

MINUTES
VIRGINIA OUTDOORS FOUNDATION
BOARD OF TRUSTEES MEETING
Richmond, VA
January 22, 2009

Trustees present:

Chair, Frank M. Hartz, presiding
Mark Allen
Dr. M. Rupert Cutler

Charles H. Seilheimer, Jr.
Jeffrey K. Walker
Molly Joseph Ward
Harry Atherton

VOF staff attending:

G. Robert Lee, Executive Director
Leslie Grayson, Deputy Director, Easements
Martha Little, Deputy Director, Stewardship
Tamara Vance, Deputy Director, Easements
Ruth Babylon, Easement Specialist
Sherry Buttrick, Easement Manager
Bobbie Cabibbo, Executive Assistant
Anna Chisholm, Finance Manager
Kristin Ford, Easement Specialist,
Josh Gibson, Easement Specialist
Kerry Hutcherson, Staff Counsel Stewardship

Harry Hibbitts, Easement Specialist
Jason McGarvey, Outreach and Communications Manager
Jen Perkins, Easement Specialist
Renee Russell, Development Coordinator
Amanda Scheps, Stewardship Specialist
Bruce Stewart, Staff Counsel Easements
Estie Thomas, Easement Manager
Laura Thurman, Easement Manager

Also in attendance were:

Fred Fisher, VA Attorney General's Office
Brett Ellsworth, Assistant Attorney General
Rex Linville, Piedmont Environmental Council
Sarah Richardson, VA Dept Conservation &
Recreation

Jeremy Stone, VA Dept Conservation & Recreation
Phil Hocker, VA Conservation Credit Pool, LLC
Rob Suydam, VA Department of Forestry
Phil Lownes, VA Department of Game and Inland Fisheries

Hank Hartz convened the meeting at 10:45 a.m.

Public Comments

Rob Suydam of DOF respectfully requested time on the present agenda to consider a request by Rob Farrell of the VA Department of Forestry.

Approval of the Order of Business

Agenda item titled "Berryville Effluent Line" was withdrawn at the request of the Town of Berryville. Therefore, the first closed session scheduled was canceled. A motion was made to approve Agenda as amended; motion seconded and approved unanimously.

Minutes

Hank Hartz called for the approval of the Minutes of the October 22 & 23, 2008 meeting. Amendments to minutes are as follows:

Under Hatley remove *strike last sentence SECTION II.4., paragraph 1.*

Correct spelling of *Shackelford to Shackelford*

Under Wolanski add the following amendment: *to allow Riparian buffer to 35', livestock are excluded from the stream with the exception of 3 access points for watering and stream crossing.*

Correct spelling of *Hollerich to Hoellerich*

DRAFT MINUTES

Motion made to accept Minutes with above changes, motion seconded and approved unanimously.

Directors' Reports

Hank Hartz called on Bob Lee to give the Executive Director's Report. Leslie Grayson gave update on CY 08 easements including 64,840 new easement acres; 236 projects (187 new and 49 amendments); 938 easement properties monitored. VOF has approximately 525,000 acres protected in the Commonwealth. Ms. Grayson recognized the entire VOF staff and the fact that these extraordinary accomplishments are due to their hard work and dedication.

Resolutions

Bob Lee presented *A RESOLUTION TO REVISE THE CALENDAR YEAR 2009 MEETING SCHEDULE OF THE BOARD OF TRUSTEES OF THE VIRGINIA OUTDOORS FOUNDATION*. The resolution adds two meetings to the schedule for the Board of Trustees, May 21, 2009 and September 3, 2009; locations to be determined. Motion was made to adopt Resolution; motion seconded and approved unanimously.

Consent Agenda Amendment

Hank Hartz called for Consent Agenda Amendment

1. ROA-OF-1660 – Hinlicky – Roanoke 55 acres. 16.2 acres added. Motion made to approve Consent Agenda Amendment as presented; motion seconded and approved unanimously.

Boundary Line Adjustment (BLA) – BOAZ Mountain LLC

Amend easement to add .011 acres to easement. Motion made to approve BLA; motion seconded and approved unanimously.

Preservation Trust Fund (PTF)

Leech – Rockbridge County 168 acres – This agenda item was a simple request for guidance from the Board. No vote taken on this matter.

Simmerman - Wythe County - 133.5 acres – Motion made to approve easement as presented; motion seconded and approved unanimously. Motion made to award \$8,500 of PTF cost-only funds; motion seconded and approved unanimously.

Temporary adjournment for a networking lunch.

Mr. Seilheimer left the meeting at this time due to a prior commitment.

Irvine – Rockbridge - 509.33 acres – Amend easement to strike language in Section II.2, third paragraph on page 165 of board book beginning with “and the exterior of any new dwelling” . . . through to the end of that paragraph; add requirement for prior written approval for painting exteriors, guidance is: limited to a neutral color palate and a non reflective roof, for any new buildings over 1000 sq. ft. Motion made to approve easement with amendments and pending addition of a qualified co-holder or passage of legislation removing with requirement for co holder; motion seconded and approved unanimously. Motion made to fund \$11,750 cost-only PTF reimbursement; motion seconded and approved unanimously.

