

V I R G I N I A:

At a meeting of the Washington County Board of Supervisors held Tuesday, September 13, 1994, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

PRESENT:

James T. Osborne, Chairman
 Dulcie M. Mumpower, Vice Chairman
 Kenneth G. Mathews
 Bobby D. Ingle
 Joe W. Derting
 Maurice H. Parris

Bruce E. Bentley, County Administrator
 Barry Proctor, Interim County Attorney
 Mark W. Seamon, Director of Accounting
 Sandra M. Hatfield, CPS, Executive Secretary

ABSENT:

Jackson Barker, Jr.

1. Call to Order

The meeting was called to order by Mr. James T. Osborne, Chairman of the Board who welcomed everyone in attendance.

Mr. Osborne announced that Supervisor Jackson Barker, Jr. is absent from this meeting due to a military assignment.

2. Invocation and Pledge of Allegiance - Jackson Barker, Jr.

Mr. Bobby Ingle gave the Invocation and led in the Pledge of Allegiance.

3. Approval of Agenda

On motion of Mrs. Mumpower, second by Mr. Mathews, it was resolved to approve the Agenda as presented.

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

Mr. Ingle	Aye	Mr. Osborne	Aye	Mrs.	Mumpower
Aye					
Mr. Mathews	Aye	Mr. Parris	Aye	Mr.	Derting
Aye					

4. Approval of Minutes of August 23, 1994

On motion of Mr. Derting, second by Mr. Parris, it was resolved to approve the Minutes of August 23, 1994 as written.

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

Mr. Ingle	Aye	Mr. Osborne	Aye	Mrs.	Mumpower
Aye					
Mr. Mathews	Aye	Mr. Parris	Aye	Mr.	Derting
Aye					

5. Planning & Zoning Public Hearings

The following action was taken during the public hearings for planning and zoning matters:

Intent to Rezone:

- (1) Cleo I. Pauley: Request to rezone approximately 45.129 acres of property located adjacent to the Graceland Heights Subdivision from A-2 (Agricultural, General) to R-2 (Residential, General), Monroe Magisterial District.

Mr. Osborne invited comments both in support of and in opposition to the application filed by Cleo I. Pauley.

There being no comments, Mr. Osborne declared the public hearing closed.

On motion Mrs. Mumpower, second by Mr. Ingle, it was resolved to follow the recommendation of the Planning Commission and approve request of Cleo I. Pauley to rezone approximately 45.129 acres of property located adjacent to the Graceland Heights Subdivision from A-2 (Agricultural, General) to R-2 (Residential, General), Monroe Magisterial District.

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

Mr. Ingle	Aye	Mr. Osborne	Aye	Mrs.	Mumpower
Aye					
Mr. Mathews	Aye	Mr. Parris	Aye	Mr.	Derting
Aye					

Request for Special Use Permit:

- (2) Dewey Skeens: Request for a Special Use Permit to operate a sawmill on property located on the South side of U.S. State Route 11 near the Rosedale Church in an A-2 (Agricultural, General) zone, Madison Magisterial District.

Mr. Osborne invited comments both in support of and in opposition to the application filed by Dewey Skeens.

Dewey Skeens addressed the Supervisors requesting they allow him to operate a saw mill on 30 acres of land that would be set 1,000 feet from any house or structure. He stated he would like to cut timber and saw it. He added he would be sawing timber for others.

Curtis Fitzgerald spoke to the Supervisors stating he lives behind the property where the saw mill is to be located. He stated he has no opposition to the special use permit if Mr. Skeens cuts and mills his own timber.

Jean Yarber passed around an exhibit of photographs showing the driveway entry to the Skeens' property. She expressed her concern about the private road and asked who is responsible for the upkeep of the road if logging trucks destroy the road. Mrs. Yarber stated her belief that the sawmill operation would devalue her property.

In response to the Supervisors' question, Mr. Skeens stated he would assume the responsibility for the road if it is damaged, and will repair it to the condition it is now.

