

VIRGINIA:

At a meeting of the Washington County Board of Supervisors held Tuesday, May 12, 1998, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

PRESENT:

Bobby D. Ingle, Chairman
 Dulcie M. Mumpower, Vice Chairman
 Kenneth G. Mathews
 Joe W. Derting
 James T. Osborne
 John B. Roberts, Sr.
 Jackson Barker

Mark K. Reeter, County Administrator
 John A. Martin, County Attorney
 Mark W. Seamon, Accounting/Purchasing Manager
 Sandra M. Hatfield, CPS, Administrative Assistant

1 **Call to Order**

The meeting was called to order by Mr. Bobby D. Ingle, Chairman of the Board, who welcomed everyone in attendance.

----- . -----

2 **Invocation and Pledge of Allegiance - James T. Osborne**

Mr. Osborne gave the Invocation and led in the Pledge of Allegiance

----- . -----

3 **Approval of the Agenda**

On motion of Mrs. Mumpower, second by Mr. Osborne, it was resolved to approve the Agenda with the following additions:

- 12.a *Consideration of Rescheduling of May 21, 1998 Budget Adjustment Work Session Meeting Due to Conflict With Industry Appreciation Dinner*
 12.b *Presentation of Intern Report on Illegal Dumpsite Inventory in Washington County (John Steele, Emory & Henry College).*

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

<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>	<i>Mr. Mathews</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

----- . -----

4 **Approval of Minutes**

The following action was taken on approval of minutes:

:: Joint Meeting of Washington County School Board/Board of Supervisors, Wednesday, April 8, 1998

On motion of Mr. Osborne, second by Mr. Derting, it was resolved to approve the Minutes of the recess meeting of April 8, 1998, as presented.

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

<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>	<i>Mr. Mathews</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

:: Regular Meeting of April 28, 1998

On motion of Mr. Roberts, second by Mr. Barker, it was resolved to approve the Minutes of the regular meeting of April 28, 1998, with the following correction:

List Mr. Kenneth G. Mathews as absent.

Change name of David L. Johnson to Danny Johnson.

The vote on the motion to approve the Minutes of April 28, 1998 was as follows: (6-0-1)

<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>	<i>Mr. Mathews</i>	<i>Abstain</i>
<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

:: Recessed Meeting of April 29, 1998

On motion of Mr. Osborne, second by Mrs. Mumpower, it was resolved to approve the Minutes of the recessed meeting of April 29, 1998, as presented.

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

<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>	<i>Mr. Mathews</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

5 **Presentation of Plaques:**

:: 1997-98 John S. Battle High School Wrestling Team

Plaques were presented to the following John S. Battle High School Wrestling Team Members:

<i>Larry Leonard, Captain</i>	<i>Matt Widner, Captain</i>	<i>Tim Bowman, Captain</i>
	<i>Travis Lingerfelt, Captain</i>	
<i>Brad Barker</i>	<i>Brock Stevens</i>	<i>Beren Johnson</i>
<i>Brett Rodefer</i>	<i>Lorne Hartsock</i>	<i>Michael Price</i>
<i>Joe Miller</i>	<i>Travis Beech</i>	<i>Jon Miller</i>
	<i>Daniel Paxton</i>	

Steve Owens, Head Coach *Richard Picariello, Asst. Coach* *Chad Cross, Asst. Coach*

Travis Ingle, Scorekeeper

Ralph Booher, Manager

Tim Hayes, Film Man

:: 1997-98 John S. Battle High School Debate Team, Region C Championship

Plaques were presented to the following John S. Battle High School Debate Team members who won the Region C Championship:

Region Debate Tournament

Amanda Bowman
Christy Fields
Elliot Smith

Michael Fleenor
Sarah Statzer
Christy Johnson

Julie Fleenor
Rachel Shaffer
Mandy Rust

Plaques were presented to the following John S. Battle High School Academic Team members for winning the Virginia High School League Academic Co-Championship title:

Academic Team

Shawn Fields
Matt Statzer
Travis Meade

Natalie Shaffer
Holly Hyler
Adam Barker

Matt Rowland
Lindsay Borrer

6 **Planning & Zoning Public Hearings**

The following action was taken on Planning & Zoning Public Hearings:

- a. **Washington County Park Authority: Request for a Special Use Permit to construct a 30' x 50' boat storage facility on property located off of State Route 663 adjacent to the South Holston Lake in an SR (Shoreland Recreation) zone, Madison Magisterial District.**

Mr. Ingle opened the public hearing to receive comments in support of and in opposition to a request for a special use permit filed by Washington County Park Authority.

