

V I R G I N I A:

At a meeting of the Washington County Board of Supervisors held Monday, February 12, 1990, 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

Mark W. Seamon, Director of Accounting, Acting County Admin.  
 Joseph L. Howard, Jr., County Attorney  
 Sandra M. Hatfield, Secretary

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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 - Rev. Bill Adams, Damascus United Methodist Church

Reverend Bill Adams, Pastor, Damascus United Methodist Church, gave the Invocation and led in the Pledge of Allegiance.

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3. Approval of Minutes:

The following action was taken on approval of the minutes:

a. Additions or Deletions to Agenda

Additions or deletions to the Agenda was not discussed.

b. Approval of Minutes

:: Special Called Meeting of January 23, 1990

There was no action taken on the Minutes of January 23, 1990.

:: Regular Meeting of January 25, 1990

On motion of Mr. Whittaker, second by Mr. Parris, is was resolved to accept the minutes of January 25, 1990 with the following amendment:

Page 4978, Paragraph 1, Item 14, Board Member Reports (continued):

Correct recorded vote on the motion to appoint Mark Seamon as Acting County Administrator to 6-0 rather than 4-2, with Messrs. Mathews and Brown voting Aye.

Mr. Byrd addressed the Chairman stating he has questions concerning the minutes of January 25, 1990 where seventeen lines were deleted from the January 9, 1990 meeting minutes. He asked if there is a legal question as to whether the Board should delete the seventeen lines or whether they should be part of the minutes.

Mr. Howard responded the Board is required to keep minutes and to include the motions and recorded votes, that there is no legal requirement to include the letter or delete the letter from the minutes. He stated that the board is in control of its own minutes and can have abbreviated minutes if it so desires.

Mr. Byrd yielded to Mr. Mathews who made the following comments:

"I reserve the right to bring before this Board the legal issue regarding the deletion of minutes on Page 4969 dated January 25, 1990. The Office of the Attorney General would issue no Opinion regarding the above mentioned deletion of minutes while there is a pending litigation in the courts of Washington County."

Mr. Litton expressed his viewpoint to Mr. Byrd stating there were three people seated at the board table and that that is not enough people to have a meeting. He stated further that was the part of the minutes that was deleted. He stated that the meeting was opened twice, that three members were in the back of the room and not seated at the board table.

Mr. Byrd stated the point he would like to have legal clarification on is whether there was a quorum present at the time the meeting was first called to order. He explained he does not want to see a precedent set that whenever board members desire not to vote on an issue or participate in the deliberations, that they leave the board table so that a quorum is not seated.

Mr. Byrd reiterated his point that all board members were in the room where the meeting was being held when the meeting was called to order.

Mr. Byrd asked the board twice to ask Mr. Howard to obtain an Attorney General's Opinion on whether there was a quorum present at the January 9, 1990 meeting, and whether or not the Board can delete minutes. He emphasized his point there is a legal question that needs to be addressed.

Mr. Litton responded that Mr. Howard gave the board his opinion and that is what he is paid for.

Mr. Byrd again expressed his desire to have an Attorney General's Opinion stating he will do what is necessary in order to get one.

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				

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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.

William Clay addressed the Board stating that the board has not acted to as expeditiously as they should have to put to rest the turmoil and politics and proceed with county business.

He questioned the board's failure to pursue violations of the law he feels has occurred remarking about violations of the Commonwealth's Sunshine Law and questioned whether the Voting Rights Law of Virginia have been violated.

Mr. Clay outlined the events surrounding Mr. Parris' resignation and later his request that the resignation be withdrawn. Mr. Clay commented on Board Members and individuals who contacted Mr. Parris concerning the County Administrator and giving him an opportunity to work with the Board prior to requesting his resignation.

Mr. Byrd responded to Mr. Clay concerning his and Mr. Brown's contact with Mr. Parris and Mr. Simcox explaining the purpose of their visit was to ask Mr. Parris to give the County Administrator the same consideration he would want from his own employer. Mr. Byrd agreed with Mr. Clay stating that all the issues should be cleared up. He stated when he sees Mrs. Weisfield's paper and reads what three supervisors campaigned on, the three supervisors say the Board and the Commonwealth Attorney are crooks. He concluded that independent counsel should be brought in to investigate the Board, agreeing that if individual board members are crooks then they should go to jail, and if they are not, then the matter should be put to rest.

