V I R G I N I A:

At a meeting of the Washington County Board of Supervisors held Monday, June 10, 1991, 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
Sandra M. Hatfield, Secretary

ABSENT

Mark W. Seamon, Director of Accounting

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1. Call to Order

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

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2. Invocation and Pledge of Allegiance - Maurice Parris

Reverend Charles Jones, Pastor, Meadowview Baptist Church and Chaplain at Johnson Memorial Hospital, gave the Invocation and led in the Pledge of Allegiance.

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3. Approval of Minutes:

:: Recessed Meeting of May 23, 1991

On motion of Mr. Brown, second by Mr. Simcox, it was resolved to approve the minutes of May 23, 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				

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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 requests to address the Board.

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5. Certificate of Outstanding Achievement (Samantha Lynn Slate)

Mr. Brown presented a Plaque and Certificate of Outstanding Achievement to Samantha Lynn Slate who recently graduated from Abingdon High School and was the recipient of the 1991 Gene "Pappy" Thompson Award.

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6. Planning & Zoning Public Hearings

The following actions were taken on Planning & Zoning public hearings:

:: Intent to Rezone:

(1) Virginia Highlands Cable Company: Request to rezone approximately 200' x 350' of property located on the East side of State Route 91 near the Corporate limits of the Town of Glade Spring from R-2 (Residential, General) to B-2 (Business, General), Monroe Magisterial District.

Mr. Litton invited comments both in support of and in opposition to the application filed by Virginia Highlands Cable Company.

Jimmy Sando, Virginia Highlands Cable Company, requested the Supervisors approve rezoning the property in order that the company business can grow, and to place mobile homes and satellites on the property.

Mr. Mathews asked Mr. Sando if the rezoning will improve the cable service to the customers. Mr. Sando affirmed it will.

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

On motion of Mr. Byrd, second by Mr. Whittaker, it was resolved to follow the recommendation of the Planning Commission and approve Virginia Highlands Cable Company's request to rezone approximately 200' x 350' of property located on the East side of State Route 91 near the Corporate limits of the Town of Glade Spring from R-2 (Residential, General) to B-2 (Business, General), Monroe Magisterial District

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				

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(2) Sharon Poe Massengill and Jack and Deborah Hoffnung: Request to rezone approximately 34.7 acres of property located on the South side of State Route 636 near the Dishner Valley cemetery from R-2 (Residential, General) to A-2 (Agricultural, General) in order to place a double wide mobile home, Tyler Magisterial District.

Mr. Litton invited comments both in support of and in opposition to the application filed by Sharon Poe Massengill and Jack and Deborah Hoffnung.

The following persons addressed the Board of Supervisors requesting a rezoning of the property:

Bruce and Sharon Poe Massengill; Jack and Deborah Huffnung.

Mrs. Huffnung expressed her distress upon learning that the zoning regulations were changed and now does not allow her to rebuild barns, etc. on her property.

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

On motion of Mr. Whittaker, second by Mr. Byrd, it was resolved to follow the recommendation of the Planning Commission and approve Sharon Poe Massengill and Jack and Deborah Hoffnung's request to rezone approximately 34.7 acres of property located on the South side of State Route 636 near the Dishner Valley cemetery from R-2 (Residential, General) to A-2 (Agricultural, General) in order to place a double wide mobile home, Tyler Magisterial District.

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				

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:: Request for Special Use Permit

(3) Virginia Highlands Cable Company: Request for a Special Use Permit to place two mobile office units on approximately 200' x 350' of property located on the East side of State Route 91 near the Corporate limits of the Town of Glade Spring in a B-2 (Business, General) zone, Monroe Magisterial District. (If rezoning is approved.)

Mr. Litton invited comments both in support of and in opposition to the application filed by Virginia Highlands Cable Company.

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

On motion of Mr. Byrd, second by Mr. Parris, it was resolved to follow the recommendation of the Planning Commission and approve Virginia Highlands Cable Company's request for a Special Use Permit to place two mobile office units on approximately 200' x 350' of property located on the East side of State Route 91 near the Corporate limits of the Town of Glade Spring in a B-2 (Business, General) zone, Monroe Magisterial District.

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				

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(4) Orbin S. Phelps for Childress Nursery: Request for a Special Use Permit to place a 4' x 8' location sign on property located on the East side of State Route 19 near the intersection of State 19/689 in a CR (Conservation and Recreation) zone, Jefferson Magisterial District.

Mr. Litton invited comments both in support of and in opposition to the application filed by Orbin S. Phelps.

William Childress addressed the Supervisors stating the sign is needed so that people will not have trouble finding the Nursery.

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 Orbin S. Phelps' request for a Special Use Permit to place a 4' x 8' location sign advertising Childress Nursery on property located on the East side of State Route 19 near the intersection of State 19/689 in a CR (Conservation and Recreation) zone, Jefferson Magisterial District.