Eli Blankenship, Superintendent, Washington County Park, appeared before the Board of Supervisors to explain the request for a special use permit. He stated the Virginia Department of Game & Inland Fisheries approached the Park Authority about building a boat storage facility. He stated agreement between the Park Authority and Game & Inland Fisheries was reached granting the Park Authority the right to acquire the facility in the event it is needed.

There being no other speakers, Mr. Ingle closed the public hearing.

On motion of Mr. Derting, second by Mr. Osborne, it was resolved to follow the recommendation of the Planning Commission and grant a Special Use Permit to Washington County Park Authority to construct a 30' x 50' boat storage facility on property located off of State Route 663 adjacent to the South Holston Lake in a SR (Shoreland Recreation) zone, Madison Magisterial District.

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

<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>	<i>Mr. Mathews</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

- b. **Glen C. Peters: Request for a Special Use Permit to construct and operate a mobile home park consisting of approximately 15 units on property located on the South side of State Route 700 near the intersection of Route 611/700 in an A-1 (Agricultural, Limited) zone, Harrison Magisterial District, B-91 Election District.**

Mr. Ingle opened the public hearing to receive comments both in support of and in opposition to request for a special use permit filed by Glen C. Peters.

Glen Peters addressed the Board of Supervisors stating he has revised his request for a special use permit, and will place only 11 mobile homes in the proposed park. Mr. Peters stated he wants the mobile home park to be a first class project.

Mr. Peters described the parcel of property, explaining where single-wide and double-wide units are set on the property. He stated the driveway that is on the property will serve the existing units plus four additional units. He explained there is ample water supply, and he has secured an entrance permit from the Highway Department. He expressed his view that the property is an ideal location for a mobile home park stating he will not move the existing units, however, he will be upgrading them as they do not meet his standards. He stated the additional units will be placed in the rear of the property where it joins farm land. Any units being moved onto the property, he stated, will be no older than two to three years, will be underpinned, and the lots will be larger than he planned for originally.

Mr. Peters addressed opposing comments registered at the Planning Commission meeting. He affirmed his efforts to secure the cooperation from the neighbors on the proposed project. He submitted a petition signed by 42 property owners. Mr. Peters explained he has received telephone calls from prospective tenants inquiring about available sites, stating there is an urgent need for mobile home parks in the area. He commented he has personally experienced very little turn over in the units he has placed in the mobile home park he owns.

Mr. Peters stated Mrs. Hamilton, who owns 62 acres that joins his property in the rear and is the property owner most affected by the mobile home park, does not object to the project.

Frances Taylor addressed the Supervisors explaining she is a tenant in Mr. Peters=mobile home park, and supports his request.

At Mr. Peters=request, persons in the audience supporting the request for a special use permit stood. There were approximately 20.

Ted Price spoke in opposition to Mr. Peters=request for a special use permit, expressing concern over the devaluation of his property, and increased traffic with the addition of a mobile home park in the community. Mr. Price presented a letter from Blue Ridge Appraisal Services indicating a mobile home park will have a detrimental effect on the community.

Mr. Price explained that he was uncertain at first of his support for the project, however, after doing some research, he has concluded he cannot support the request for a special use permit. He cited that a neighbor, requesting a special use permit to place a mobile home on his property while building a residence, was denied permission, and expressed his view that approving Mr. Peters request would be a contradiction.

Mr. Price requested the special use permit request be denied.

Joel Hart, opposing the special use permit for Mr. Peters, advised he appeared before the Board of Supervisors in the past representing the residents of the Greendale community who were requesting a traffic light to be installed on Routes 700 and 19. He explained traffic safety is an issue and cited several examples of hazardous and dangerous conditions at that location. He expressed his concern over the increased traffic in the area because of a mobile home park.

Jack & Georgia Demyers, speaking in opposition to Mr. Peters=request for a special use permit, stated the mobile home units are like rental units. Mrs. Demyers expressed concern the mobile home park

will devalue their property. In addition, Mrs. Demyers spoke of her concern about traffic conditions and safety issues that already exist in the community.

Karen Shaffer appeared before the Supervisors referencing a travel brochure she obtained from the Bristol Chamber of Commerce that describes an auto tour through portions of Route 700. In reading aloud from the literature, she expressed her viewpoint that a mobile home park on Route 700 does not fit the scenic description in the brochure.

Angela Turner, appeared before the Supervisors, explaining she attends the Greendale Chapel Church at Route 700 and 19. She expressed concern about increased traffic in the area, and cited examples of the hazardous and unsafe traffic conditions that already exist when worship services conclude each Sunday.

