

V I R G I N I A:

At a meeting of the Washington County Board of Supervisors held Monday, November 12, 1990, at 6:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

PRESENT:

James P. Litton, Chairman
 Maurice H. Parris, Vice Chairman
 Aubrey E. Brown
 Charles O. Byrd
 Thomas Whittaker
 Cecil K. Simcox

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

ABSENT:

Kenneth G. Mathews

1. Call to Order

The meeting was called to order by Mr. James P. Litton, Chairman of the Board.

2. Report and Recommendation from Virtex Chemical Corporation Committee With Regard to Virtex Chemical Corporation Special Use Permit to construct and operate a 10,000 square foot manufacturing plant for the production of Sodium Azide on approximately 5 acres of property on the southwest side of State Route 869 adjacent to the Norfolk and Western Railway, in an M-2 (Industrial, General) zone, Wilson Magisterial District.

Mr. Phillip McCall, Vice Chairman, Virtex Chemical Corporation Committee, addressed the Supervisors with preliminary comments summarizing the Committee's activities, their concerns and discussions during their four meetings.

Mr. McCall turned the meeting over to committee members who presented their individual reports and recommendations. He introduced each member and explained that this presentation to the Board of Supervisors will represent the Committee's final report.

Dr. Al Baxley and Jack Barker, Virtex Chemical Corporation, gave their report and reasons for the Board of Supervisors to support their request for a Special Use Permit.

Linda Jenkins, Dr. Joyce Jones (for Bill Bish), Tom Willis, Larry Rayment and Phillip McCall gave their report opposing Virtex Chemical Corporation request for a Special Use Permit and reasons the Board of Supervisors should deny the request.

The above reports, in their full text, were given to the Secretary and are on file in the County Administrator's Office. A copy of each report has been supplied to the Supervisors.

Mr. McCall expressed his appreciation to staff members for their assistance.

Mr. Parris announced to the audience that the Virtex Chemical Corporation Special Use permit will be voted on at the December 10, 1990 meeting.

The Board of Supervisors took a brief recess before proceeding with the business meeting.

3. Invocation and Pledge of Allegiance - Carl Burke

Mr. Carl Burke accepted the Supervisors invitation to give the Invocation and Pledge of Allegiance.

4. Approval of Minutes of October 25, 1990

On motion of Mr. Brown, second by Mr. Simcox, it was resolved to approve the Minutes of October 25, 1990 as written.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

5. Citizen Comments

Mr. Carl Burke requested the American flag should be flown in the Knoll Craig Cemetery and the National Guard Armory in Abingdon.

Concerning the proposed Virtex Chemical Corporation plant, Mr. Burke asked if odors from chemicals would be harmful to people who have respiratory illness. Mr. McCall responded that there will not be an odor from the manufacture of the chemical unless there is an accidental release.

6. Hayter's Gap Community and School Water Problems (Oscar Monda McCray)

Mr. Oscar McCray, resident, addressed the Board of Supervisors with a plea to extend the waterline in Hayter's Gap to the School.

The following people addressed the Supervisors:

Christine Eldreth; Ken Kestner, Glade Springs; Joe Johnson; Gladys Taylor; and Laura Bordwine.

The following points were made: unsafe condition of spring/well water; cost to haul drinking water to the School, and process to follow to make spring water safe to use for washing dishes; inconvenience to residents who use spring/well water to wash their clothes; rights of the residents of Hayter's Gap to have equal services as residents in Abingdon:

Rob Goldsmith, Executive Director, People Incorporated, addressed the Supervisors. He conveyed his support of the request to extend the waterline to the School and expressed his concern for the children who are enrolled in the Head Start Program at the Hayter's Gap School. He stated that a good and dependable water supply would protect the County and his Agency from liability.

Mr. Litton spoke commenting he has investigated costs to install 22,176 feet of 8" pipe which will extend the waterline to Hayter's Gap School and beyond. He proposed the Supervisors allocate \$45,000 toward the cost of the project. He stated Washington County Service Authority, People Incorporated and Hayter's Gap School have agreed to help with this project and will provide some funding.

Mr. Maurice Parris read a letter from Assistant Chief David G. Hill, Clinch Mountain Volunteer Fire Department, supporting an extension of the waterline stating it will enhance their fire fighting capabilities.