A question was raised about regulations requiring businesses to have restroom accommodations.

Harold Hannah, property owner joining the Skeens property, raised a question of whether Mr. Skeens' property is a good location for the saw mill. He stated disposal of waste and saw dust will be a problem. He expressed his concerns about maintaining water quality, and hazardous conditions which exist when you enter and exit Lee Highway.

There being no further comments, Mr. Osborne declared the public hearing closed.

Mr. Osborne called upon Mrs. Freeman who explained the code regulations that address the requirement for a business to have a restroom facility.

Mr. Derting expressed his view that it would not be correct for Mr. Skeens to put a commercial milling operation on the property. He stated, however, Mr. Skeens' owns his land and has the right to cut the timber on it.

On motion of Mr. Derting, second by Mr. Mathews, it was resolved to grant Dewey Skeens a Special Use Permit to cut timber and operate a sawmill for the timber on his property only located on the South side of U.S. State Route 11 near the Rosedale Church in an A-2 (Agricultural, General) zone, Madison Magisterial District.

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

Mr. Ingle	Aye	Mr. Osborne	Aye	Mrs. Mumpower
Aye				
Mr. Mathews	Aye	Mr. Parris	Aye	Mr. Derting
Aye				

- (3) Town of Abingdon for Dan Sullivan: Request for a Special Use Permit for land application of stabilized municipal biosolids to farm land located on the North side of State Route 605 near the intersection of Routes 605/758 in an A-1 (Agricultural, Limited) zone, Taylor Magisterial District.

Mr. Osborne invited comments both in support of and in opposition to the application filed by the Town of Abingdon for Dan Sullivan.

Mr. Monty Vernon and Mike Maiden of the Town of Abingdon distributed additional material supporting their request for a special use permit, emphasizing the following points: (1) Agricultural use of sewage sludge is economically sound and beneficial to agriculture; (2) Sewage Sludge is safe for agriculture and public health; (3) Department of Environmental Quality has approved the Sludge Management Plan; (4) The Virginia Farm Bureau Federation and the Department of Health have endorsed the land application plan. He reiterated that the Town of Abingdon has complied with requirements from all the regulatory agencies to make the land application of stabilized municipal biosolids a safe operation for Washington County. On behalf of the Town of Abingdon, they requested the Supervisors give favorable consideration to their land application of stabilized municipal biosolids on the Dan Sullivan farm.

Bob Peer, BioGro Systems, introduced himself to the Board explaining BioGro is a private contractor contracting with the Town of Abingdon to manage biosolids production at the Waste Water Treatment Plant. Mr. Peer gave an overview of the purpose and scope of the application explaining BioGro will land apply biosolids to 30 acres per year on Mr. Sullivan's farm as well as apply two applications of biosolids to 15 or 20 acres in the Spring and Fall. He stated the biosolids are a safe and environmentally sound application to the agricultural land for production.

Kenny Hobbs of Dutt & Wagner spoke in support of the land application stating it is a viable and economical option to dispose of biosolids when considering the cost factor of using the Landfill.

Pamela Gratton, Technical Services Manager, Wheelabrator Clean Water Systems, Inc., BioGro Division, spoke in support of the land application project. She reiterated the practice of land applying biosolids has been performed for the past 40 years and there is no evidence supporting any detrimental impact on the environment. She referenced in depth data results, sludge analysis, and tests/evaluations performed on biosolids concluding it is a very safe practice and that health impacts and prob-

lems purported do not exist. She pointed out that land application is one of the ways to recycle biosolid material

Joyce Jones appeared before the Board to present a petition signed by 150 residents of the Beech Grove area and Widener's Valley area objecting to the use of sewage sludge on the Dan Sullivan property.

Ken Trent, property owner 200' from the Dan Sullivan property boundary. He informed the Supervisors that his waterline crosses the field where biosolids will be land applied. He expressed his fear that the water will become contaminated. He presented a published article, Sewage Sludge ... A Dangerous Fertilizer, explaining it documents his statements. He pointed out there are 15 to 20 houses that could be affected by the land application of biosolids stating they get their water from a spring that goes through the Dan Sullivan property. He asked if the Town of Abingdon will be liable for any health problems because of land applying sludge.