Mr. Clay agreed saying he believes that it is the only way the air can be cleared. He stated the Board should call for a special grand jury with independent counsel to investigate the activities of the Board of Supervisors and then get on with the business of operating the county. He stated there are already some things that are admitted to as a violation of the law.

On motion of Mr. Byrd, second by Mr. Whittaker, it was resolved to request a special Grand Jury to be empanelled with special counsel to investigate the activities of the past Supervisors for eight years, from 1982 to the present.

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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Jim Edson, State Route 747, Tumbling Creek, came before the Supervisors to ask for information and assistance on getting a waterline installed to serve six residences and a grocery store, and the meters adapted. Mr. Edson reported that all of the residences have contaminated water. He reported speaking to the various agencies to get assistance with the problem, and asked the Supervisors to lead him in the right direction. Mr. Edson invited the Supervisors to come and see the critical condition that exists.

Mr. Litton stated he spoke with Mr. Mullins at the Service Authority concerning the problem. He stated Mr. Mullins is gathering data and invited Mr. Edson to attend a meeting of the Service Authority when the data is available.

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5. Planning and Zoning Public Hearings:

Mr. Litton conducted the following Planning and Zoning Public Hearings.

a. Zoning Ordinance Amendment

It is proposed that Article VII. Agricultural, General District, Section 14:45. Use Regulations be amended to include "Single wide mobile homes as temporary accessory uses to an existing residential structure for a person who requires continuous on-site medical care as certified by a licensed physician. The mobile home shall be removed at such time when the above mentioned medical care is no longer needed on the premises for the person who required medical care in the original request.

Mr. Litton invited comments both in support of and in opposition to the proposed zoning ordinance.

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

On motion of Mr. Whittaker, second by Mr. Simcox, it was resolved to adopt the following amendment to the zoning ordinance:

Article VII, Agricultural, General District, Section 14:45, to include Single wide mobile homes as temporary accessory uses to an existing residential structure for a person who requires continuous on-site assistance with the basic needs of daily living. The mobile home shall be removed at such time when the above mentioned on-site assistance is no longer needed

on the premises for the person who required the on-site assistance in the original request.

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. Special Use Permit

Clayton Price: application to operate an office for a used car dealership and repair shop on property located on the Southwest side of State Route 684 in an A-1 (Agricultural, Limited) zone, Madison Magisterial District.

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

Clayton Price addressed the board and responded to questions. He stated he will be operating a general repair shop by himself.

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

On motion of Mr. Brown, second by Mr. Parris, it was resolved to follow the recommendation of the Planning Commission and approve application of Clayton Price to operate an office for a used car dealership and repair shop on property located on the Southwest side of State Route 684 in an A-1 (Agricultural, Limited) zone, Madison 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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c. May Smith Barb (Bristol Sign): application to construct and operate a sign business on property located on the West side of State Route 58/421 (Gate City Highway) in an A-2 (Agricultural, General) zone, Tyler Magisterial District.

Mr. Litton invited comments both in support of and in opposition to the application filed by May Smith Barb.

Messrs. Warren Klutz and Carl Jessee appeared before the Supervisors to respond to questions. There were no questions.

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

On motion of Mr. Whittaker, second by Mr. Simcox, it was resolved to follow the recommendation of the Planning Commission and approve application of May Smith Barb (Bristol Sign) to construct and operate a sign business on property located on the West side of State Route 58/421 (Gate City Highway) in an A-2 (Agricultural, General) zone, 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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Mr. Litton invited Mr. Fred Sow to appear before the Supervisors to explain his request for a temporary permit.

On motion of Mr. Simcox, second by Mr. Whittaker, it was resolved to issue a temporary electrical permit to Fred Sow on the condition that he has filed the necessary application to the Planning Commission to go through the public hearing process.

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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6. Public Hearing on CDBG Block Grant, Widener's Valley (Mike Greer, Mount Rogers Planning District Commission)

Mr. Tom Taylor, Executive Director, Mount Rogers Planning District Commission, presented a diagram of the proposed Widener's Valley Water Improvement Project pointing out the strengths in the current application being submitted to Virginia Community Housing and Development for grant funding.