Mr. Parris spoke commenting he has 22 families in Sweet Hollow that need water. He stated the Alvarado waterline project did not include serving the Sweet Hollow area. He proposed the Supervisors allocate \$35,000 to provide water to the residents of Sweet Hollow.

Mr. Whittaker proposed the Supervisors allocate \$30,000 to provide water to Hamilton School in Mendota.

Mr. Litton turned the chair over to Mr. Parris for the purpose of making a motion.

On motion of Mr. Litton, second by Mr. Simcox, it was resolved to appropriate \$45,000 to extend the Hayter's Gap waterline to the Hayter's Gap School and beyond; \$35,000 for the Sweet Hollow waterline project; and \$30,000 for the Hamilton School waterline project, and further that these funds be taken from anticipated utility tax revenues.

Throughout discussions, Mr. Byrd voiced his strong support of these projects agreeing to the need for safe water. However, he repeatedly raised his concern over the Board's method of approving these funds without receiving any documentation or proposal on costs of these projects, agency participation in costs, engineering reports, etc. He expressed concern that the Supervisors appropriate sufficient funds to complete the projects once they begin.

The question was raised about utility tax revenues being used to replace funds intended for the Courthouse and Landfill budgets. Mr. Seamon responded that utility tax funds have not been appropriated yet.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

7. Planning & Zoning Public Hearings

The following Planning and Zoning public hearings were held, and action taken thereafter:

Intent to Rezone

Herbert Tate: application to rezone approximately 18 acres from M-1 (Industrial, Limited) to A-2 (Agricultural, General) on property located on the South side of State Route 645 adjacent to the Norfolk and Western Railway in the Harrison Magisterial District.

Mr. Litton invited comments both in support of and in opposition to the application filed by Herbert Tate.

Herbert Tate requested his property be taken out of industrial zoning and returned to agriculture zoning.

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

On motion of Mr. Parris, second by Mr. Whittaker, it was resolved to follow the recommendation of the Planning Commission and approve application of Herbert Tate to rezone approximately 18 acres from M-1 (Industrial, Limited) to A-2 (Agricultural, General) on property located on the South side of State Route 645 adjacent to the Norfolk and Western Railway in the Harrison Magisterial District.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

Request for Special Use Permit

Ronnie Osborne for Builders Supermarket: request for a Special Use Permit to place a mobile office unit on property located on the North side of State Route 19 adjacent to Emitts Restaurant in a B-2 (Business, General) zone, Harrison Magisterial District.

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

Mr. Litton stated that Mr. Osborne could not be present to speak to his request.

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

On motion of Mr. Parris, second by Mr. Whittaker, it was resolved to follow the recommendation of the Planning Commission and approve application of Ronnie Osborne, Builders Supermarket, for a Special Use Permit to place a mobile office unit on property located on the North side of State Route 19 adjacent to Emitts Restaurant in a B-2 (Business, General) zone, Harrison Magisterial District.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

Ruben Kolling: request for a Special Use Permit to operate a portable sawmill on approximately 12 acres of property located on the North side of State Route 11 near the intersection of Route 11/58 in an A-2 (Agricultural, General) zone, Harrison Magisterial Dist. (first 250" of property is zoned R-2 (Residential, General)).

Mr. Litton invited comments both in support of and in opposition to the application filed by Ruben Kolling.

Ruben Kolling was present to speak in support of his request for a special use permit.

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

On motion of Mr. Parris, second by Mr. Whittaker, it was resolved to follow the recommendation of the Planning Commission and approve request of Ruben Kolling for a Special Use Permit to operate a portable sawmill on approximately 12 acres of property located on the North side of State Route 11 near the intersection of Route 11/58 in an A-2 (Agricultural, General) zone, Harrison Magisterial District, with the stipulation that Mr. Kolling move logs within 60 days from the R-2 zoning into the A-2 zoning, located 250' back from Route 11.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

Dominion Auction: request for a Special Use Permit to place a single wide mobile home for office and night security on property located on the South side of Route 11 adjacent to the Dominion Auto Auction Sales in a B-2 (Business, General) zone. Wilson Magisterial District.