Glen Peters reappeared before the Supervisors to address concerns expressed about the devaluation of properties. He commented on how he has maintained the mobile home park he owns.

Mr. Mathews inquired about the mobile home units that will be placed on the property, whether they will be new or used units. Mr. Peters stated he plans on placing new units on the property not older than two or three years, will require skirting around the units, will allow one outbuilding, and junk cars will not be permitted to be stored on the property.

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

Mr. Mathews made a motion, second by Mrs. Mumpower to deny Glen C. Peters request for a Special Use Permit to construct and operate a mobile home park consisting of approximately 15 units on property located on the South side of State Route 700 near the intersection of Route 611/700 in an A-1 (Agricultural, Limited) zone, Harrison Magisterial District, B-91 Election District.

Mr. Barker made a substitute motion to approve Glen C. Peters request for a Special Use Permit to construct and operate a mobile home park consisting of approximately 15 units on property located on the South side of State Route 700 near the intersection of Route 611/700 in an A-1 (Agricultural, Limited) zone, Harrison Magisterial District, B-91 Election District. There was no second for Mr. Barker's motion. The motion failed for lack of a second.

The vote on Mr. Mathews's motion to deny Glen C. Peters request for a Special Use Permit to construct and operate a mobile home park consisting of approximately 15 units on property located on the South side of State Route 700 near the intersection of Route 611/700 in an A-1 (Agricultural, Limited) zone, Harrison Magisterial District, B-91 Election District was as follows: (4-3)

Mr. Ingle	Aye	Mrs. Mumpower	Aye	Mr. Mathews	Aye
Mr. Derting	Aye	Mr. Osborne	Nay	Mr. Roberts	Nay
Mr. Barker	Nay				

7 **Public Hearing on Ordinance to Repeal Section 66-920 of Chapter 66 of the 1997 Code of the County of Washington, Virginia and to Amend Chapter 66, Article XI of the 1997 Code of the County of Washington, Virginia by the Addition of New Division 3., Sections 66-931 through 66-944 Establishing an Airport Safety Overlay Zone**

- a. **Presentation of Airport Overlay Zone Ordinance (Ron Deloney, General Manager, Virginia Highlands Airport Commission)**

Mr. Ron Deloney, General Manager, Virginia Highlands Airport, appeared before the Board of Supervisors to explain the Airport Overlay Zone Ordinance stating that it was legislated by the General Assembly requiring localities to take steps through an ordinance to regulate the location and height of structures in and around airports.

With the aid of an enlarged map, Mr. Deloney commented on the area affected by the implementation of the ordinance, and responded to questions from the Board.

b. **Public Hearing Concerning Ordinance**

Mr. Ingle opened the public hearing to receive comments both in support of and in opposition to Ordinance to Repeal Section 66-920 of Chapter 66 of the 1997 Code of the County of Washington, Virginia and to Amend Chapter 66, Article XI of the 1997 Code of the County of Washington, Virginia by the Addition of New Division 3., Sections 66-931 through 66-944 Establishing an Airport Safety Overlay Zone.

Patrick Mannix addressed the Supervisors questioning specific sections of the ordinance commenting there seems to be a duplication of effort between the State and Federal jurisdictions. Mr. Mannix questioned the phrase, "policing power without compensation"

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

On motion of Mr. Osborne, second by Mr. Mathews, it was resolved to adopt the following Ordinance to Repeal Section 66-920 of Chapter 66 of the 1997 Code of the County of Washington, Virginia and to Amend Chapter 66, Article XI of the 1997 Code of the County of Washington, Virginia by the Addition of New Division 3., Sections 66-931 through 66-944 Establishing an Airport Safety Overlay Zone:

No. 98-2

AN ORDINANCE TO REPEAL SECTION 66-920 OF CHAPTER 66 OF THE 1997 CODE OF THE COUNTY OF WASHINGTON, VIRGINIA AND TO AMEND CHAPTER 66, ARTICLE XI OF THE 1997 CODE OF THE COUNTY OF WASHINGTON, VIRGINIA BY THE ADDITION OF NEW DIVISION 3., SECTIONS 66-931 THROUGH 66-944 ESTABLISHING AN AIRPORT SAFETY OVERLAY ZONE

WHEREAS, because of changes in the state enabling legislation and the growth and development that has and is taking place in Washington County, Virginia in and around the Virginia Highlands Airport, it is in the best interest of the citizens of the County to amend the current zoning regulations to establish an Airport Safety Overlay Zone for the Virginia Highlands Airport, and

