn
- The Buckroe Beach easement proposal will be moved to accommodate the arrival of the City of Hampton staff.

FINAL

Minutes for the October 9 & 10, 2009 Board of Trustees Meeting including Preservation Trust Fund (PTF) Committee, Personnel and Finance Committee and the Resource and Development Committee

Motion made to accept Minutes from the PTF Committee, Resource and Development Committee, Personnel and Finance Committee and the Board of Trustees meetings on October 9 & 10; motion seconded and passed unanimously.

Although minutes for the Regional Review Teams were included in the Agenda, it was determined that they will be approved at the following team meeting.

Directors' Reports

Bob Lee reviewed the Regional Review Team process, noted that the VaULT Conference is on May 12, in Williamsburg, VA, and gave an update on Virginia legislation that affects land conservation issues. Melissa Collier reported that **Potomac Appalachian Transmission Highline** (PATH) application was withdrawn. Leslie Grayson gave an overview of statistics concerning 2009 easements, the new easement review process and the reworked VOF Guidelines. Tamara Vance spoke about the process for Special Project Area designation.

Conflict of Interest Training for Board

Brett Ellsworth Gymph reviewed Conflict of Interest Act, VA Code 2.2-3100 – 2.2.3131. (available on request)

Kerry Hutcherson reviewed FOIA regulations concerning what constitutes a meeting and The VOF Board of Trustees Code of Ethics.

Policy Discussions

Commercial uses/rural enterprises - Martha Little discussed committee issues. Kerry Hutcherson facilitated a visual presentation (available upon request) demonstrating kinds of commercial uses.

Tappahannock Easements

Buckroe Beach – City of Hampton – 25.06 acres Amend presented easement to: work on *Trash Clause* language agreeable to our attorneys and negotiate impervious cap issues with cap not to exceed 5%. Motion made by Dr. Cutler to approve easement as amended; motion seconded by Suzanne Lacy and passed unanimously.

Policy Discussions

Commercial uses/rural enterprises continued. The Board indicated that the staff Policy Paper should be revised to reflect the following: No golf courses; strengthen prohibition on commercial shooting ranges in the easement template language; tents are **not** considered permanent structures and not considered a violation of easement; equine center language is satisfactory in the template; limitation - wineries should focus on scale and scale of buildings and their location to protect conservation values, but also keep 'cookbook' language for limitations on restaurants and events. Damage from temporary outdoor activities may require restoring land to original character; limiting landing strips on easements to being grass surfaces will keep the scale appropriate and limit impairing conservation values.

Public infrastructure projects discussion is deferred to the April meeting.

Army Compatible Use Buffer (ACUB) Bruce Stewart and Kerry Hutcherson briefed the Board on issues raised by Office of the Attorney General (OAG) with respect to ACUB language. Those issues raised were addressed to the satisfaction of the OAG, therefore insuring that VOF may continue to participate in Federal Grant program.

Cost-Recovery – direction is to form a Resolution for the Board to consider. The consensus was to begin the fee structure after Resolution is passed. Also, include on the Resolution a \$250 transfer fee for each sale/transfer of land.

Gift of Land – Kibler – Bedford County

Motion made by Jeff Walker to approve the Resolution (Attachment A) as presented; motion seconded by Suzanne Lacy and passed with at vote of 5 to 1 with Hank Hartz opposing.

Mill Mountain Survey & Resolution

Dr. Rupert Cutler recused himself because of his position on the Roanoke City Council. Motion made by Harry Atherton to approve the Resolution (Attachment B) as presented; motion seconded by Mark Allen and approved unanimously.

Amendment Consent Agenda

1. CHC-VOF-932 – Nordt – Charles City County
2. ESX-VOF-55 – Wellford – Essex County
3. ROA-VOF-2931 – Wynot – Roanoke County
4. WYT-VOF-2171 – Blair and Murphy – Wythe County

Motion made by Mark Allen to approve Amendment Consent Agenda; motion seconded by Jeff Walker and approved unanimously.