Mr. Litton invited comments both in support of and in opposition to the application filed by Dominion Auction.

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

On motion of Mr. Simcox, second by Mr. Whittaker, it was resolved to follow the recommendation of the Planning Commission and approve Dominion Auction request for a Special Use Permit to place a single wide mobile home for office and night security on property located on the South side of Route 11 adjacent to the Dominion Auto Auction Sales in a B-2 (Business, General) zone. Wilson Magisterial District.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

8. Recess

The Board of Supervisors took a brief recess.

9. County Administrator Comments:

The following action was taken on County Administrator comments:

- a. Consideration of Resolution Opposing Discontinuance of Contractual License Agreement by Virginia Department of Motor Vehicles

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

WHEREAS, for 25 years, Ruby Yates has functioned as a contractual license agent on behalf of the Virginia Department of Motor Vehicles; and

WHEREAS, in this capacity, Ruby Yates has provided to the citizens of Washington County a valuable service by providing them the opportunity to

renew vehicles licenses, transfer titles and conduct other DMV related business; and

WHEREAS, in the absence of the service so provided, citizens of Washington County would have had to conduct this business by mail or by traveling to either Bristol Lebanon or Marion, at considerable inconvenience and/or delay in completing the desired transactions; and

WHEREAS, the Department of Motor Vehicles has advised Ruby Yates and other 52 contractual license agents across the Commonwealth of its intent to discontinue all contractual license agreements as of July 1, 1991, citing anticipated cost savings; and

WHEREAS, the Washington County Board of Supervisors seriously doubts that significant cost savings will be achieved by DMV if the announced action is taken, since transactions currently handled by contractual license agents will then have to be added to the work load of DMV offices; and

WHEREAS, the anticipated discontinuance of the contractual license agreements represents a significant decrease in the level of service to primarily rural areas of the Commonwealth;

NOW, THEREFORE, BE IT RESOLVED by the Washington County Virginia Board of Supervisors that the Board expresses its strongest objections to the anticipated discontinuance of the contractual license agreements and resulting reduction in service by the Department of Motor Vehicles; and, further, that the Board respectfully but firmly urges the DMV to reconsider its anticipated action in light of the relatively small cost savings that could be realized for such a significant reduction of services.

BE IT FURTHER RESOLVED, that the Board authorizes and directs that copies of this Resolution be forwarded to Governor L. Douglas Wilder, to the County's representatives in the General Assembly, to other State officials, as appropriate, to the Chairman of the Board of Supervisors in counties whose citizens are also potentially affected by this anticipated action, to the Virginia Association of Counties, and to the Virginia Municipal League.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

During discussion of the above resolution, Delegate Joseph Johnson spoke to the supervisors expressing his strong support of their action. He cautioned about the status of budget cuts in the Commonwealth and commented that although he will actively support the resolution, he feels the Board of Supervisors will have to realize that some services will be affected in order to make up for the deficit.

In further comments, Delegate Johnson expressed appreciation to the Supervisors for their continued input on matters concerning Washington County and encouraged them to keep him informed.

Mr. Byrd proposed the Board of Supervisors meet with area legislators prior to the opening of the 1991 General Assembly sessions. There was unanimous agreement to hold a dinner meeting with area legislators. Mr. Bentley will arrange a dinner meeting.

b. Request to Consider Expenditure for Certified Community Signs

On motion of Mr. Brown, second by Mr. Simcox, it was resolved to authorize expenditure of \$1,400 from Account 9880, Economic Development Department, to obtain and install the Certification highway signs.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

c. Underground Storage Tank Site at the Washington County Landfill

On motion of Mr. Parris, second by Mr. Byrd, it was resolved to appropriate \$7,000 from Reserves for Contingencies to the Emergency Services Budget to cover additional engineering costs, preparation of a corrective action plan, drilling of three monitoring wells, and water monitoring expenses in conjunction with the underground storage tank site at the Washington County Jail.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

d. Denial of Authorization to Expend Grant Funds for Purchase of Non-Permanent Equipment Associated With Operations at Wastewater Treatment Plant

Received communication from Associate Director, Todd Christensen, Department of Housing and Community Development, denying authorization to expend grant funds for the purchase of any non-permanent equipment associated with operations at the treatment plant located at Washington County Industrial Park II.