Mr. Taylor requested the Board of Supervisors appear before the Washington County Service Authority asking that \$136,500 in funds be utilized for the Widener's Valley Water Improvement Project and request that they allocate \$750 per connection.

Mr. Taylor proposed that a committee be formed and that one Supervisor serve on the committee to help make preliminary decisions prior to submitting the application.

Mr. Litton invited comments both in support of and in opposition to the proposed Widener's Valley Water Improvement Project.

Rob Goldsmith, Executive Director, People Incorporated, addressed the Board in support of the application for funds stating that the amended water improvement project is a needed project and the application is a stronger one. He requested that the Supervisors give consideration to committing additional local funds to make it a better project. Mr. Goldsmith reported that the amended project will serve more low to moderate income people.

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 appoint Mr. Maurice H. Parris to serve on a committee to study and make preliminary decisions concerning the Widener's Valley project application, and further, to request the Washington County Service Authority to use \$136,500 for the Widener's Valley water project and allocate \$750 per connection.

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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7. Clarification of Matters Discussed or Acted Upon at the Meetings of January 23, 1990 and January 25, 1990 (Charles Byrd)

Mr. Byrd commented there was no action taken on the December 28, 1989 meeting minutes, and inquired about the status of them at this time. Mr. Litton responded the minutes of December 28, 1989 stand unapproved. Mr. Byrd inquired if there were items in the minutes that individual members have problems with and would like to clear up so that the minutes could be approved. He requested that the minutes be reviewed again at the February 22, 1990 meeting.

Mr. Byrd referred to the minutes of January 9, 1990, pp. 4941-43, and inquired as to the vote on the motion to approve the Budget Calendar, stating that it was not recorded. (The vote on the motion to approve the Budget Calendar for FY 1990-91 was as follows (4-2):

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

Mr. Byrd referred to the minutes of January 23, 1990, page 4960 whereby the Board by a 4-0 vote eliminated Paragraph 10 from the Bylaws, Rules of Procedure and Guidelines, "In order to provide stability and continuity of County daily business operations, it is the policy of the Board of Supervisors that each member of the Board of Supervisors coordinate and channel requests for documents or information through the County Administrator.

The appropriate department head..." He inquired if the Supervisors do not now take a recommendation from a department head or a County Administrator, and asked if it is left up to the initiative of the Board Members. He questioned further, asking Mr. Whittaker if it is by the initiative of individual board members that matters are brought to the attention of the Board from department heads, and asking the proper procedure to proceed for obtaining recommendations. Mr. Byrd stated it becomes confusing as to who supervises employees or how policy is set. Mr. Byrd requested that this provision be looked at.

Concerning Minutes of January 23, 1990, Page 4960, Mr. Byrd referred to the Policy and Operational Procedures commenting on the Supervisors action to remove "... Generally, only agenda items should be discussed and acted upon by the board. Procedure: Board of Supervisor members should generally discuss agenda items only during the board meeting. A form will be provided at board meetings for members to convey information, questions, and recommendations concerning the operation of the county. A copy of each completed form will be mailed to all board members." Mr. Byrd asked for an explanation. Mr. Howard responded that the entire provision was removed and that procedure is not followed. Mr. Byrd stated he fails to see how communication works between board members. Mr. Byrd requested that this matter be looked at.

Mr. Byrd referred to Page 4961 of the January 23, 1990 minutes whereby the following was removed from the General Operational Statements of the Policy and Operational Procedures, "... Supporting documents will include the County Administrator's recommendations." Mr. Byrd asked for clarification inquiring if the Board is to ignore the County Administrator's recommendations. Mr. Whittaker commented that the County Administrator can bring all the information he cares to but that the Board does not have to consider it. Mr. Byrd stated that this is another item that needs to be looked at.

Mr. Byrd referred to another item on Page 4961 of the January 23, 1990 minutes whereby it was resolved to delete the following from General Operational Statements of the Policy and Operational Procedures, "All personnel matters involving an individual's name should be scheduled for executive session." Mr. Byrd asked if the Board is violating a person's rights by not taking up certain personnel matters in executive session. Mr. Howard responded that the Board can still go into executive session but it is not formalized in the Procedures. Mr. Byrd asked if there were certain laws pertaining to employment of personnel that gives employees the right to be protected from public discussion of their employment.