WHEREAS, current Section 66-920 of the 1997 Code of Washington County, Virginia provides insufficient protection against encroachment of the airspace above and surrounding the Virginia Highlands Airport, and does not fully comply with current state and federal models for local regulation of airspace above airports;

NOW THEREFORE, be it enacted by the Board of Supervisors for Washington County, Virginia:

1. That the 1997 Code of the County of Washington, Virginia, is hereby amended by repealing Chapter 66, Article XI, Section 66-920; and by amending Chapter 66, Article XI. by creating a Division 1. Generally to consist of Sections 66-911 through 66-915, inclusive; and by amending Chapter 66, Article XI. by creating a Division 2. Mobile Homes to consist of Sections 66-916 through 66-919, inclusive; and by adopting Chapter 66, Article XI., Division 3. Airport Safety

Overlay Zone, Sections 66-931 through 66-944, inclusive, which said article, division and sections shall read as follows:

ARTICLE X. SUPPLEMENTARY DISTRICT REGULATIONS

Sec. 66-920. Restrictions adjacent to airports.

Repealed effective June 1, 1998.

Secs. 66-920--66-930. Reserved.

DIVISION 3. AIRPORT SAFETY OVERLAY ZONE

Sec. 66-931. Statement of intent.

The Airport Safety Overlay Zone consists of the airspace over and around the Virginia Highlands Airport and is designed to deal with obstructions into that airspace and is adopted specifically to satisfy the requirements of Section 15.2-2294 of the 1950 Code of Virginia, as amended. In order to accomplish the necessary controls for this area, the boundaries of this overlay district shall be concurrent with those specific geometric standards as referred to in the definition of Regulations found within this division. The intent is to prevent an obstruction that has the potential for endangering the lives and property of the users of the Virginia Highlands Airport and the residents of Washington County, Virginia, and to prevent the reduction in size of areas available for landing, take off and maneuvering of aircraft, which tends to destroy or impair the utility of the airport and the public investment therein. It is declared that in the interest of the public health, safety, and general welfare that the creation or establishment of obstructions that are hazards to air navigation be prevented, that the creation or establishment of an obstruction has the potential for being a public nuisance and may injure the area served by the Virginia Highlands Airport, that the Washington County, Virginia area derives economic development and enhanced interstate commerce from Virginia Highlands Airport, when such airport and its surrounding vicinity is held strictly to the highest possible safety standards; and that the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

Sec. 66-932. Definitions.

For the purposes of this division, the following terms shall have the meanings respectively ascribed to them, unless the context clearly requires otherwise:

Airport shall mean the Virginia Highlands Airport.

Airport commission shall mean the Virginia Highlands Airport Commission or any successor entity with operational responsibility for the Virginia Highlands Airport.

Airport elevation shall mean the highest point on any usable landing surface expressed in feet above mean sea level.

Airport Zone shall mean a zone that is centered about the runway and Primary Surface, with the floor set by the Horizontal Surface.

Antenna shall mean any apparatus designed for telephonic, data, radio, or television communications through the sending and/or receiving of electromagnetic waves.

Approach Surface shall mean a surface, whose design standards are set by the Regulations, longitudinally centered on a Runway centerline, extending outward and upward from the end of the Primary Surface, and at the same slope as the Approach

Zone height limitation slope. The perimeter of the Approach Surface coincides with the perimeter of the Approach Zone.

Approach Zone shall mean a zone that extends away from the end of the Primary Surface with the floor set by the Approach Surface for a distance set by the Regulations.

Conical Surface shall mean a surface, whose design standards are set by the Regulations, extending and sloping horizontally and vertically from the periphery of the Horizontal Surface, like a cone, currently set by the Code of Federal Regulations at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet to a height of five hundred (500) feet above the Airport Elevation.

Conical Zone shall mean a zone that circles around the periphery of and outward from the Horizontal Surface, with the floor set by the Conical Surface.

Hazard to air navigation shall mean an obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth of Virginia.

Height for the purpose of determining the height limits in all Zones of this division and shown on the zoning map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.

Horizontal Surface shall mean a horizontal plane, whose design standards are set by the Regulations, above the established Airport Elevation, currently established at one hundred fifty (150) feet above the Airport Elevation, and the perimeter of which is established by swinging arcs of specified radii from the center of each Primary Surface of each runway of the Airport and connecting the arcs by lines tangent to those arcs.

Nonconforming use shall mean any preexisting structure or object of natural growth which is inconsistent with the provisions of this division or any amendment thereto.