On motion of Mr. Byrd, second by Mr. Whittaker, it was resolved to pay \$8,417.00 for eye washer and lab equipment purchased for use at the treatment plant located at Washington County Industrial Park II from the Industrial Park Sewer Plant Subsidy, account 4401-7061.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

e. Site Selection Study for 500 or 1700 Cell Close Custody Institution

Received communication from Edward A. Esposito, MMM Design Group, announcing a statewide search for appropriate parcels of property to accommodate a 500 cell or 1700 cell close custody institution.

Questions were raised about the term "close custody." Mr. Bentley was asked to obtain additional data and bring the matter back to the Supervisors for further study.

f. Garbage Containers on Joey Henderson Property

Mr. Bentley reported receiving a complaint from Joey Henderson, Blackwell's Chapel, Route 746, concerning the trash dumpsters located on his property. He requested the County to put in a staffed convenience station or move the containers as people are foraging through them, they leave waste, batteries, beds, furniture, etc. on the ground and regularly set the containers on fire.

Discussion followed. Mr. Litton stated he knew Mr. Henderson and he will speak to him.

There was no action taken on this item.

g. Communications

Received communications for Board Member's information. No action was required.

h. Reminders. There were no reminders given.

10. County Attorney's Reports

The following action was taken on County Attorney's report:

a. Update Report on Ordinance on Odor

Mr. Proctor reported on drafting an ordinance to address the situation where there was odor in association with industry in the county. He stated the Virginia Right to Farm Act limits sanctions and will attempt to develop an ordinance that does not violate provisions in the State Code and Virginia Right to Farm Act.

11. Mount Rogers Planning District Commission (Tom Taylor)

Mr. Tom Taylor, Executive Director, Mount Rogers Planning District Commission, was present to respond to questions from the Board of Supervisors. The following action was taken on matters related to Mount Rogers Planning District:

:: Consideration of Resolution in support of Mt. Rogers Application for Economic Development Administration Planning Assistance

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

RESOLUTION

IN SUPPORT OF MOUNT ROGERS PLANNING DISTRICT COMMISSION APPLICATION FOR ECONOMIC DEVELOPMENT ADMINISTRATION PLANNING ASSISTANCE

WHEREAS, the Mount Rogers Planning District commission will be making application to the Economic Development Administration for economic development planning and technical assistance funding for calendar year 1991;

WHEREAS, the County of Washington is a dues-paying member of the Mount Rogers Planning District Commission;

WHEREAS, we understand that a portion of the dues will be used as a local match for economic development and planning assistance funding; and

WHEREAS, the County of Washington recognizes the need for a regional program of economic development planning and technical assistance to member jurisdictions.

WHEREAS, the County of Washington has chosen to be covered under the Mount Rogers Planning District Commission's Overall Economic Development Program and supports this program;

THEREFORE, BE IT RESOLVED, that the County of Washington supports the Planning District application to the Economic Development Administration for a \$50,000 grant to help fund a continued program of economic development and technical assistance in the district for 1991.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

:: Consideration of Resolution of Appreciation to William H. H. "Bill" Blevins, Smyth County Board of Supervisors

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

RESOLUTION OF APPRECIATION TO
WILLIAM H. H. "BILL" BLEVINS
SMYTH COUNTY BOARD OF SUPERVISORS

WHEREAS, Bill Blevins is the Smyth County Board of Supervisor Representative on the Mount Rogers Planning District Commission; and

WHEREAS, the Mount Rogers Planning District Commission is a member of the National Association of Development Organizations; and

WHEREAS, Bill Blevins has been elected to represent the eastern region of the United States on the National Association of Development Organizations Board of Directors for the sixth consecutive year; and

WHEREAS, National Association of Development Organizations concentrates its activities on programs that support Economic Development in rural counties and small urban areas; and

WHEREAS, Bill Blevins was selected to be the recipient of the Nick Salazar Elected Official of the Year Award at the National Association of Development Organizations Annual Conference held October 9, 1990 in Orlando, Florida; and

WHEREAS, this recognition reflects positively on every jurisdiction and elected office in the Mount Rogers Planning District;

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Supervisors does hereby and hereon express our gratitude for the dedication and commitment of Bill Blevins to the economic and social betterment of his fellowman.

