

VIRGINIA:

At a regular meeting of the Washington County Board of Supervisors held Tuesday, September 10, 2002, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

PRESENT:

Joe W. Derting, Chairman
 John B. Roberts, Sr., Vice Chairman
 Jack H. Barker
 Bobby D. Ingle
 Phillip B. McCall
 Dulcie M. Mumpower
 Anthony S. Rector

Christianne E. Parker, Assistant County Administrator
 Lucy E. Phillips, County Attorney
 Mark W. Seamon, Accounting & Purchasing Manager
 Naoma A. Cook, Administrative Supervisor

ABSENT:

Mark K. Reeter, County Administrator

1 Call to Order

The meeting was called to order by Mr. Joe Derting, Chairman of the Board, who welcomed everyone in attendance.

2 Invocation and Pledge of Allegiance – Supervisor Jackson H. Barker

Supervisor Jack Barker gave the Invocation and led the Pledge of Allegiance.

3 Approval of Agenda

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

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

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>

Mrs. Mumpower *Aye*
Mr. Rector *Aye*
Mr. Roberts *Aye*

4 Approval of Minutes – August 27, 2002

On motion of Mr. Roberts, second by Mr. Barker, it was resolved to approve the minutes of the August 27, 2002, meeting as presented.

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

Mr. Derting *Aye*
Mr. Barker *Aye*
Mr. Ingle *Aye*
Mr. McCall *Aye*
Mrs. Mumpower *Aye*
Mr. Rector *Aye*
Mr. Roberts *Aye*

5 Planning and Zoning Public Hearings:

Request for Special Use Permit

(1). Randy and Susanna Coleman, Property Tax Map # 120-A-25: Request for a Special Exception Permit to construct and operate a small business in general, more specifically, Rodeo Events, Horse Shows, and other associated livestock and agricultural activities on property located on the south side of State Route 633 near the intersection of State Route 633/640 in an A-1 (Agricultural, Limited) zone, Wilson Magisterial District, F-01 Election District.

Representatives for this Agenda Item had not yet arrived at the meeting; the Board by consensus moved to Item 6.

6 Consideration of Highlands Community Services Board FY 2003 Performance Contract

Representatives for this Agenda Item had not yet arrived at the meeting; the Board by consensus moved to Item 7.

7 Consideration of Expiring Appointments to Boards and Commissions:

Board of Building Code of Appeals

<i>Name:</i>	<i>Representing:</i>	<i>Term Expires:</i>
Prince A. Coleman	D-01 "Monroe" Election District	September 30, 2002

On motion of Mr. Rector, second by Mr. Barker, it was resolved to reappoint Prince A. Coleman to represent the D-01 "Monroe" Election District on the Board of Building Code of Appeals for a four year term to begin on October 1, 2002, and expire on September 30, 2006.

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

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

8 County Administrator Reports

There were no items to report.

9 County Attorney Reports

There were no items to report.

10 Consent Agenda

On motion of Mr. Rector, second by Mr. McCall, it was resolved to approve the following Consent Agenda items:

a. Payment of Bills – September 2002

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

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

11 Board Member Reports

Supervisor Dulcie Mumpower requested that Ms. Peggy Widener, former member of the Board of Social Services, be asked to attend the September 24, 2002, meeting to be recognized for her service on the Board of Social Services.

Supervisor Tony Rector presented a request from the Washington County Fireman's Association to receive the remaining balance of the FY 2002-03 budget appropriation in a lump sum to buy all the turnout gear in one purchase.

Mr. Mark Seamon, Accounting and Purchasing Manager, advised the Board that the balance of the appropriation for the Washington County Fireman's Association is \$6,900.

On motion of Mr. Rector, second by Mr. Barker, it was resolved to disburse the remaining balance of the FY 2002-03 budget appropriation in the amount of \$6,900 in a lump sum payment to the Washington County Fireman's Association for the purposes of purchasing turnout gear.

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

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

Supervisor Jack Barker complimented the improvements made to the Washington County Fairgrounds.

In another matter, Supervisor Barker advised the Board that Ernie Braganza, Office on Youth Director, would be presenting a list of proposed members for the Office on Youth Advisory Board at the September 24, 2002 meeting. Mr. Barker commented that the Board should discuss the future of the Office on Youth prior to making the appointments.

Chairman Joe Derting reported that he, Supervisor Bobby Ingle and Assistant County Administrator Christy Parker met with a group of legislators to discuss economic development matters. Chairman Derting advised the Board that during the meeting the current budget situation was discussed, and he learned that a meeting of the General Assembly would be held in October 2002 to discuss the impacts of the budget crisis on local governments, more specifically school funding.

Chairman Derting provided the Board with an update on the activities of the Southwest Virginia Regional Jail Authority.

12 Recess

On motion of Mr. Ingle, second by Mrs. Mumpower, it was resolved to take a recess until representatives for Item 5 and Item 6 arrived.