Obstruction shall mean any structure, growth, or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or Zone floor, as set forth in this division.

Permit shall mean a document issued by the county allowing a person to begin an activity which may result in any structures or vegetation exceeding the height limitations provided for in this division. This shall include zoning permits and building permits.

Person shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. The term includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Primary Surface shall mean a surface, whose design standards are set by the Regulations, longitudinally centered on a Runway, which Primary Surface currently extends two hundred (200) feet beyond the hard surface of each end of the airport runway. The width of the Primary Surface is prescribed as set forth in the Regulations. The elevation of any point on the Primary Surface is the same as the elevation of the nearest point on the runway centerline.

Regulations shall mean Part 77.25, et seq., Subchapter E (Airspace) of Title 14 of the Code of Federal Regulations and/or its successor federal regulations, as they may be amended or substituted from time to time.

Runway shall mean a specified area on the airport prepared for landing and takeoff of aircraft.

Structure shall mean any object constructed or installed by any person, including but not limited to buildings and vertical appurtenances thereto, including, but not limited to, cupulae, bell towers and steeples; towers, permanent cranes, smokestacks, earth formations, exterior light poles, flag poles, satellite communication dishes, billboards, and antenna.

Tower shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and the like.

Transitional Surfaces shall mean surfaces, whose design standards are set by the Regulations, which extend outward perpendicular to the runway centerline sloping from the sides of the Primary Surfaces and Approach Surfaces to where they intersect the Horizontal Surfaces and Conical Surfaces.

Transitional Zone shall mean a Zone that fans away perpendicular to the runway centerline and Approach Surfaces, with the floor set by the Transitional Surfaces.

Vegetation shall mean any object of natural growth.

Zone shall mean all areas generally described in three dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the Zone floor set at specific vertical limits by the surfaces found in the Regulations.

Sec. 66-933. Establishment of airport safety zones.

(a) There are hereby established the Airport Zone, Approach Zone, Transitional Zone, and Conical Zone as defined in this division including all of the area and airspace of the county lying equal to and above the Approach Surfaces, Transitional Surfaces, Horizontal Surfaces, and Conical Surfaces as they apply to the Virginia Highlands Airport and as the areas within those Zones are defined from time to time by the Regulations. These Zones are established as overlay zones, superimposed over the existing land surface zoning districts. These Zones are areas of airspace that do not affect the uses and activities of the land surface zoning districts, except as provided for in Sections 66-935 and 66-936. An area located in more than one of the following Zones is considered to be only in the Zone with the most restrictive height limitation.

(b) The Zones herein established shall be depicted on an official map, which shall be maintained and available for public inspection at the same location as the official zoning map of the county and at the Virginia Highlands Airport. This map is made part of this division by reference.

(c) The administrator or his designee shall be empowered to interpret the boundaries of all Zones shown on the official map. In the event of uncertainty as to the Zone boundaries, the administrator or his designee shall request the opinion of the airport commission. In the event of dispute concerning Zone boundaries, the matter shall be referred to the county board of zoning appeals, whose decision shall be final.

Sec. 66-934. Zone height limitations.

(a) Except as otherwise provided in this division, in any Zone specified in this division no structure shall be erected, located, altered, or maintained, and no vegetation shall be allowed to grow to a height so as to penetrate any referenced surface, also known as the floor of any Zone at any

point. The height restrictions, or floors, for the individual Zones shall be those planes delineated as surfaces in the Regulations.

(b) The airport commission shall designate an agent or agents under its employment to perform such calculations as necessary to determine the height restrictions or floors for any location within the individual Zones pursuant to the Regulations and provisions of this division. The administrator or his designee shall forward information to the agents of the airport commission on forms provided by the airport commission concerning the general location of all structures proposed for construction or location within the Airport Safety Overlay Zone. The airport commission, through its agents, shall supply information to the administrator or his designee as necessary to establish height restrictions or floors for specific structures at specific locations within the Airport Safety Overlay Zone for the purpose of approving or denying zoning permits issued by the administrator or his designee. The agents of the airport commission shall respond within fifteen (15) working days of receipt of the information from the administrator or his designee. Failure of the airport commission's agents to respond within this period shall be deemed acceptance of the height of a structure proposed for construction or location within the Airport Safety Overlay Zone.

(c) In determining whether a permit may be issued, the administrator or his designee shall accept only the calculations and findings of the agents of the airport commission pursuant to paragraph (b) of this section. The agents of the airport commission may rely upon others for advice and technical assistance in performing the calculations and with other issues related to the airport commission's involvement with the provisions of this division.