Easement Consent Agenda

1. Sloan – Fauquier County - 83.4724 acres
2. Stromquist – Fauquier County - 88.345 acres
3. May-Snyder – Augusta County - 126.044 acres
4. Snyder – Augusta County -121.937 acres
5. Dollens – Albemarle County - 21.85 acres
6. Grove Hill Land Trust – Albemarle County - 125.9648 acres
7. Baird – Cloverfield – Essex County 100 acres
8. BTR Partnership – Montgomery County - 50.839 acres

Motion made by Harry Atherton to approve Easement Consent Agenda; motion seconded by Jeff Walker and approved unanimously.

Easement Non-Consent Agenda

Blacksburg

Butt – Wythe county – 390 +/- acres – There is a bank lien on seven acres and the house on this property. If the bank will not subordinate and the seven acres is excluded from the easement then amend easement the project will be revised to: reduce parcels to two, reduce dwellings to three with an 11,500 cumulative sq. ft. cap on square footage of residences, and reserve right of way across the

FINAL

easement property to the outparcel that is owned by the daughter. Motion made by Harry Atherton to approve easement as amended; motion seconded by Suzanne Lacy and approved unanimously.

Charlottesville

Saddleback Farm Reconsideration – Nelson County – 136.586 acres Motion made by Suzanne Lacy to approve easement as presented; motion seconded by Mark Allen and approved unanimously.

House Mountain Presentation

Presentation (available upon request) included an offer of land for purchase to alleviate parking issues. Discussion turned to the House Mountain Agreement. This Agreement will be provided for each board member. The issue will be further studied and brought back to the Board of Trustees for further discussion.

Bull Run Mountain

Motion made to go into *Closed Session* for discussion of Real Estate transactions as provided for in the Code of Virginia §2.2-3711(A)(3); motion seconded and approved unanimously.

Upon return from closed session, Executive Director, Bob Lee certified by name call that Board of Trustees discussed only matters that convened the closed session and nothing else. Mark Allen responded yes, Dr. Cutler responded yes; Hank Hartz responded yes, Harry Atherton responded yes, Suzanne Lacy responded yes and Jeff Walker responded yes.

Motion made to authorize the Executive Director, in consultation with the Office of the Attorney General, to facilitate the acquisition by VOF of the remainder of the Jones property; motion seconded and approved unanimously.

Meeting adjourned at 3:50 pm

RESOLUTION

A RESOLUTION TO ACCEPT LAND DONATION FROM B. G. KIBLER

WHEREAS, B. G. Kibler owns real property containing 21.085 acres in Peaks Magisterial District, Bedford County, Virginia adjacent to the Claytor Nature Center, which he wishes to donate to the Virginia Outdoors Foundation (VOF) for conservation purposes; and

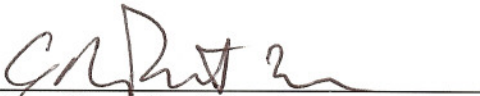
WHEREAS, Lynchburg College has agreed to arrange and pay for the required Phase One Environmental Study and any legal expenses involved in transfer of the real property to Lynchburg College; and

WHEREAS, VOF wishes to accept the property in order to place qualified conservation restrictions upon it and thereafter transfer the property as thus encumbered to Lynchburg College to become a part of the Claytor Nature Center to be used for environmental research and education, be it

RESOLVED by the Virginia Outdoors Foundation Board of Trustees on this 4th day of February, 2010 that VOF hereby agrees to accept the donation of 21.085 acres in Peaks Magisterial District, Bedford County, Virginia adjacent to the Claytor Nature Center from B. G. Kibler, said real property to be used for conservation purposes in perpetuity.

ADOPTED by a vote of 5 in favor and one against

ATTEST:



G. Robert Lee, Executive Director