Mr. Byrd referred to Page 4971 of the January 25, 1990 minutes, whereby the Board appointed Mr. Whittaker as Director of Emergency Services, and asked if there is a description of that responsibility on file for Mr. Whittaker so that he understands. Mr. Whittaker responded that Mrs. Fraysier has a handbook.

Mr. Byrd referred to Page 4978 of the January 25, 1990 minutes whereby the Board employed Mrs. Fraysier as a full time coordinator of emergency services, and inquired about setting a salary for that position. Mr. Litton responded that a salary has not been set. Mr. Byrd asked if there is a job description for the position. He commented that a person has been

reinstated to a position and he is not sure if the job description has been changed or not as the meeting date was changed by the board knowing that he (Mr. Byrd) was going to be out of town. He continued, Mr. Litton betrayed his (Mr. Byrd's) trust as the Board voted 6-0 to meet on January 30, 1990 to do what was done on January 23, 1990. Mr. Byrd asked if money was appropriated to the position Mrs. Fraysier was appointed to. Mr. Litton stated nothing was done except to give her the job, that the board will have to take action to appropriate salary.

Mr. Byrd inquired about abolishing the Purchasing Department and giving the responsibilities of that Department to the County Attorney. He continued, Mr. Howard has stated in the past that he has all he can handle with taking care of his own department. He asked what will occur to make sure the job gets done, that he handles his responsibilities of County Attorney and also as Purchasing Agent for the County. He expressed his concern about the County violating procurement laws. Mr. Byrd stressed that the County needs to have personnel in place to see that the procurement laws are not jeopardized.

Mr. Byrd stated he noted in the minutes where the Board forced Mr. Parks to resign from his office. He asked if there were reasons for this decision, and was there documentation that Mr. Parks was not performing on the job. Mr. Litton responded that the matter was taken care of in executive session and stated to Mr. Byrd that he was in executive session in the past when some of the problems were discussed. Mr. Byrd stated he was not in executive session on January 25, 1990 but was on January 9, 1990 when rumors that were third hand information was being discussed. He stated upon investigation of them he discovered they were unfounded, that the people who Mr. Parks was supposedly not to have offered services as he should have were perfectly happy with his performance, and that has since been documented.

Mr. Litton responded to Mr. Byrd that as far as Mr. Howard and his purchasing responsibilities are concerned, if he cannot do them he will tell the Board.

Mr. Byrd asked for clarification of the board's action to request an audit of all county departments. Mr. Byrd pointed out that it is a matter of record that Mr. Whittaker voted to approve the audit on December 28, 1990.

Mr. Parris explained that Mr. Whittaker voted for an audit of records that ended June 1989, stating that what the Board is interested in is the period of time from July to December 1989. Discussion ensued about going out for bid and the cost for the audit. Mr. Parris stated the Board is only looking for a six month audit.

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8. County Administrator Comments:

The following action was taken on County Administrator Comments:

- a. Communication from Marine Resources Commission Announcing Comment Period for Crown American Corporation Application for Permission to rechannelize approximately 2550 linear feet of

Clear Creek through the placement of three 6-foot pipe culverts along 1480 linear feet of the property line with wing walls, placement of 950 linear feet of riprap with a 2.5 to 1 side slope, and the filling of 2550 linear feet of the original creek bed

Received joint federal/state public notice concerning Crown American Corporation application to rechannelize approximately 2550 linear feet of Clear Creek through the placement of three 6-foot pipe culverts along 1480 linear feet of the property line with wing walls, placement of 950 linear feet of riprap with a 2.5 to 1 side slope, and the filling of 2550 linear feet of the original creek bed. It was noted that the public comment period on this project should be made in writing, and should reach the Virginia Marine Resources Commission, Environmental Division not later than the close of business on February 28, 1990.

Mr. Howard gave a brief report of his testimony at a meeting with Crown American Corporation, the Corps of Engineers, Virginia Marine Resources Commission, State Water Control Board and Tennessee Valley Authority on the application of Crown American to reroute Clear Creek on the property where Twin City Mall is to be located. Mr. Howard stated he made a presentation on behalf of the County expressing support for the project based upon the action the Board had taken in approving the site plan in January 1990.

Mr. Howard stated it will be some time before the County is made aware of the results of the application.