Donna Clay stated she was asked to speak for several people and pleaded with the Board of Supervisors to deny the special use permit saying it is a life and death matter. She referenced the volumes of information she brought with her on the harmful effects of sludge to health and the environment. She stated she checked on BioGro Systems' record and as a result is opposed to their managing the operation of land application of sludge. She asked the Supervisors the reason the Town of Abingdon cannot land apply the biosolids.

Mr. Ingle explained he had an opportunity to tour the Waste Water Treatment facility and commented he was impressed with their operation in processing/treating sludge. He encouraged others to tour the Treatment Plant.

Andy Hart addressed the Board requesting Mr. Parris to read a letter from Tom Davenport, a citizen of Damascus. Mr. Parris stated he did not have the letter with him opposing the Special Use Permit. Ms. Hart obtained a copy and read the letter to the Board. Mr. Davenport concluded his letter by urging the Board to deny the Town of Abingdon's request for a Special Use Permit.

Herman Widener explained a creek runs out of the mountain and through the area that Mr. Sullivan plans to land apply biosolids. He stated he gets his water from a spring and doesn't want the biosolids spread where there is any danger of it getting in people's water. He is opposed to the Special Use Permit.

Patrick Mannix questioned BioGro Systems operations. He referenced research material he obtained on sludge and soil analysis results. Mr. Mannix stated the Town of Abingdon's request for a special use permit does not meet the requirements of the County Code, stating no one has addressed specific sections of the Code relative to land application of sludge. He reminded the Board that the Planning Commission has denied the permit.

Ms. Gratton addressed the Board of Supervisors responding at great length to allegations against Wheelabrator Clean Water Systems, Inc., BioGro Division, and offered to demonstrate compliance with regulations.

There being no further comments, Mr. Osborne declared the public hearing closed.

During Board deliberation of the Town of Abingdon's request, Mr. Mathews referenced an enlarged topographic map of Mr. Sullivan's property pointing out it is over 1,000 acres in size. He asked several questions about the disposal of sludge indicating his concern about where biosolids will be disposed of. He pointed out that this is an opportunity for Mr. Sullivan to land apply sludge over 200 of his 1,000 acres. Mr. Mathews reflected on a time when biosolids was applied to a athletic field and to his knowledge no one's health has suffered because of this.

A motion was introduced by Mr. Parris, second by Mrs. Mumpower, to follow the recommendation of the Planning Commission and deny the request of the Town of Abingdon for Dan Sullivan for a Special Use Permit for land application of stabilized municipal biosolids to farm land located on the North side of State Route 605 near the intersection of Routes 605/758 in an A-1 (Agricultural, Limited) zone, Taylor Magisterial District.

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

Mr. Ingle	Nay	Mr. Osborne	Aye	Mrs. Mumpower	Aye
Mr. Mathews	Nay	Mr. Parris	Aye	Mr. Derting	Nay

The motion failed to pass.

(During Board Member Reports, County Attorney Barry Proctor offered a clarification of parliamentary procedure as well as addressed the status of the motion. He advised any Supervisor can bring the request for a special use permit back to the Board for action since there was no prevailing side of the vote. He stated the Board motion was to not grant the special use permit which failed by a 3-3 vote. Therefore, he stated there has been no action taken on the special use permit and the application is still pending before the Board.)

7. Recess

On motion of Mr. Mathews, second by Mr. Parris, it was resolved to take a brief recess.

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

Mr. Ingle	Aye	Mr. Osborne	Aye	Mrs.	Mumpower
Aye					
Mr. Mathews	Aye	Mr. Parris	Aye	Mr.	Derting
Aye					

6. Request to Operate an Ambulance Service in Washington County
(Charles T. Proffitt)

Received request from Charles T. Proffitt, President, AdvancedCare Ambulance, Inc., to operate a basic and advanced life support ambulance service in Washington County.