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				

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On motion of Mr. Parris, second by Mr. Whittaker, it was resolved to authorize a temporary special use permit for Dr. Marc Stuetzel to operate a family medical clinic on approximately one acre of property located in the Alvarado community on U.S. State Route 710 on the West side adjacent to the Alvarado Bible Church in the former Alvarado Store in an A-1 (Agricultural, Limited) zone, Madison Magisterial District, E-81 Election District.

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				

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Mr. Simcox requested a joint Board of Supervisors meeting be scheduled with the Washington County Planning Commission to consider taking action to rezone property owned by Mr. Nicewonder on Old Jonesboro Road. By consensus agreement, the Supervisors will meet with the Planning Commission on Monday, July 8, 1991, at 7:00 p.m. in the Board of Supervisors Meeting Room.

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7. Community Development Block Grant Results (Tom Taylor)

Mr. Tom Taylor, Executive Director, Mount Rogers Planning District Commission, addressed the Supervisors concerning the rejection of the Meadowview-Emory Sewer Project application for funding through Virginia Community Development Block Grant Program. He presented the ratings and spoke of the reasons the Project did not score sufficient points to be funded in Richmond, Virginia.

Mr. Byrd expressed his disappointment, disputed several ratings, and suggested that these be reviewed and discussed with officials at the Department of Housing and Community Development in Richmond, Virginia.

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8. Six-Year Secondary Highway Construction Plan, Route 736 and Emory RR Crossing (Ken Brittle)

Mr. Ken Brittle, Senior Resident Engineer, Virginia Department of Transportation, Abingdon District, was present to respond to questions and concerns over Route 736 and the railroad crossing located at Emory & Henry College.

Mr. Brittle explained the County has an opportunity to amend the Six Year Plan every two years, and currently the County is at the end of the first year of the two year cycle. He stated the Department of Transportation will consider additions to the Six Year Plan during a public hearing to be scheduled in the Fall 1991 but would not become effective until July 1, 1992.

Robert Lampkins, who resides on Route 736, addressed the Supervisors with a plea for road improvements on Route 736, and requested that the needed road improvements be included in the Department of Transportation Six Year Plan.

The Supervisors agreed that Route 736 would be recommended for inclusion in the Six Year Plan when it is brought before the Board of Supervisors for a public hearing in October.

Supervisors received a letter from Herbert W. Dankert dated May 30, 1991, urging the installation of warning gates at the railroad crossing on the Emory & Henry Campus on State Route 865.

Dr. Charles Sydnor, President, Emory & Henry College, addressed the Supervisors urging their consideration in amending the Six Year Plan immediately and authorizing funds which would enable the Virginia Department of Transportation to do the necessary preliminary work for installing railroad crossing gates on State Route 865 at Emory & Henry Campus. He gave several reasons the request should be considered citing the crossing is dangerous, and there is increasing eastbound-westbound train traffic going down the grade and around a curve.

Dr. Sydnor stated the College will make a commitment to Norfolk Southern Railroad and Department of Transportation that any damage to the gates resulting from vandalism or accidents, the college will assume the financial responsibility for the repairs or replacement.

Mr. Brittle responded to the Supervisors inquiry about amending the Six Year Plan at this time to fund the installation of railroad crossing gates. He stated that decision will require a shift in Washington County's road project priorities and the Supervisors would need to give direction to the Department of Transportation. He stated further that the Supervisors would be required to adopt a resolution stating their intent to amend the Six Year Plan.

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9. Recess

On motion of Mr. Byrd, 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				

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10. Mt. Rogers Development Partnership Funding 91/92 - Jerry Brown

Mr. Jerry Brown, Executive Director, Mount Rogers Development Partnership, addressed the Supervisors concerning the importance of promoting economic development in Southwest Virginia and funding the Partnership's out-reach marketing program at $1.00 per capita for FY 1991-92.

Mr. Brown displayed the official marketing logo for Mount Rogers Development Partnership, Inc. of Virginia which will be used on publications and marketing materials. The marketing logo reads, "The Peaks of Virginia, An Elevated Environment for Business."

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Mr. Buckey Boone, Director, Office on Youth, informed the Board of Supervisors that Johnson Memorial Hospital has made a donation of $800 to the Office on Youth Program for printing The Resource Guide.

On motion of Mr. Byrd, second by Mr. Brown, it was resolved to appropriate $800.00 to Office on Youth to print The Resource Guide.

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				

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11. Consideration of Board Appointment Expiring June 30, 1991, Three year Appointment

:: Highlands Community Services Bd.
Jean S. Miller, Madison District

Mr. Brown requested the Highlands Community Services Board appointment be postponed until June 27, 1991.

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12. County Administrator Comments:

The following action was taken on County Administrator's comments:

a Exit 9 Sewer Project Contract

On motion of Mr. Byrd, second by Mr. Brown, it was resolved to authorize the County Administrator to sign the contract between the Town of Abingdon and Exit 9 Property Owners, as modified.