Sec. 66-935. Use restrictions.

Notwithstanding any other provision of this division, and within the area below the horizontal limits of any Zone established herein this division, no use may be made of land or water in such a manner as to:

- (a) Create electrical interference with navigational signals or radio communication between the airport and aircraft;*
- (b) Diminish the ability of pilots to distinguish between airport lights and other lights;*
- (c) Result in glare in the eyes of pilots using the airport;*
- (d) Impair visibility in the vicinity of the airport;*
- (e) Create the potential for bird strike hazards; or*
- (f) Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft in the vicinity of and intending to use the airport.*

Sec. 66-936. Nonconforming uses.

(a) Except as otherwise provided in this division, the provisions prescribed herein shall not require the removal, lowering, or other change or alteration of any structure or vegetation not conforming to the provisions of this division, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this division shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this division, and is diligently prosecuted, except as required by other ordinances of the county code.

(b) The provisions of this division shall not require the removal, lowering or other change or alteration of any structure or vegetation not conforming to this division as of the effective date of

the change of the requirements of the Regulations, whether due to a change in the enacted regulation or due to a change in the requirements for the airport.

(c) Notwithstanding the other provisions of this section, the owner of any pre-existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration, the state department of aviation, or the administrator to indicate to operators of aircraft the presence of that airport obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the airport commission.

(d) Nothing herein shall prevent the condemnation of property not in conformity with the provisions of this division by the appropriate governmental authority.

(e) Whenever a nonconforming structure, vegetation, or activity has been changed to a more limited nonconforming existing use, such existing use may only be changed to an even more limited use. Whenever a nonconforming structure, vegetation, or activity is more than fifty (50%) percent destroyed or damaged by a natural or other casualty, or has physically deteriorated, or decayed, or has been abandoned, only a conforming use may be rebuilt.

Sec. 66-937. Permits and variances.

(a) Except as provided in this division no structure or vegetation shall be erected or otherwise established in any Zone created by this division unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which desired with and sufficient geometric specificity and height specificity, including references to mean sea level if necessary, to determine whether the resulting structure or vegetation would conform to the provisions prescribed in this division. No permit for a structure or vegetation inconsistent with this division shall be granted unless a variance has been approved as provided in this division.

(b) No permit shall be granted that would allow the establishment or creation of an obstruction or allow for a nonconforming use or structure or vegetation to become a greater hazard to air navigation than it was on the effective date of this division or any amendments thereto other than with relief as provided for in this division. All nonconforming uses as defined by this division shall obtain a zoning permit and a certificate of occupancy within sixty (60) calendar days from the effective date of this division. Such permits shall be issued promptly upon the written request of the owner or operator of a nonconforming use.

(c) Whenever the administrator or his designee determines that a nonconforming structure has been abandoned or more than fifty percent destroyed, physically deteriorated, or decayed, no permit shall be granted that would enable such structure or vegetation to be rebuilt, reconstructed, restored, or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the zoning regulations contained in this division, except with the relief as provided for in this division.

(d) Any person desiring to erect or increase the height or size of any structure or vegetation not in accordance with the provisions of this division may apply for a variance from these provisions in accordance with Chapter 66, Article II, Division 1 and Chapter 66, Article III, Division 4 of the County Code. Such variances shall only be allowed where it is duly found that a literal application or enforcement of the provisions of this division will result in unnecessary hardship, and such relief as may be granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this division. No application for variance shall be considered unless pursuant to the following:

1. The application for a variance shall be accompanied by a completed Federal Aviation Administration Form 7460-1 or successor form. The applicant shall submit these forms to the administrator or his designee along with a processing fee of twenty (\$20.00) dollars. The administrator or his designee shall forward Form 7460-1 or its successor to the Federal Aviation Administration and a copy of the county application for variance form to the Virginia

Department of Aviation by mail or private commercial carrier within five (5) working days of submission. The airport commission shall be forward copies of both forms. The Federal Aviation Administration, Virginia Department of Aviation and/or airport commission shall have sixty (60) calendar days from the date of their respective receipt of these forms to respond in written comment to the applicant. Copies of all written comments received by the applicant shall be forwarded by the applicant to the administrator or his designee and to the airport commission.