After a brief discussion, County Attorney Barry Proctor advised the Board that a public hearing must be scheduled on the request before a permit could be issued.

On motion of Mr. Parris, second by Mr. Ingle, it was resolved to advertise a public hearing for Tuesday, September 27, 1994 to consider a request from Charles T. Proffitt, President, AdvancedCare Ambulance, for a private ambulance service permit to service all of Washington County, Virginia.

The vote on this motion was as follows (5-0-1):

Mr. Ingle	Aye	Mr. Osborne	Aye	Mrs.	Mumpower
Aye					
Mr. Mathews	Aye	Mr. Parris	Aye	Mr.	Derting
Abstain					

Mr. Derting was not present during the discussion, therefore, did not vote.

8. Washington County Public Schools Emergency Literary Funds

- a. Resolution Authorizing Application for the Virginia Public School Authority 1994 Series B Bond Sale
- b. Resolution of the Board of Supervisors of Washington County, Virginia Declaring Its Intention to Reimburse Itself From the Proceeds of One or More Tax-Exempt Financings for Certain Expenditures Made and/or To be Made in Connection With the Acquisition, Construction and Equipping of Certain Capital Improvements

Mr. Ronald A. Walls, Director of Administration, Washington County Public Schools, was present to respond to questions from the Supervisors.

On motion of Mr. Mathews, second by Mr. Ingle, it was resolved to adopt the following two resolutions:

Resolution No. 1:

RESOLUTION AUTHORIZING APPLICATION FOR THE
VIRGINIA PUBLIC SCHOOL AUTHORITY 1994 SERIES B BOND SALE

WHEREAS, the Board of Supervisors (the "Board") and the School Board of the County of Washington, Virginia (the "County"), have determined that it is in the best interest of the County to apply to the Virginia Public School Authority (the "VPSA") to participate in the 1994 Series B bond sale to be conducted by the VPSA for the purpose of funding certain school capital projects; and

WHEREAS, the proceeds from said bond sale will be used for the purpose of assisting in the financing, construction, renovation, refurbishment, addition, equipping and furnishing of the roof at Meadowview Elementary School at an estimated cost of \$205,000 (the "Project"); and

WHEREAS, the Board intends to hold a public hearing regarding the issuance of such bonds.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Washington, Virginia, does hereby authorize the School Board of the County of Washington, Virginia to submit the attached application to participate in the VPSA 1994 Series B bond sale for the purpose of financing the Projects.

Resolution No. 2:

RESOLUTION OF THE BOARD OF SUPERVISORS OF WASHINGTON COUNTY, VIRGINIA DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS

WHEREAS, Washington County, Virginia (the "Issuer") is a political subdivision organized and existing under the laws of the State of Virginia; and

WHEREAS, the Issuer has paid and will pay, on or after the date hereof, certain expenditures (the "Expenditures") for the purpose of assisting in the financing, construction, renovation, refurbishment, addition, equipping and furnishing of the roof at Meadowview Elementary School at an estimated cost of \$205,000 (the "Project"); and

WHEREAS, the Board of Supervisors of the Issuer (the "Board of Supervisors") has determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt bonds (the "Bonds");

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS AS FOLLOWS:

Section 1. The Board of Supervisors hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of the Bonds for the Expenditures with respect to the Project made no more than 60 days prior to the date hereof, unless approved earlier. The Issuer reasonably

expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as the date of the Expenditure), (b) a cost of issuance with respect to the Bond, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose an obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Bonds expected to be issued for the Project is \$205,000.00

Section 4. The Issuer will make a reimbursement allocation which is a written allocation by the Issuer that evidences the Issuer's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects for at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

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

Mr. Ingle	Aye	Mr. Osborne	Aye	Mrs.	Mumpower
Aye					
Mr. Mathews	Aye	Mr. Parris	Aye	Mr.	Derting
Aye					

9. Bid Award on Compact 4 Wheel Drive Pickup Truck, Animal Control Department

On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved to accept the low bid of Empire Ford in the amount of \$14,694.00 for a 1994 Ford Ranger compact 4-wheel drive pickup truck for the Animal Control Department.