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				

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b Appointment to Mount Rogers Development Partnership

On motion of Mr. Byrd, second by Mr. Parris, it was resolved to reappoint Mr. Kenneth G. Stargardt to represent Washington County Board of Supervisors while serving on the Mount Rogers Development Partnership, Inc. of Virginia for a one year term.

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				

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c Communications

The following communications were received:

:: Congressman Rick Boucher, Notice of grant approval for soil conservation and preservation in Washington County in the Three Creeks Watershed, U.S. Soil Conservation Service;

:: Senator Charles S. Robb, responding to Farmers Home Administration Emergency Community Water Assistance Grant for Washington County Service Authority, specifically funds for Hayter's Gap waterline extension project;

:: Senator John W. Warner concerning Emergency Community Assistance Grant Application made by the Washington County Service Authority for the Hayter's Gap community;

:: Hunter P. Widener, Executive Director, Highlands Community Services Board, concerning FY 90 Audit Report;

:: Letter to County Administrator from Department of Criminal Justice Services concerning Juvenile Justice and Delinquency Prevention Program Category, Community Based Services, Grant Approval;

:: Letter to County Administrator from H. Bryan Mitchell, Deputy Director, Department of Historic Resources, concerning extension of time for use of grant funds being held in escrow;

:: Ray D. Pethtel, Commissioner, Department of Transportation, concerning Tentative 1991-92 construction allocations and Six-Year Improvement Program, and schedule of public hearings;

Jack S. Hodge, Chief Engineer, Department of Transportation, concerning revised policy on installation of street name signs;

Department of Transportation, Public Notice of Hearing on proposed Highway Project, Interstate Route 81, Washington County, Tuesday, June 25, 1991, Gospel Tabernacle Fellowship Hall;

:: Jean F. McReynolds, Chairman, Highlands Community Services Board, concerning public hearing on services needed by Virginians with mental disabilities from 1992 to the year 2000, June 27, 1991, Room 605, Virginia Highlands Community College;

:: Mount Rogers Planning District, 1990 Census Data;

:: Letter to Bert Mullins, General Manager, Washington County Service Authority, requesting the interest on the $136,500 CDBG funds be applied to the Sweet Hollow Water Project;

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d Reminders

Reminders of upcoming activities were given to the Supervisors.

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13. County Attorney's Reports

The following action was taken on County Attorney reports:

a County Stickers for Residents of Sutherland, Tennessee

On motion of Mr. Mathews, second by Mr. Simcox, it was resolved to revoke the privilege which was granted to the residents of Sutherland, Tennessee to dispose of household garbage at County convenience stations or at the County landfill by the purchase of a County decal and to authorize the County Treasurer to refund their money.

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				

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b Permits for Firms Providing Ambulance Service in the County

On motion of Mr. Mathews, second by Mr. Parris, it was resolved to direct the County Attorney to identify ambulance/EMS providers who should request permits for ambulance, EMS and rescue service in Washington County and notify the agencies they need to file a request for a permit, and schedule multiple public hearings on the same night to consider adding the names of various volunteer rescue squads to County Code Section 11-1.

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				

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14. Consent Agenda:

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

a Payment of Bills for the month of May 1991;

b Supplemental Appropriation - Washington County Library ($2,339.00)

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				

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15. Board Member Reports

On motion of Mr. Byrd, second by Mr. Brown, it was resolved to authorize the County Administrator to advertise for the position of Data Processing Director.

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				

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16. Executive Session pursuant to Section 2.1-344(a)(7) of the 1950 Code of Virginia as amended, in order to consult with legal counsel on possible litigation, Haren Construction; and Executive Session pursuant to Section 2.1-344(a)(3) to consider the use of real property for public purposes, and the investment of public funds where, if made public initially, the financial interest of the County would be adversely affected, in particular, Landfill

On motion of Mr. Brown, second by Mr. Parris, it was resolved to go into Executive Session pursuant to Section 2.1-344(a)(7) of the 1950 Code of Virginia as amended, in order to consult with legal counsel on possible litigation, Haren Construction; and Executive Session pursuant to Section 2.1-344(a)(3) to consider the use of real property for public purposes, and the investment of public funds where, if made public initially, the financial interest of the County would be adversely affected, in particular, Landfill.

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				

On motion of Mr. Brown, second by Mr. Mathews, it was resolved to authorize the County Administrator to enter into an agreement with Mr. Glen Orfield to purchase up to 25 acres of dirt for the Landfill.

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				

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17. Recess to June 11, 1991, 7:00 p.m. for the purpose of holding the second Public Hearing on the School Bond Issue

On motion of Mr. Mathews, second by Mr. Whittaker, it was resolved to recess 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				

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James P. Litton, Chairman