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- b. Communication from Animal Control Department Concerning Donations to the C. C. Porter Animal Shelter

Received communication from Mrs. Karin Dolvin, Animal Shelter Worker, concerning private monetary donations for improvements at the C. C. Porter Animal Shelter. Mr. Seamon reported that a tracking system has not been established for the money and requested permission to set up a separate line item for appropriation requests. Mr. Litton told Mr. Seamon to set up a line item.

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9. Virginia Department of Transportation Matters (Ken Brittle, Resident Engineer)

The following action was taken on Department of Transportation matters:

- a. Consideration of Request to Appoint a Supervisor to the Subdivision Advisory Committee

On motion of Mr. Whittaker, second by Mr. Parris, it was resolved to nominate Mr. Jim Litton to serve on the Virginia Department of Transportation Subdivision Advisory Committee.

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				

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b. Consideration of Request Regarding Incidental Construction Balances

On motion of Mr. Brown, second by Mr. Byrd, it was resolved to authorize the Department of Transportation to transfer \$70,000 from rural new addition funds to incidental construction.

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. Mathews inquired about the status for the off-ramp for the Washington County Industrial Park, Section II. Mr. Brittle stated there is no concrete information but he believed it is scheduled for June 1991.

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10. Recess

On motion of Mr. Byrd, second by Mr. Whittaker, it was resolved to take a ten minute 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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11. Executive Session for the Purpose of Discussing Matters Related to Prospective Business or Industry Locating in Washington County Pursuant to Section 2.1-344(a) (5); and Consultation With Legal Counsel Pursuant to Section 2.1-344(a) (7)

On motion of Mr. Whittaker, second by Mr. Parris, it was resolved to go into executive to discuss matters related to Prospective Business or Industry Locating in Washington County Pursuant to Section 2.1-344(a) (5); and Consultation With Legal Counsel Pursuant to Section 2.1-344(a) (7).

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

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

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. Litton, second by Mr. Whittaker, it was moved to ask the Washington County Industrial Development Authority to return \$950,000 to the Washington County Board of Supervisors with the interest it has accumulated with a guarantee of up to \$700,000 of this money to be returned, if needed, to the Industrial Development Authority matching and anticipated ARC grant to assist with their industrial project and assure its completion.

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

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

The motion failed to pass.

On motion of Mr. Mathews, second by Mr. Simcox, it was resolved to ask the Washington County Industrial Development Authority to use their good judgment in allowing the Board of Supervisors to have \$250,000 that was allocated to them from the proposed Courthouse fund to be sent back to the County, subject to their approval.

The vote on this motion was as follows (6-0-1):

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

On motion of Mr. Litton, second by Mr. Whittaker, it was moved that the Board of Supervisors ask the Washington County Service Authority to return \$135,000 with interest accumulated to the Washington County Board of Supervisors with a guarantee that this money will be returned to the Washington County Service Authority if it is needed for matching grants for water projects in Widener's Valley.

During discussion of the motion, Mr. Byrd pointed out that earlier in the evening Mr. Parris was appointed to represent the Board of Supervisors at the February 19, 1990 meeting of the Washington County Service Authority to ask the Service Authority that the money be used for the Widener's Valley water project. He asked for the Board's clarification if they would be acting on this motion and rescind the previous action. Mr. Litton responded that the water project could be a year away or it probably will not happen, that the motion is a guarantee that the Service Authority could have the money anytime they wish to have it.

Mr. Mathews commented that the people of Widener's Valley have been appearing before the Supervisors for the better part of three years concerning the water project. He stated that there is in place a grant that the Board of Supervisors has allocated \$135,000 to make sure that the grant is reachable. He remarked about the application for grant funds proposed by Mount Rogers Planning District Commission to serve the people of Widener's Valley. He reinforced Mr. Byrd's statement that Mr. Parris was appointed to represent the people of Taylor District. Mr. Mathews stated the Board is in a position to help the people in the Taylor District, and he asked the Board to give consideration to letting the money stay at the Service Authority specifically to help Widener's Valley with the grant they are applying for.

Mr. Whittaker responded that the motion did not take away the \$136,000. Mr. Litton responded that the motion is a guarantee that the Service Authority can have the money whenever they want it. Mr. Mathews responded that it is a guarantee exactly where it is now at the Service Authority, that it is for the people who need the water in Widener's Valley.

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

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

The motion failed to pass.