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

Mr. Ingle	Aye	Mr. Osborne	Aye	Mrs.	Mumpower
Aye					
Mr. Mathews	Aye	Mr. Parris	Aye	Mr.	Derting
Aye					

10. Bid Award for Roof Replacement at Hayter's Gap and Mendota Community Centers

On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved to accept the low bid of Abingdon Roofing Co., Inc. in the amount of \$100,750.00 for the roof replacement of the Hayter's Gap and Mendota Community Centers.

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

Mr. Ingle	Aye	Mr. Osborne	Aye	Mrs.	Mumpower
Aye					
Mr. Mathews	Aye	Mr. Parris	Aye	Mr.	Derting
Aye					

On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved to use up to \$250.00 from the roof funds to purchase aluminum paint for the outside building roof at Hayter's Gap Community Center.

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

Mr. Ingle	Aye	Mr. Osborne	Aye	Mrs.	Mumpower
Aye					
Mr. Mathews	Aye	Mr. Parris	Aye	Mr.	Derting
Aye					

11. Child Day Care Grant/Appropriation (Katie Gifford, Director, Office on Youth)

Received request to appropriate \$1,000 grant funds from Virginia Council on Child Day Care and Early Childhood Programs to the Office on Youth budget from Director Katie Gifford.

Questions were raised on how the funds are to be used. Supervisors requested Mrs. Gifford be present at the September 27, 1994 Board of Supervisors meeting to respond to the questions.

On motion of Mr. Ingle, second by Mr. Mathews, it was resolved to table action on the request to appropriate \$1,000 grant funds from Virginia

Council on Child Day Care and Early Childhood Programs to the Office on Youth budget.

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

Mr. Ingle	Aye	Mr. Osborne	Aye	Mrs.	Mumpower
Aye					
Mr. Mathews	Aye	Mr. Parris	Aye	Mr.	Derting
Aye					

12. Consideration of Appointment to Southwest Virginia Emergency Medical Services Council, Inc., 3 Year Term

On motion of Mr. Parris, second by Mr. Ingle, it was resolved to reappoint Dr. Briggs Allen to the Board of Directors of the Southwest Virginia Emergency Medical Services Council, Inc.

for a three year term of office beginning October 1, 1994 to September 30, 1997.

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

Mr. Ingle	Aye	Mr. Osborne	Aye	Mrs.	Mumpower
Aye					
Mr. Mathews	Aye	Mr. Parris	Aye	Mr.	Derting
Aye					

13. Citizen Comments

At this time, Mr. Osborne invited comments from citizens on items that do not appear on the Agenda.

Bill Bish questioned the use of 911 funds to purchase materials by the Emergency Services personnel; questioned the need to spend monies for HAM radios; painting the newly acquired Emergency Services truck (with portable tool box) and replacement plates for an auger; portable radios for Mary and Scott.

Tom Whittaker questioned the reason Emergency Services painted the new truck stating it was a waste of funds.

Patrick Mannix informed the Board that Emergency Services split purchases in order to avoid the procurement act. He stated Ted Cox painted the Emergency Services truck and that there is a conflict of interest; questioned the reason the County is purchasing portable and HAM radios; raised a question about the status of the Board of Supervisor raises; stated he applied to the County for the Deputy Emergency Services position and has tried to get a copy of EEOC regulations and discovered the County does not have any; raised the question of Gary Crookshank continuing to take prisoners out in the County Van; questioned the legality of

Resolution to Abandon a Portion of SR 904 stating that the Board did not hold a public hearing.

(Mr. Proctor later advised the Board that a notice was posted at the Courthouse and there were no adjoining property owners that requested a public hearing be held.)