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Staunton Easements

Glick – Rockbridge County - 144.91 acres Amend easement to limit aggregate dwelling size to 6,000 sq. ft. living area; remove language in Section 2.(i). entire second sentence. Motion made to approve easement with amendments; motion seconded and approved unanimously.

Greene – Rockbridge County - 208.52 acres Amend easement to remove 50 foot height limitation on alternative energy structures. Motion made to approve easement with amendment; motion seconded and approved with a vote of 4 to 2 with Jeff Walker and Mark Allen dissenting.

Johnston – Rockbridge County - 65.732 acres Motion made to defer easement to April meeting; motion seconded and approved unanimously.

Schad – Rockbridge County - 97.731 acres Motion made to approve easement as presented; motion seconded and approved unanimously.

Motion made to go to Closed Session for discussion of two Commonwealth of Virginia Real Estate transactions as provided for in the Code of Virginia §2.2-3711; motion seconded and approved unanimously.

Jeffrey K. Walker and Molly Ward left the Board of Trustees meeting during this time due to previous commitments.

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.

Board back in open session at 4:01 p.m.

Motion made to amend adopted agenda to include two real estate matters discussed in closed session; motion seconded and approved unanimously.

Motion made to authorize staff to proceed with due diligence effort for first matter discussed in closed session, which could include moving to closing on real property; motion was seconded and approved unanimously.

Motion made to authorize delegation of authority to Executive Director and Staff with respect to potential amendment of an existing easement; motion seconded and passed with a vote of 3 to 1 with Harry Atherton dissenting.

EASEMENT CONSIDERATION - Tappahannock

Latane Reconsideration – Westmoreland County - 94.29 acres Motion made to approve easement as presented; motion seconded and approved unanimously.

Tune, Hogge, Latane Reconsideration – Westmoreland County - 70.39 acres Motion made to approve easement as presented; motion seconded and approved unanimously.

EASEMENT CONSIDERATION - Warrenton

Colten Investment, Inc. – Fauquier County - 600.64 acres Motion made to approve easement as presented; motion seconded and approved unanimously.

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Ingram – Culpeper County - 137.46 acres Motion made to approve easement as presented; motion seconded and approved unanimously.

Town of Purcellville – Loudoun County - 1271.85 acres Amend easement to follow only the these two staff recommendations - modify division clause, move paragraph Section 2 (v) to Section 3. 3 (vi); remove tax-related language. Motion made to approve easement with amendments; motion seconded and approved unanimously.

Walnut Hill, LLC – Fauquier - 173.55 acres Amend easement to add to Section 2.(ii) at end of sentence, “which must either be barn or garage apartments or located within 200 feet of one of the permitted primary dwellings”. Motion made to approve easement with amendment; motion seconded and approved unanimously.

Yates – Culpeper County - 200.10 acres Motion made to approve easement as presented; motion seconded and approved unanimously.

EASEMENT CONSIDERATION – Blacksburg

Buckland – Giles County – 650 acres Amend easement in Section 2.(ii) last sentence to include “not exceeding a footprint of 1,000 sq. ft after the phrase. .”.such as a garage”; change Section 2. (iv) second paragraph to read: *Two of the three existing dwellings currently located within the “no build zone” may be replaced in the same location or within 100 feet of their current footprint. The third dwelling located within the “no build zone” may be replaced in the same location or in any location within the “no build zone”.* Motion made to approve easement as amended; motion seconded and approved unanimously.

Robertson – Giles County - 271.25 acres Motion made to approve easement as presented; motion seconded and approved unanimously.

Simpson – Campbell County - 685.991 acres Motion made to approve easement as presented; motion seconded and approved unanimously.

Steele Ingles Reconsideration – Pulaski County - 313 +/- acres Motion made to approve easement as presented; motion seconded and approved unanimously.

Wilson – Franklin County - 68 acres Motion made to approve easement as presented; motion seconded and approved unanimously.

Motion made to go into ***Closed Session*** for discussion of Real Estate transactions as provided for in the Code of Virginia §2.2-3711; 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.

Motion made to authorize the Executive Director, in consultation with the Attorney General’s Office, to negotiate and execute whatever legal documents, and take any other actions, as may be necessary or desirable in connection with the transfer of property to Lavinia Currier in accordance with VOF’s binding option agreement, motion seconded and approved unanimously.

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In the closed session Fred Fisher briefed the Board of Trustees on the history of the property which was jointly owned with Mr. and Mrs. Hauter, on the relation of its boundary to the boundaries of other VOF properties which were subject to a 1990 amendment to an option agreement with Lavinia Currier, on the conclusion of two suits against the Hauters and others: one to establish the boundary line of the jointly owned property, and a second to partition the properties which VOF and the Hauters owned together, so that VOF took its share as 25 acres at the top of the mountain on the western edge of the larger property with the remaining portion going to the Hauters. Because Fauquier County would not record a plat reflecting the creation of the two parcels to effect this division, it was necessary to use a boundary line adjustment so VOF's 25 acres would be added to and become part of VOF's 118-acre parcel adjoining the western line of the jointly held property. He further discussed VOF's legal obligations under the longstanding amended option agreement, which would become exercisable according to its terms once VOF established the boundaries so it could give a clear title and settled the dispute with the Hauters.

Meeting adjourned.