Mr. Parris turned the chair back to Mr. Litton.

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12. Park Authority Loan (Louis Musser, Washington County Park Authority)

Mr. Louis Musser, Washington County Park Authority, was present to request that the Board of Supervisors release the remaining FY 1989-90 allocation of \$10,000 to Park Authority for needed maintenance and repair projects in order to open the Park in a timely manner was discussed.

It was the consensus of the Board that the Washington County Park Authority is authorized to use the FY 1989-90 allocation for needed maintenance and repair projects in order to open the Park in a timely manner as discussed.

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13. Indoor Plumbing Initiative - (Buckey Boone, Office on Youth)

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

WHEREAS, many homes in Washington County still do not have safe running water and safe sewage facilities, and

WHEREAS, the health of our children and of our elderly suffers most from contaminated water or unsanitary conditions, and

WHEREAS, homes in rural areas of the state have the greatest need for improved water and sewage systems, and

WHEREAS, the Virginia General Assembly is considering legislation to provide grants to very low income families to provide indoor plumbing for their homes,

THEREFORE, BE IT RESOLVED, that the Washington County Board of Supervisors supports funding for the Indoor Plumbing Initiative of 1990 and requests the Senator and Delegates who represent Washington County to support this initiative, and

BE IT FURTHER RESOLVED, that this resolution be sent to Delegates Joe Johnson, G.C. Jennings, and Ford Quillen and to Senator William Wampler.

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. Stone Mountain Subdivision Road Signs (Marie Tate)

Mr. Litton announced that Mrs. Tate was not present and this item would not be heard.

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15. Office Space for Soil Survey (Danny Hatch)

Mr. Danny Hatch updated the Board of Supervisors on his search for office space stating at present he is based in the Penn House. He added that the Town of Abingdon, who owns the Penn Building, wants to have his office space by March 1, 1990. Mr. Hatch proposed consideration in a lease/rental arrangement in the building owned by Sam McKinney stating it would be \$355/mo for 600 sq. ft. including utilities. He added that this building would be adequate for the needs of his staff.

Mr. Joe Derting, Extension Agent, County Extension Offices, addressed the Supervisors stating that he has been searching for office space in order to relocate as the Town of Abingdon has notified him that his lease will be up on March 1, 1990. Mr. Derting recommended that the Board appoint three supervisors to work with him in looking for office space to move his operation to.

By consensus of the Board, Messrs. Mathews, Whittaker and Litton will meet with Mr. Derting on Wednesday, February 14, 1990 at 9:00 a.m. to look at possible sites for office space for the Extension Service and Soil Conservation operations.

On motion of Mr. Brown, second by Mr. Byrd, it was resolved to approve the proposed rental arrangement for Virginia Tech Soil Survey operations at the Sam McKinney building at \$355/mo. (including utilities), 600 square feet if Mr. Danny Hatch is unable to be based with Extension Service operations.

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. Consideration of Board of Zoning Appeals Appointment

On motion of Mr. Brown, second by Mr. Mathews, it was resolved to ask Mr. Warren McCray if he would be willing to serve on the Board of Zoning Appeals.

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. Consideration of Board Appointment to Abingdon-Washington County Community Services Center, Inc.

Mr. Whittaker nominated Mr. Mathews to serve on the Abingdon-Washington County Community Services Center Board.

On motion of Mr. Mathews, second by Mr. Brown, it was resolved to nominate Mr. Cecil Simcox to serve a one year term on the Abingdon-Washington County Community Services Center, Inc. Board of Directors.

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

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

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18. Discussion of Policy of Charging Towns for use of Landfill

On motion of Mr. Parris, second by Mr. Whittaker, it was resolved that the tipping fees paid by the towns in Washington County for use of the landfill be terminated at the end of the fiscal year 1989-90, and further, the contract with Waste Management for picking up trash at the County buildings and schools in the Town of Abingdon be terminated at the same time and the Town of Abingdon be requested to resume their pick up services at their buildings and schools inside the town.

During discussion of the motion, Mr. Byrd pointed out that there are three things that the Board may wish to consider at one time that are related to this issue. He pointed out there is the utility tax, the tipping fees, and the revenues from the utility tax to provide funds to develop the Landfill.