14. County Administrator Comments

The following action was taken on County Administrator comments:

a. WASHCOSO Health Fair - September 23, 1994

Received communication from Sheriff Joe D. Mitchell concerning the WASHCOSO Health Fair to be held on September 23, 1994 and his invitation to County Administrative employees to participate.

There was no action taken on this.

b. Resolution to Abandon a Portion of Virginia Secondary Highway, SR 904

On motion of Mr. Ingle, second by Mr. Derting, it was resolved to adopt the following resolution:

WHEREAS, a public notice was posted as prescribed under Section 33.1-151, Code of Virginia, announcing a public hearing to receive comments concerning abandoning the section of road described below from the secondary system of state highways, and

WHEREAS, the Commissioner of the Virginia Department of Transportation was provided the prescribed notice of this Board's intent to abandon the subject section of road, and

WHEREAS, after considering all evidence available, this Board is satisfied that no public necessity exists for the continuance of the section of Secondary Route 904 beginning approximately 0.10 mile from its intersection with Secondary Route 705, at the point where the present, paved right-of-way of Secondary Route 904 and the present, paved parking area of the Maintenance Office/Garage of the Washington County Department of Solid Waste meet and join; thence in a north-northeasterly direction over, across and adjoining lands presently owned by the County of Washington previously used as a sanitary landfill to the terminus of Secondary Route 904's right-of-way, a distance of approximately 0.70 mile, and hereby deems that section of road no longer necessary as part of the Secondary System of State Highways.

NOW, THEREFORE, BE IT RESOLVED, this Board abandons the above described section of road and removes it from the secondary road system of state highways, pursuant to Section 33.1-151, Code of Virginia.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

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

Mr. Ingle	Aye	Mr. Osborne	Aye	Mrs.	Mumpower
Aye					
Mr. Mathews	Aye	Mr. Parris	Aye	Mr.	Derting
Aye					

c. Town of Abingdon Request to Put Antenna on County Tower

On motion of Mr. Parris, second by Mrs. Mumpower, it was resolved to authorize the installation of a 4-way antenna on the existing tower and the placement of the base station in the building owned by Washington County, located off Reservoir Street at no monthly cost to the Town of Abingdon.

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

Mr. Ingle	Aye	Mr. Osborne	Aye	Mrs.	Mumpower
Aye					
Mr. Mathews	Aye	Mr. Parris	Aye	Mr.	Derting
Aye					

d. 1994 Board of Supervisor Portrait, September 27, 1994, 6:30 p.m.

Noted the 1994 Board of Supervisors Portrait will be taken at 6:30 p.m., Tuesday, September 27, 1994.

e. Invitation for Membership to National Organization on Disability's Community Partnership Program

On motion of Mr. Ingle, second by Mr. Mathews, it was resolved to accept invitation to become a member of the National Organization on Disability's Community Partnership Program, at no cost to the County.

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

Mr. Ingle	Aye	Mr. Osborne	Aye	Mrs.	Mumpower
Aye					
Mr. Mathews	Aye	Mr. Parris	Aye	Mr.	Derting
Aye					

- f. Participation in Norfolk Southern Corporation TRANSCAER 1994 Whistle-Stop Tour, October 3, 1994, 6:00 p.m.-9:00 p.m.

Received invitation to participate in the Norfolk Southern Corporation TRANSCAER 1994 Whistle-Stop Tour in Bristol, VA on October 3, 1994 from 6:00 p.m. to 9:00 p.m. Mr. Ingle stated he would attend.

- g. Participation in Washington County Leadership Development Program, October 17, 1994, 7:00 p.m., Johnston Memorial Hospital Conference Center (Town Councils of Abingdon, Damascus, and Glade Spring, and the Board of Supervisors of Washington County)

Received notification that Washington County Leadership Development Program will host the Town Councils of Abingdon, Damascus, and Glade Spring, and the Board of Supervisors on Monday, October 17, 1994, 7:00 p.m., at the Johnston Memorial Hospital Conference Center. Mr. Bentley will respond that the Board of Supervisors will be represented at the meeting on October 17, 1994.