BE IT FURTHER RESOLVED that the Washington County Board of Supervisors does hereby and hereon declare that all local government officials in Virginia stand a little taller and hold their heads a little higher as a result of the efforts of Bill Blevins.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

:: Consideration of Resolution Opposing Fees For the Review of Landfill Permit Applications

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

Resolution Opposing the Charging of Fees
for the Review of Applications for Permits
to Operate Solid Waste Facilities

WHEREAS, 1990 General Assembly Senate Bill No. 464 authorizes the Virginia Waste Management Board to charge fees for application for permits to operate solid waste facilities; and

WHEREAS, the Department of Waste Management has promulgated draft regulations defining and setting such fees for the review of applications for solid waste facilities; and

WHEREAS, such fees are designed to fund existing and additional Department of Waste Management staff positions for the review of such applications; and

WHEREAS, the proposed fees are supposed to represent only "an insignificant proportion of the developmental project cost for the proposed facility;" and

WHEREAS, the new Department of Waste Management Regulations for the Development of Solid Waste Facilities effective December 21, 1988 will increase exponentially the costs involved in siting, designing, constructing, operating, closing, and monitoring such a facility; and

WHEREAS, this fiscal burden is already stressing the financial resources of the localities;

NOW, THEREFORE, BE IT RESOLVED that the Washington County Virginia Board of Supervisors opposes the setting of any fees for the review of applications for solid waste management facilities.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

It was requested that this resolution be mailed to Washington County's legislative delegation, Department of Waste Management and Governor L. Douglas Wilder.

:: 1991 Legislation Activities for Short Session of Virginia
General Assembly

:: Activities of Mount Rogers Planning District Commission

Mr. Taylor asked Supervisors if they had questions or concerns to to discussion with regard to Mount Rogers legislative liaison activities. There were none raised.

12. Request for Authorization to Expend Federal/State/Private Funds
During FY 1990-91; No Local Funds Involved

On motion of Mr. Whittaker, second by Mr. Parris, it was resolved to authorize supplemental appropriation of Federal, State and Private Funds received by the Washington County School Board in the 1990-1991 budget year in the amount of \$921,089.00.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

During discussions, it was noted there will be no expenditure of local funds.

13. Consideration of Board of Supervisor Appointment to Joint School
Budget Study Committee

On motion of Mr. Byrd, second by Mr. Parris, it was resolved to reappoint Messrs. Thomas Whittaker and Kenneth G. Mathews to serve on the Board of Supervisors/School Board 1991-92 Joint Budget Committee.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

14. Repayment of General Fund Loan to School Fund

Received report from Mark W. Seamon, Director of Accounting, that Literary loan funds in the amount of \$497,456.05 have been released to Washington County and that these funds have been returned to the General Fund, thereby satisfying the loan of funds to the School Board on April 26, 1990.

15. Request for Resolution in Support of Application for Rural Economic Development Planning Grant Funds

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

WHEREAS, Washington County is actively seeking to expand its economic base with an ongoing program of economic development, and

WHEREAS, marketable industrial sites are critical to any successful economic development effort, and

WHEREAS, Washington County has a need for additional acreage of marketable property in order to remain a Certified Business Community, and

WHEREAS, Washington County has an option on (approximately 430 acres in the Glade Spring area of the County, yet does not have adequate information on the site development needs and costs;

NOW, THEREFORE BE IT RESOLVED THAT, the Washington County Board of Supervisors at its regular meeting on November 12, 1990 hereby authorizes the submittal of an application to the Virginia Department of Housing and Community Development for a \$25,000 Rural Economic Development Grant to undertake a preliminary engineering report on the Glade Highlands Industrial Park site.

FURTHER, BE IT RESOLVED THAT, the Board authorizes the County Administrator to sign any and all documents necessary to this application.

FURTHER, BE IT RESOLVED THAT, the required twenty-five percent match (\$6,250) has been committed to the project by the Washington County Industrial Development Authority.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

16. Completion of Bear and Deer Damage Stamp Program

Mr. Seamon reported that Bear and Deer Damage claims paid during the month of October has exhausted the Program funds, and notified the Supervisors that the program is officially over. He recommended that future claims should not be presented to the Board of Supervisors for approval.

