V I R G I N I A:

At a meeting of the Washington County Board of Supervisors held Thursday, January 31, 1991 at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

PRESENT:

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

Bruce E. Bentley, County Administrator
Cliff Walsh, County Attorney
Mark W. Seamon, Director of Accounting
Sandra M. Hatfield, Secretary

****

1. Call to Order

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

****

2. Invocation and Pledge of Allegiance - Aubrey E. Brown

Mr. Bob Hall, Virginia Department of Transportation, gave the Invocation and led in the Pledge to the Flag.

****

On motion of Mr. Parris, second by Mr. Whittaker, it was resolved to amend the agenda to include the following:

5. County Administrator Comments:

add 5.c Project Recommendations for Organizations
5.d Request from Town of Abingdon

renumber 5.e Communications
5.f Reminders

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

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

****

3. Approval of Minutes:

On motion of Mr. Brown, second by Mr. Simcox, it was resolved to adopt the following minutes as presented:

:: Regular Meeting of January 14, 1991
:: Recessed Meeting of January 23, 1991
:: Recessed Meeting of January 29, 1991

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

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

****

4. Citizen Comments

At this time, Mr. Litton invited comments from citizens in the audience on items that do not appear on the agenda. There were no comments.

****

5. County Administrator Comments:

The following action was taken on County Administrator comments:

a Outstanding Volunteer Work Recognition, Clean Virginia Program

On motion of Mr. Brown, second by Mr. Mathews, it was resolved to postpone recognition of volunteer work in the Clean Virginia Program until Spring of 1991 during the Salute to Volunteerism Program.

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

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

*****

b Washington County Fire Department #1 Request to Purchase Fire Truck

Received request from Washington County Volunteer Fire Department No. 1 for authorization to purchase a refurbished fire truck or a new truck with the fiscal year fire truck allocations received from Washington County.

On motion of Mr. Simcox, second by Mr. Whittaker, it was resolved to grant permission to Washington County Volunteer Fire Department No. 1 to utilize the fire truck funds they receive from Washington County to purchase either a refurbished fire truck or a new truck.

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

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

*****

c Project Recommendations for Organizations

Mr. Bentley reported the Rotary Club and Future Farmers of America are doing community type projects and has asked Washington County to give their input and indicate their recommendation.

Mr. Bentley stated the Rotary Club has 1,000 trees to plant. Suggestions from the Board were: (1) Plant trees around all schools; (2) plant trees around Landfill.

Mr. Bentley stated Future Farmers of America is offering to do minor repair, paint, clean-up and landscaping. Suggestions were: Fix up the Cannery Building; landscape improvements in the area of the stone wall at the Academy Drive entrance to the William King Regional Art Center (off Main Street).

Mr. Bentley will respond to Rotary Club and Future Farmers of America with the suggested projects.

****

d Request from Town of Abingdon

Received communication from Abingdon Town Manager conveying a request from the Treasurer of the Town of Dublin to send Get Well Wishes to Craig Shergold.

By consensus agreement, action on this communication was tabled until February 11, 1991.

****

e Communications

The following communications were received:

:: Invitation to the Board of Supervisors from County Extension Service Dinner on Thursday, March 28, 1991, 5:00 p.m.

:: United States Congressman Rick Boucher, response to inquiry about the status of draft boards;

:: United States Department of Commerce, Bureau of the Census, report on state population counts based on 1990 Bicentennial Census;

:: Virginia Senator Madison E. Marye, concerning Board of Supervisors support of SB 502, Refundable Beverage Containers;

:: Virginia Delegate Joseph P. Johnson, Jr.: acknowledging receipt of resolution concerning the Route 58 Project; House Bill No. 1183, State Lottery Fund;

:: Virginia Department of Housing and Community Development, Todd Christenson, Director, concerning Community Improvement Grant #89-20 (Widener's Valley Housing Rehabilitation Project) Annual Compliance Visit;

:: Virginia Department of Transportation notice of project to replace existing Route I-81 bridges at Exit 4; Response from Acting County Planner concerning Virginia Department of Transportation Route 81 Project over Old Airport Road at Exit 4;

:: Governor's Employment & Training Department, James E. Price, concerning review and acceptance of membership on New River/Mount Rogers Private Industry Council;

:: Washington County School Board: Abingdon Elementary School, Sheron Steele, Guidance Counselor, concerning DARE Program and Officers; Budget Request 1991-92, Agriculture Education-Washington County; Middle Schools; DARE Officer Charles E. Bishop, letter to graduating DARE class, Abingdon Elementary School;