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

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

5 Planning and Zoning Public Hearings:

Request for Special Use Permit

(1). Randy and Susanna Coleman, Property Tax Map # 120-A-25: Request for a Special Exception Permit to construct and operate a small business in general, more specifically, Rodeo Events, Horse Shows, and other associated livestock and agricultural activities on property located on the south side of State Route 633 near the intersection of State Route 633/640 in an A-1 (Agricultural, Limited) zone, Wilson Magisterial District, F-01 Election District.

Upon the arrival of Randy Coleman, Mr. Derting announced the Agenda item and asked the County Attorney if she had any preliminary remarks regarding the application.

County Attorney Lucy Phillips responded with the explanation that Mr. Coleman operates a ranch in an A-1 (Agricultural limited) zone. She said that the activities described in Mr. Coleman's application for a Special Exception Permit are permissible without a permit with the exception of the charging of admission to the events. The charging of admission makes the activities fall into the category of "small business in general" because it changes the focus of the operations from the agricultural activities of horse and cattle ranching to the business activity of entertainment.

Ms. Phillips advised the Board that when the County first learned of the commercial rodeo events, Mr. Reeter, as Zoning Administrator, sent to Mr. Coleman a letter to inform him that a Special Exception Permit was necessary to charge admission to the events he was holding in the A-1 zoned area and required that he cease holding rodeo events unless and until a Special Exception Permit was obtained. Mr. Coleman, however, continued to advertise the holding of rodeos; therefore, the County filed a lawsuit against him seeking to enjoin continued operations in violation of the County zoning ordinance. Prior to the court hearing on the County's lawsuit, Mr. Coleman and the County entered into a Settlement Agreement. Mr. Coleman agreed to stop charging admission fees for spectators and participants in the rodeo activities at his ranch. He also agreed to other limitations including, among other things, hours of operation and usage of the overhead lights.

Subsequent to his entry into the Settlement Agreement, Mr. Coleman filed the application for Special Exception Permit that is the subject of this Agenda item. Ms. Phillips further explained that the application for a Special Exception Permit is being made by Mr. Coleman solely for the purpose of allowing him to charge admission to the horse shows and rodeo events. Ms. Phillips advised the Board that Mr. Coleman could continue to allow the same activities on his property regardless of whether the Special Exception Permit is approved. She said that the activities, as described in Mr. Coleman's application, were basically traditional agricultural activities, with the exception of mechanical bull riding. However, the charging of admission fees changes the nature of activities to an entertainment focus rather than a focus on the traditional activities associated with operations of a horse or cattle ranch. She further advised the Board if the Board chose to approve the application, it could impose conditions on the Special Exception Permit such as the ones recommended by the Planning Commission.

Mr. Derting opened the public hearing and invited comments in favor.

Mr. Randy Coleman appeared before the Board explaining that he is the applicant for the Special Exception Permit. He said that he currently lives in Country Walk Subdivision and owns approximately 80 acres adjacent to that location and leases an additional 125 acres near his property. Mr. Coleman further explained to the Board that he uses the property to operate a ranch where he raises and sells horses, cattle and hay. Mr. Coleman further explained that his ranch holds horse shows, rodeo events, riding lessons and mechanical bull rides. He stated that these events showcase the livestock that is raised on his ranch.

Mr. Coleman requested that the Board grant his request for a Special Exception Permit and invited them to visit his ranch.

Responding to a question, Mr. Coleman stated that the arenas are outdoors; therefore, the majority of activities would be held from April until October, and normally the events conclude around 11:00 PM unless there are unforeseen circumstances. He further stated that if an event is held on Saturday it could start as early as 9:00 AM and that most events are held in the evenings and have a beginning time of approximately 6:00 PM.

Supervisor McCall commented that if the Special Exception Permit were approved, he would like to stipulate a beginning and ending time for all activities that would fall under the Special Exception Permit.

Supervisor Ingle echoed Supervisor McCall's comments and suggested the end time be 11:00 PM.

Mr. Robert Dow addressed the Board. Mr. Dow stated that he supports the approval of the Special Exception Permit with time stipulations and doesn't feel the business will disturb the neighborhood as long as it is run properly.

Mr. Mark Sproles addressed the Board. Mr. Sproles explained that his family has attended several of the activities held by Mr. Coleman and they provide good, clean activities for families.

Mr. Randall Hunnicutt addressed the Board. Mr. Hunnicutt stated that the rodeo activities provide clean activities for his family to attend.

Mr. Dan Reagan addressed the Board. He expressed his respect for Mr. Coleman and stated that he enjoys attending some of the events.

Mr. R. D. Eads addressed the Board. He lives in the community where the business is located and believes the business is good for the community.

At this time, Mr. Derting invited comments in opposition to the Special Exception Permit.

Mr. Robert Hutton addressed the Board. He stated his residence is in front of Mr. Coleman's business. Mr. Hutton said that the business creates a lot of dust, noise and in general causes much disturbance. He further said that it was to the point that he and his wife could no longer enjoy their property.