Discussion ensued.

On motion of Mr. Byrd, second by Mr. Simcox, it was resolved to approve appropriation of \$20.36 with \$20.30 coming from Reserves for Contingencies to the Bear and Deer Damage Stamp Program Account in order to close out the account.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

Received claim from C. T. Wilkinson for damage to his bee hives from a bear. Discussion ensued.

On motion of Mr. Parris, second by Mr. Simcox, it was resolved to pay the claim.

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

Mr. Litton	Aye	Mr. Brown	Nay	Mr. Byrd	Nay
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Nay

17. Request Expenditure of USDA Summer Food Service Funds As Part of Office on Youth Budget (Buckey Boone)

On motion of Mr. Byrd, second by Mr. Brown, it was resolved to approve the expenditure of remaining USDA Summer Food Service account funds in the amount of \$434.98 in connection with Office on Youth budget.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

18. Recess

The Supervisors did not take a recess at this time.

19. Utility Tax, Definition of "Commercial" Appalachian Power Company vs. Washington County

Mr. Byrd raised the question of Appalachian Power Company's definition of "Commercial" customer versus the County definition in the zoning ordinance. He proposed there be clarification of what the County considers a commercial customer to be.

Mr. Proctor will contact the Bristol Virginia Utilities Board to obtain data from them and report his findings to the Board of Supervisors.

20. Public Law 99-499, Title III, Emergency Planning and Community Right-To-Know Information

Received Public Law 99-499, Title III. The material was presented for informational purposes.

Discussion ensued whereby Mr. Bentley was asked to determine the location of Washington County's Title III Plan.

21. Consent Agenda:

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

- a. Payment of Bills for the month of October 1990;
- b. Request for Refund, Recreation Fee, \$6.00, and \$25.00, as follows:

Rita Crosswhite, 315 Stoneybrook Road, Meadowview, VA 24361 in the amount of \$6.00; Karen Lucas, 310 Bogie Drive, Abingdon, VA 24210 in the amount of \$25.00.

- c. Request for Refund, Building Permit Fee, \$124.00 to Mr. Daniel G. McVey, Route 2, Box 63, Meadowview, VA 24361.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

22. Board Member Reports

On motion of Mr. Whittaker, second by Mr. Parris, it was resolved to call a special meeting on Wednesday, November 28, 1990 at 5:00 p.m., Board of Supervisors meeting room, for the purpose of reviewing the Route 58 corridor.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

23. Executive session pursuant to Section 2.1-344(A)(1) of the 1950 Code of Virginia, as amended, in order to discuss personnel matters, Section 2.1-344(A)(6) of the 1950 Code of Virginia, as amended, in order to consult with legal counsel on possible litigation, and Section 2.1-344(A)(2) of the 1950 Code of Virginia, as amended, in order to discuss property acquisition, Landfill.

On motion of Mr. Byrd, second by Mr. Parris, it was resolved to go into Executive session pursuant to Section 2.1-344(A)(1) of the 1950 Code of Virginia, as amended, in order to discuss personnel matters, Section 2.1-344(A)(6) of the 1950 Code of Virginia, as amended, in order to consult with legal counsel on possible litigation, and Section 2.1-344(A)(2) of the 1950 Code of Virginia, as amended, in order to discuss property acquisition, Landfill.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

On motion of Mr. Byrd, second by Mr. Brown, 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. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

On motion of Mr. Parris, second by Mr. Whittaker, it was resolved to extend an offer of employment to Mr. James Clifton Walsh for the position of County Attorney at a salary of \$41,000, effective December 1, 1990.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

24. Adjournment

On motion of Mr. Byrd, second by Mr. Brown, it was resolved to recess to Thursday, November 28, 1990, at 5:00 p.m. for the purpose of discussing the Route 58 corridor.

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

Mr. Litton	Aye	Mr. Brown	Aye	Mr. Byrd	Aye
Mr. Parris	Aye	Mr. Simcox	Aye	Mr. Whittaker	Aye

James P. Litton, Chairman