- H. Invitation to Participate in 45th Annual Burley Tobacco Festival Parade, September 17, 1994, 10:00 a.m.

Received invitation to participate in the 45th Annual Burley Tobacco Festival Parade on September 17, 1994, at 10:00 a.m. Two or more Supervisors will participate.

- i. Request to Attend Virginia Economic Development Seminar, September 28, 1994, Roanoke

On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved to authorize Mark K. Reeter's attendance at the Virginia Economic Development Seminar on Wednesday, September 28, 1994, Roanoke, VA, and further, it was resolved to authorize his expenses.

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

Mr. Mathews	Aye	Mr. Ingle	Aye	Mr. Derting	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mrs. Mumpower	Aye

j. Virginia Highlands Cable Company Contract

Received communication from Virginia Highlands Cable Company concerning renewal of their cable television franchise and accompanying franchise agreement.

An extensive discussion ensued with Supervisors expressing their displeasure at the service Virginia Highlands Cable Company has failed to provide the citizens of Washington County.

It was determined that the County Attorney and Mr. Parris will review the franchise agreement and advise the County Administrator as to when it will be placed on the Agenda for the Board to consider.

***** k. Communications

The following communications were received:

Interoffice Communications:

:: Assistant County Administrator to

:: County Roadviewer Committee concerning first meeting of committee;

:: William D. Newcomb, Draper Aden Associates concerning Use of First Gas Monitoring Event Test Results, Washington County Landfill/Draper Aden Associates First Quarterly Gas Monitoring Results;

Federal, State and Local Representatives:

:: Congressman Gary A. Condit, 18th District, California, concerning mandate relief legislation;

:: Department of Health, Office of Water Programs, Washington County Sewage - Abingdon; Town of Abingdon's land application of biosolids;

:: Department of Historic Resources concerning Edmonson Homestead and Indian Fields in Washington County;

:: Department of Housing and Community Development concerning Beaver Creek Hosiery Mill;

General Correspondence:

:: Bristol Area Chamber of Commerce announcement of official birthday celebration event as part of the 1994 Autumn Chase Festival, Thursday, September 8, 1994, 7:00 p.m.;

:: Washington County Chamber of Commerce Annual Industrial Appreciation Dinner on Thursday, September 29, 1994, 7:00 p.m., Martha Washington Inn;

Mr. Bentley commented on the Industrial Appreciation Dinner as an annual event which allows County Agencies an opportunity to express their appreciation to industries for the value of their business to the County.

- :: Woods, Rogers & Hazlegrove concerning Application of Appalachian Power Company for approval of an experimental Demand Side Management Program;
- :: Business Journal Article, October 1994, Bristol gets its own convention center;

1. Reminders

15. County Attorney's Reports

a. Johnston Memorial Clinic Building

There was no action taken on Johnston Memorial Clinic Building.

b. Executive Session pursuant to Section 2.1-344(A) (3) of the 1950 Code of Virginia, as amended, in order to discuss property acquisition, Johnson Memorial Clinic

On motion of Mr. Ingle, second by Mr. Mathews, it was resolved to go into executive session pursuant to Section 2.1-344(A) (3) of the 1950 Code of Virginia, as amended, in order to discuss property acquisition, Johnson Memorial Clinic.

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

Mr. Ingle	Aye	Mr. Osborne	Aye	Mrs.	Mumpower
Aye					
Mr. Mathews	Aye	Mr. Parris	Aye	Mr.	Derting
Aye					

On motion of Mr. Mathews, second by Mr. Parris, it was resolved to come out of executive session.

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

Mr. Ingle	Aye	Mr. Osborne	Aye	Mrs.	Mumpower
Aye					
Mr. Mathews	Aye	Mr. Parris	Aye	Mr.	Derting
Aye					

On motion of Mr. Derting, second by Mr. Mathews, it was resolved to adopt the following certification:

WHEREAS, the Washington County Board of Supervisors has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, 2.1-344.1 of the Code of Virginia requires a certification by the Washington County Board of Supervisors that such executive meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion of convening the executive meeting were heard, discussed or considered by the Washington County Board of Supervisors.