Ms. Cheryl LeSueur addressed the Board. She stated that her residence is approximately three-tenths of a mile east from Mr. Coleman's ranch. She asked the Board to consider the impacts on the neighboring residents of the dust, loudspeaker noise, and stadium lights associated with Mr. Coleman's proposed rodeo events. She asked the Board to consider the impacts of the events on property values. Ms. LeSueur asked the Board to consider her community's right to a pleasant environment, and that if it is decided to approve the Special Exception Permit, it should place severe restrictions on the permit. She stated that she believes Mr. Coleman has good intentions, but again asked the Board to consider the questions that she placed before them.

Mr. Thomas Whittaker addressed Board. He stated that he couldn't understand how Mr. Coleman could have built the facilities and then apply as an afterthought for the appropriate permits.

Mr. Patrick Mannix addressed the Board stating his opposition to the Special Exception Permit and his concern that the County had to file a lawsuit against Mr. Coleman because Mr. Coleman was holding events in the absence of a permit.

There being no further comments, Chairman Derting declared the public hearing closed.

Chairman Derting commented that in an A-1 (agricultural restricted) zoned area any type of agricultural structure is permitted and does not require special approval from the Board of Supervisors.

Supervisor Rector asked the County Attorney if the stipulations proposed by the Planning Commission for the Special Exception Permit would protect the County. County Attorney Lucy Phillips advised the Board that stipulations could be placed on the Special Exception Permit, but exactly what stipulations were necessary to protect the public's interests would have to be determined by the Board as a legislative function.

Supervisor Ingle asked Mr. Coleman how many events are planned during the season. Responding to the question, Mr. Coleman stated that the events are held two to three evenings a week and usually a day event on Saturdays.

Supervisor Barker commented that the request is a tough issue for the Board of Supervisors and that the arguments are good on both sides. He stated that the County should view the request from the standpoint that the arena had not yet been built. Mr. Barker expressed his concerns regarding the health and safety of the community and the fact that County staff was not involved from the beginning.

Supervisor Mumpower commented that after hearing the facts about the business and the request for a Special Exception Permit, her understanding is that nothing will change as far as the actual activities on the ranch if the Special Exception Permit is approved other than the business owner will be allowed to charge an admission fee. She stated her understanding that Mr. Coleman could still have horse shows, allow cattle roping in his arenas, and conduct other activities associated with cattle and horse ranches. She stated that she has visited the business and understands the issues and concerns of Mr. Hutton and Ms. LeSueur. Mrs. Mumpower expressed her wishes that a compromise be reached in this matter.

Mr. Ingle asked Mr. Coleman about the effects on his business if the County were to place a stipulation on the Special Exception Permit as to the number of events that could be held. Mr. Coleman responded to the question by stating that he understands the concerns of the residents who have spoken in opposition to the Special Exception Permit, and further that he pledges to make every attempt to limit the amount of dust created by the events. He further stated that the noise and light issues could be addressed by nuisance lawsuits if his operations caused that much problem to the neighbors. Mr. Coleman explained to the Board that a restriction on the number of events held would be detrimental to his business. He pointed out that he could use the property for a stockyard or feedlot without any special consideration by the Board because either of those uses, while potentially offensive to neighboring residents, are automatically allowed in the A-1 zoning district.

Further discussion ensued among the Board on this request. The following action was taken:

On motion of Mr. Ingle, second by Mr. McCall, the Board acted to defer a decision on the request by Randy and Susanna Coleman for a Special Exception Permit to construct and operate a small business in general, more specifically, Rodeo Events, Horse Shows, and other associated livestock and agricultural activities on property located on the south side of State Route 633 near the intersection of State Route 633/640 in an A-1 (Agricultural, Limited) zone, Wilson Magisterial District, F-01 Election District until the September 24, 2002 Board of Supervisors meeting to allow time for additional consideration of stipulations to propose as conditions on the permit that would reach a compromise between Mr. Coleman's business interests and the concerns voiced by neighboring property owners..

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

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Nay</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

6 Consideration of Highlands Community Services Board FY 2003 Performance Contract

Upon arrival of Hunter Widener, Executive Director, Highlands Community Services, the Board heard Item 6.

Mr. Hunter Widener, Executive Director, Highlands Community Services addressed the Board asking for their approval of the FY 2003 Performance Contract.

Supervisor Barker commented that as a member of the Highlands Community Services Board, it is good to recognize the services provided by the organization. He complimented the agency on their dedication and service they provide to the citizens of Washington County.

On motion of Mr. Barker, second by Mr. Roberts, it was resolved to approve the FY 2003 Performance Contract for Highlands Community Services.

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

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

13 Adjourn

On motion of Mr. Rector, second by Mr. McCall, it was resolved to adjourn the meeting.

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

<i>Mr. Derting</i>	<i>Aye</i>
<i>Mr. Barker</i>	<i>Aye</i>
<i>Mr. Ingle</i>	<i>Aye</i>
<i>Mr. McCall</i>	<i>Aye</i>
<i>Mrs. Mumpower</i>	<i>Aye</i>
<i>Mr. Rector</i>	<i>Aye</i>
<i>Mr. Roberts</i>	<i>Aye</i>

Prepared by:

Naoma A. Cook, Recording Clerk

Approved by the Washington County Board of Supervisors:

Joe W. Derting, Chairman