2. At the applicant's request, the application for variance may be scheduled for public hearing before the county board of zoning appeals after the sixty (60) calendar day time period has elapsed for written comment from the respective involved agencies. Written comments received after the specified comment period but prior to the public hearing shall be made available for review by the county board of zoning appeals and public at the public hearing. The airport commission shall be served written notice by the administrator or his designee of the date, place and time of such public hearing. The fee prescribed in Section 66-62 of this chapter shall be required at the time the application for variance is scheduled to be heard before the county board of zoning appeals

(e) Any permit or variance granted may, if such action is deemed advisable to effectuate the purposes of this division and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or vegetation in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, the state department of aviation, and/or the administrator or his designee. If deemed proper through the failure of the owner of the structure or vegetation or with other reasonable cause, this condition may be modified to require the owner of the structure in question to permit airport commission to install, operate, and maintain the necessary markings and lights.

(f) Applications for permits and variances shall be made on forms available from the administrator or his designee, with such forms allowing for enough specific detail such that proper analysis can be given the request.

Sec. 66-938. Applicability to overhead transmission lines of public and private electric and telephone utilities.

The provisions of this division shall be made generally applicable to the erection or relocation of new or existing overhead transmission lines, poles and towers of public and private electric power and telephone utilities within the airport safety zones where county permits are otherwise not required pursuant to this chapter. The administrator shall establish procedures for the review of all such structures and appurtenances to the degree necessary and appropriate in keeping with the spirit and intent of this division, and in coordination with utility services providers and the airport commission.

Sec. 66-939. Temporary structures.

The provisions of this division shall not apply to structures as defined herein of a temporary nature which shall be located within any Zone for a period of less than ninety (90) successive calendar days, nor to structures capable of being immediately towed or lowered in elevation or structures fixed to a motorized machine capable of being moved out of any Zone immediately upon notice by the administrator or his designee. Temporary structures to be located in any Zone for more than ninety (90) successive calendar days shall be reviewed on a case by case basis by the administrator in coordination with the airport commission. The provisions of this section shall not be construed to include manufactured homes as defined in this chapter.

Sec. 66-940 Motor vehicles parked in Approach Zones.

It shall be a violation of this division for the owner or operator of any motor vehicle to permit such vehicle to be regularly parked in an Approach Zone where, in the opinion of the airport commission or administrator, such vehicle causes a continuous or frequent hazard to air navigation.

Written notice of such violation shall be forwarded by the administrator or his designee to the owner or operator of said vehicle, if known, or to the owner of the property on which such vehicle is parked, and to the state department of transportation if such vehicle is parked within a right-of-way of that agency. The administrator may designate the sheriff of the county as his designee to enforce the provisions of this section.

Sec. 66-941. Enforcement.

The administrator or his designee shall administer and enforce the provisions of this division. The administrator or his designee, and any designated agent of the administrator, shall be vested with the police power incumbent to carry out and effectuate this division, including the action of injunction, prosecution and other available means through the circuit court of the county. The administrator may designate the airport commission as his designee pursuant to this section.

Sec. 66-942. Penalties.

Each violation of this division or of any provision, regulation, order, or ruling promulgated under this division shall constitute a class 2 misdemeanor. The administrator or his designee shall give written notice of such violation to the party or parties deemed culpable, and order said party or parties to take corrective measures within ten (10) calendar days from the date of notification. If such party or parties fail to comply with the duly issued order, the administrator or his designee may initiate necessary actions to terminate the violation through appropriate legal measures. Subsequent to the ten (10) calendar day period following notification of violation, each day of violation shall constitute a separate violation. Such violations may be prosecuted at the discretion of the administrator or board of supervisors or by the airport commission if so designated and authorized by the administrator.

Sec. 66-943. Conflicting provisions.

Where there exists a conflict between any of the provisions or limitations prescribed in this division and any other regulations applicable to the same subject, where the conflict is with respect to the height of structures or vegetation and the use of land, or any other matter, the more stringent limitation or requirement shall govern.

Sec. 66-944. Effective date.

The effective date of Sections 66-931 through 66-943, inclusive, of this division is June 1, 1998.

2. That should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the 1997 Code of Washington County, Virginia, as amended.

3. That this ordinance shall become effective as of the dates given herein.

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

<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>	<i>Mr. Mathews</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

c. **Consideration of Memorandum of Agreement Between Washington County and Virginia Highlands Airport Commission**

On motion of Mr. Mathews, second by Mrs. Mumpower, it was resolved to approve the Memorandum of Agreement Between the County of Washington, Virginia and Virginia Highlands Airport Commission concerning the administration of the Virginia Highlands Airport Safety Overlay Zone:

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

<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>	<i>Mr. Mathews</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

8 **Request for Transfer of Funds, Davenport Endowment to Library Foundation (Charlotte Lewis Parsons, Director, Washington County Public Library)**

Mrs. Charlotte Lewis Parsons, Director, Washington County Public Library, appeared before the Supervisors requesting permission to transfer funds being held in the Davenport Endowment account into the Washington County Library Foundation Account for the purpose of investing the funds. She presented documentation to support her request.