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

Mr. Ingle	Aye	Mr. Osborne	Aye	Mrs.	Mumpower
Aye					
Mr. Mathews	Aye	Mr. Parris	Aye	Mr.	Derting
Aye					

16. Consent Agenda:

On motion of Mr. Ingle, second by Mr. Derting, it was resolved to approve the following consent agenda items:

- a. Payment of Bills, September 1994
- b. Supplemental Appropriations:
 - :: Emergency Services for HAM Radio Equipment, \$1,866.73
 - :: Library State Aid for Books & Materials, \$15,611.00
- c. Request for Refunds:
 - :: Building Permit No. 9414, \$100.00, George Hoss
 - :: Recreation Program Fee, \$14.00, Gwyn Hutton

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

Mr. Ingle	Aye	Mr. Osborne	Aye	Mrs.	Mumpower
Aye					
Mr. Mathews	Aye	Mr. Parris	Aye	Mr.	Derting
Aye					

17. Board Member Reports

The following Board Member reports were given:

Mr. Parris stated he would like the County's sludge ordinance reviewed by the Planning Commission.

County Attorney Barry Proctor offered a clarification of parliamentary procedure as well as addressed the status of the motion. He advised any Supervisor can bring the request for a special use permit back to the Board for action since there was no prevailing side of the vote. He stated the Board motion was to not grant the special use permit which failed by a 3-3 vote. Therefore, he stated there has been no action taken on the special use permit and the application is still pending before the Board.

A motion was introduced by Mr. Parris, second by Mrs. Mumpower, to send the County's sludge ordinance back to the Planning Commission to review, and advise the Board of Supervisors of any changes that should be made.

The vote on this motion was as follows (2-4):

Mr. Ingle	Nay	Mr. Osborne	Nay	Mrs.	Mumpower
Aye					
Mr. Mathews	Nay	Mr. Parris	Aye	Mr.	Derting
Nay					

Mr. Ingle inquired about the status of the report from VPI on the County's personnel manual. Mr. Bentley responded that he has received a preliminary report and he needs to review the salary grades.

Mr. Mathews inquired about where the sludge from the Meadowview/Emory sewer project will be taken. Mr. Reeter to obtain this information.

Mr. Osborne requested the Board of Supervisors meet to make a decision on the County Attorney applicants. By consensus agreement the Supervisors agreed that the Board of Supervisors will meet on Tuesday, September 27, 1994, at 6:00 p.m. to discuss the selection of the County Attorney.

Mr. Osborne turned the gavel over to Mrs. Mumpower for the purpose of making a motion.

On motion of Mr. Osborne, second by Mr. Mathews, it was resolved that the Board of Supervisors send a letter of congratulations to Washington County Karate DoJo students in recognition of their achievements at Regional, State, National and International level competitions, and further it was resolved to contribute \$500.00 to the Nihon Karate-Do Kai organization located in Glade Spring, Virginia, and to take the funds from reserves for contingency.

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

Mr. Ingle	Aye	Mr. Osborne	Aye	Mrs. Mumpower
Aye				
Mr. Mathews	Aye	Mr. Parris	Aye	Mr. Derting
Aye				

Mr. Proctor enumerated the medals won by Washington County students who competed at various levels of Karate competition including International.

He reported Marcus Callis, a junior student at Patrick Henry High School, was recently selected to be a member of the United States-Pan American Karate Team who will compete at the Pan American Games in the Dominican Republic, September 28, 1994 through October 3, 1994.

Mrs. Mumpower returned the gavel to Mr. Osborne.

18. Adjournment

On motion of Mr. Mathews, second by Mr. Derting, it was resolved to recess the meeting to Tuesday, September 27, 1994, 6:00 p.m. for the purpose of discussing the selection of the County Attorney.

James T. Osborne, Chairman