:: Abingdon-Washington County Community Services Center, Inc., May K. Tabor, Executive Director, concerning status of transfer of operations to People Incorporated;

:: Mount Rogers Planning District Commission, Thomas G. Taylor, Executive Director, concerning assessment for member jurisdictions which includes assessment for legislative liaison activities; study regarding Washington County subdivision roads not included in the Virginia Secondary System;

:: William King Regional Arts Center, Betsy White, Director, concerning status of the Art Center capital campaign;

:: Invitation to Rally at Damascus Town Park, February 2, 1991, 2:00 p.m.;

*****

f Reminders

Received reminders of future meetings.

****

6. County Attorney's Reports

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

a Washington County/City of Bristol Sewer Line Extension Agreement

On motion of Mr. Byrd, second by Mr. Parris, it was resolved to adopt the amendment to the agreement between Washington County and the City of Bristol concerning a sewer line extension.

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

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

****

7. Public Hearing to consider the adoption of an amendment to modify Section 7-53(f) entitled "Definitions" to clarify the definition of "Commercial User" as it may relate to a user engaged in an occupation carried on by the occupant of a dwelling in which there is no exterior display and no employees other than members of the family residing upon the premises, such as the rental of rooms to tourists, the preparation of food products for sale, and similar activities

Mr. Litton invited comments both in support of and in opposition to modifying Section 7-53(f) of the County Ordinance.

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

Mr. Byrd requested clarification of the proposed amendment. He stated the ordinance only addresses the residential dwelling and not any additional buildings that are used for hobby-type activities. Mr. Cliff Walsh will prepare a revision and advertise it for public hearing.

****

8. Dog Damage Claims

The following action was taken on dog damage claims:

:: Robert B. Hayter, $1,000.00

Mr. Robert B. Hayter was present to respond to questions from the Supervisors concerning his dog damage claim. Mr. Hayter stated his game chickens were killed by dogs. He stated he would rather accept half of the dollar amount of his claim than not receive any remuneration at all.

On motion of Mr. Whittaker, with no second, it was moved to deny claim filed by Mr. Robert B. Hayter for the loss of game chickens killed by dogs.

The vote on this motion was as follows (1-6):

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

On motion of Mr. Mathews, with no second, it was resolved to accept the dollar factor presented by Mr. Robert B. Hayter and compensate him for his loss of game chickens killed by dogs in the amount of $500.00.

The vote on this motion was as follows (5-2):

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

*****

:: Sam Seymore, $225.00

Mr. Sam Seymore was present to respond to questions from the Board.

On motion of Mr. Whittaker, with no second, it was resolved to deny dog damage claim filed by Sam Seymore in the amount of $225.00.

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

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

On motion of Mr. Byrd, second by Mr. Parris, it was resolved to pay the dog damage claim filed by Sam Seymore in the amount of $225.00 for one Hereford calf killed by dogs.

The vote on this motion was as follows (6-1):

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

*****

:: Ned Allison, $100.00

Mr. Allison was not present. By consensus, Mr. Allison's dog damage claim was tabled until Mr. Allison appears before the Board of Supervisors.

****

9. Consideration of Request from Senior Services, Inc.

Mrs. Polly Wirt, Director, Senior Services, Inc., addressed the Supervisors with a request for a supplemental appropriation in the amount of $3,000 for the current quarter. Mrs. Wirt introduced Mr. Don Busser, Vice Chairman of the Board of Directors of Senior Services, Inc.

On motion of Mr. Mathews, with no second, it was moved to approve the request of Senior Services, Inc. for a supplemental appropriation in the amount of $3,000, payable during January to March 1991.

Mr. Whittaker made a substitute motion, with no second, to give all senior citizen organizations the same supplemental appropriation of $3,000.

Discussion ensued on the following points: (1) the number of people served by each senior center should be considered when allocating funds; and (2) consideration to all senior center requests when the organizations appear before the Board of Supervisors.

Mr. Byrd inquired about the Senior Services' source of financial support, the services they provide, and the services provided by other senior centers in Washington County. Mrs. Wirt explained Senior Services Inc. is a 501-C-3 organization, Not For Profit. She stated the organization receives some funds from United Way and Washington County but receives no federal or state financial support.

The vote on Mr. Whittaker's motion was as follows (2-4-1):

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

The vote on Mr. Mathews' motion was as follows (4-1-2):

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

Mr. Bentley was asked to inquire as to the reason Senior Services, Inc. is not funded by state and federal agencies.