In attendance was Treasurer Fred Parker who was asked to respond to questions from the Board relative to the request to transfer the funds.

Mr. Parker commented there are issues that arise when discussing endowment and foundation monies. He explained that foundation funds are not covered under the Virginia Securities for Public Deposit Act, and there is a growing concern about private foundations and their lack of accountability to the governing bodies.

On motion of Mr. Osborne, second by Mr. Derting, it was resolved to authorize the transfer of funds currently deposited in a Certificate of Deposit in the name of the Davenport Endowment to the Washington County Library Foundation effective at the expiration of the current Certificate of Deposit, March 1999.

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

<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>	<i>Mr. Mathews</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

9 **DMV Aggressive Driver Wave 5 Grant (Capt. Fred Newman, Washington County Sheriff's Office)**

Captain Fred Newman appeared before the Board of Supervisors to request an appropriation of funds for the DMV Aggressive Driver Wave 5 Grant that was approved for the Sheriff's Department.

On motion of Mr. Osborne, second by Mr. Barker, it was resolved to approve a supplemental appropriation in the amount of \$1,500 to the Sheriff's Department budget line item for the DMV Aggressive Driver Wave 5 Grant.

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

<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>	<i>Mr. Mathews</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>

a. **Request to Hire Counsel for Judicial Sales**

Mr. John Martin requested permission from the Supervisors to allow Fred Parker, Treasurer, to hire full time counsel to handle the judicial sales of properties with delinquent taxes dated 1995, 1996, and 1997. In his comments, he recommended the administrative fees be paid from the proceeds of the judicial sales. Fred Parker, Treasurer, was present and explained he has the authority to obtain counsel to handle the judicial sales, however, he did not want to proceed without getting the support of the Board of Supervisors.

On motion of Mr. Osborne, second by Mr. Barker, it was resolved to draft an ordinance for recovery of administrative costs associated with the collection of delinquent taxes.

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

<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>	<i>Mr. Mathews</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

14

Consent Agenda

On motion of Mr. Barker, second by Mr. Derting, it was resolved to approve the following Consent Agenda Items:

- a. *Payment of Bills, April 1998*
- b. *Supplemental Appropriations:*
 - :: *WCSO Cops Fast Grant (Fund #001, Dept. #31210), \$9,120.00*
 - :: *General Services Vehicle Maintenance (Fund #001, #43200), \$385.83*
- c. *Refund, Electrical Permit #8544, Sprint, \$50.00*
- d. *Transfer from Reserve Contingency, Washington County School Fund #312, \$4,000, 1998 Scholarships*

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

<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>	<i>Mr. Mathews</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

15

Board Member Reports

Mr. Osborne commented he would like to see the County proceed with conducting a study of a County recreation facility.

Mr. Osborne reported he will be resigning his position on the Board of the Washington County Park Authority.

Mrs. Mumpower urged the County Attorney to take the necessary action to require the clean up of a specific property located behind Bobby's Market at Island Road and Benhams Road.

On motion of Mr. Mathews, second by Mrs. Mumpower, it was resolved to appropriate \$250 from reserves for contingency to send Abingdon High School forensics students to the National Forensics Competition.

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

<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>	<i>Mr. Mathews</i>	<i>Aye</i>
------------------	------------	----------------------	------------	--------------------	------------

<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

Mr. Mathews commented that during the budget work sessions he will be requesting the County Attorney to draft a resolution allowing volunteer fire departments to submit claims to insurance companies for fire fighting services they perform.

Mr. Osborne commended Treasurer Fred Parker for his successful efforts and high collection rate of delinquent taxes.

16 **Recess to Wednesday, May 13, 1998, 7:00 p.m. to hold a Public Hearing on FY 1998-99 County Budget**

On motion of Mr. Osborne, second by Mr. Roberts, it was resolved to recess the meeting to Wednesday, May 13, 1998, 7:00 p.m. to hold a public hearing on the FY 1998-99 County Budget.

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

<i>Mr. Ingle</i>	<i>Aye</i>	<i>Mrs. Mumpower</i>	<i>Aye</i>	<i>Mr. Mathews</i>	<i>Aye</i>
<i>Mr. Derting</i>	<i>Aye</i>	<i>Mr. Osborne</i>	<i>Aye</i>	<i>Mr. Roberts</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>				

Bobby D. Ingle, Chairman