****

10. Recess

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

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

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

****

11. E-911 Status Report (Mary Fraysier)

Mrs. Mary Fraysier, Emergency Services Coordinator, presented a status report on E-911 implementation stating it will be operational July 1991. She informed the Supervisors of HB 1397 and asked why Washington County was not aware of it so adequate lobbying could be done for passage.

****

12. Virginia Department of Transportation Proposed Plan to Abandon a segment of Route 879 (Ken Stargardt/Ken Brittle)

Mr. Ken Brittle, Resident Engineer, Virginia Department of Transportation, and Bob Hall also of Virginia Department of Transportation, were present to respond to concerns of the Board of Supervisors with regard to the cul de sac on State Route 879.

Mr. Hall commented on the planned interchange, and explained the minimum design criteria necessary for entrances, exits and storage.

Supervisors expressed their concern that the cul de sac on Route 879 will adversely affect the development of approximately 200 acres for prime industrial development.

Mr. Brittle commented that the present design of the proposed I-81 interchange will include the closure of Route 879, and that a public hearing will be scheduled to receive public comments. Mr. Ken Stargardt, Economic Development Director, conveyed the strong opposition from industry in the Washington County Industrial Park as well as property owners in the vicinity who have an eye on industrial development of the area.

****

13. Consent Agenda:

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

a Request for Refund of Building Permit Fee, Larry B. Gobble, $80.00

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

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

****

14. Consideration of Appointments to Building Code of Appeals:

The following action was taken on appointments to the Building Code of Appeals Board:

:: Ann L. Roope, Harrison District, Term Expired 8-31-90

On motion of Mr. Mathews, second by Mr. Parris, it was resolved to reappoint Ann L. Roope to the Building Code of Appeals representing Harrison District for a four year term effective immediately to August 31, 1994.

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

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

*****

:: Prince A. Coleman, Monroe District, Term Expired 9-30-90

On motion of Mr. Byrd, second by Mr. Brown, it was resolved to reappoint Prince A. Coleman to the Building Code of Appeals representing Monroe District for a four year term effective immediately to September 30, 1994.

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

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

****

15. Consideration of Appointment to Redistricting Committee

The following action was taken on appointment to the Redistricting Committee.

:: Tyler District

On motion of Mr. Whittaker, second by Mr. Parris, it was resolved to appoint Mr. Thomas Whittaker to the Board of Supervisors Redistricting Committee representing the Tyler District.

Mr. Mathews asked Mr. Whittaker if he would accept the appointment under the same conditions as Mr. Litton did, that of not receiving compensation. Mr. Whittaker stated he might want compensation. Mr. Litton stated he may want compensation. Mr. Mathews asked the County Attorney if it is legal for Board Members to serve on committees for pay.

The vote on this motion was as follows (4-3):

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

****

16. Board Member Reports

There were no Board Member Reports.

****

Mr. Bentley reported Abingdon Town Council has agreed to meet with the Board of Supervisors on February 19, 1991 at 7:00 p.m.

On motion of Mr. Brown, second by Mr. Simcox, it was resolved to hold a dinner meeting with the Abingdon Town Council, accomplishing a social at the same time.

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

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

*****

Mr. Bentley reported that the Planning Commission is requesting a joint meeting with the Board of Supervisors for the purpose of looking at the present zoning maps that have been reviewed to see if any changes are to be made. He stated the joint meeting is scheduled for Monday, March 4, 1991, at 7:00 p.m.

****

17. Executive session pursuant to Section 2.1-344(A)(2) of the 1950 Code of Virginia, as amended, in order to discuss property acquisition, Landfill; 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)(1) of the 1950 Code of Virginia, as amended, in order to discuss personnel matters.

On motion of Mr. Brown, with no second, it was resolved to go into executive session pursuant to Section 2.1-344(A)(2) of the 1950 Code of Virginia, as amended, in order to discuss property acquisition, Landfill; 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)(1) of the 1950 Code of Virginia, as amended, in order to discuss personnel matters.

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

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

On motion of Mr. Whittaker, second by Mr. Brown, it was resolved to come out of executive session and proceed with business at hand in public.

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

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

On motion of Mr. Parris, 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 (7-0):

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

****

18. Adjournment

On motion of Mr. Brown, second by Mr. Parris, it was resolved to adjourn the meeting.

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

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

_____

James P. Litton, Chairman