He explained further that the revenues and expenditures are tied together and should be considered at one time. Mr. Byrd expressed his view that if the utility tax is abolished that the county will have to raise real estate taxes to replace the utility tax, and there will have to be a balanced budget to operate the county from July 1 until the taxes are paid. He

stated the Board will have to give consideration to all the issues that are involved.

Mr. Byrd made a substitute motion, second by Mr. Brown that the Board takes no action until the Board has a chance to study the utility tax, the tipping fees and the cost of Landfills.

Mr. Mathews asked Mr. Parris if he would consider withdrawing his motion until after the public hearing on February 22, 1990.

The vote on Mr. Byrd's motion was as follows (4-3):

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

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19. Consideration of Board Appointment to Washington County Park Authority, District F (To fill unexpired term of Jack Rohr)

On motion of Mr. Simcox, second by Mr. Byrd, it was resolved to appoint Mr. Dallas Hayden to serve on the Washington County Park Authority to fill the unexpired term of Jack Rohr, to June

30, 1990.

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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20. Consent Agenda:

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

- a. Payment of Bills for the month of January, 1990;
- b. Bear & Deer Damage Claim (Myrtle Hamm) in the amount of \$200.00 for damage to property caused by bear or deer.
- c. Drawdown Request for Washington County Industrial Park, as follows:
  - c.1. ARC Drawdown No. 4 in the amount of \$45,030.83
  - c.2. SWVED Drawdown No. 8 in the amount of \$97,130.57

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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21. Board Member Reports

The following action was taken on Board Member Reports:

On motion of Mr. Whittaker, with no second, it was moved that 911 project come under the Department of Emergency Services and that Mary Fraysier be designated as the 911 Director.

In response to Mr. Byrd's question as to the logic and reasons for the motion, Mr. Whittaker stated it goes along with 911. Mr. Mathews inquired about her qualifications and attendance at seminars and workshops to coordinate the 911 project.

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

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

On motion of Mr. Whittaker, with no second, it was moved that the Director of Emergency Services be authorized to set the salary of the Coordinator of Emergency Services and work with the County Administrator to develop a budget for the Department of Emergency Services.

Mr. Byrd responded that he does not mind a committee bringing a recommendation back to the Board to consider but he does not favor giving a committee the authority to set someone's salary or the budget. Mr. Mathews reiterated Mr. Byrd's response to the motion.

On motion of Mr. Simcox, second by Mr. Byrd, it was resolved to authorize Mary Fraysier to attend conferences to become qualified and then bring a recommendation back to the board for consideration.

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, with no second, all the county advertising be equal as of July 1, 1990.

Mr. Seamon raised the question of equalizing certain legal advertisements and the difference in rates.

Mr. Byrd expressed his viewpoint that the county should advertise in the newspaper that gives the best rates and has a concern about giving equal advertising to all three newspapers. Discussion ensued with Mr. Howard commenting the departmental procedures for advertising vary.

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				

Mr. Byrd requested a clarification of the term equal. He stated he believed everyone should have an equal opportunity to bid on what is being furnished and that the county should know what they are buying before they get it. Discussion ensued again about bidding advertisements.

Mr. Byrd requested to see copies of what we pay for and what we get, and he requested that circulation be a part of the bid consideration.

In compliance with Section 44-146-38 of the Commonwealth of Virginia, Emergency Service and Disaster Laws, on motion of Mr. Whittaker, with no second, it was resolved to designate Mary Fraysier as the County Hazardous Material Coordinator.

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				

Mr. Mathews raised the question about a previous motion to authorize a salary for Mary Fraysier. Mr. Byrd stated there is no appropriation for the Emergency Services budget and a salary has not been set. Mr. Byrd added there should be a job description for Mrs. Fraysier's position, a salary should be set and an appropriation made.

Discussion ensued about appropriation of money to pay Mrs. Fraysier's salary.

Mr. Whittaker moved that the Board transfer \$15,000 from reserves into the Emergency Services Budget.

In response to Mr. Byrd's inquiry, Mr. Mathews stated that there would be a zero balance in reserves for contingency.

On motion of Mr. Byrd, second by Mr. Mathews, it was resolved to table this discussion until the Board makes an employment agreement with Mrs. Fraysier.

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

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

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Mr. Byrd requested if there is an agreement made among the Board that it be honored. Mr. Byrd commented that at the last meeting he was present at there was agreement to meet on January 30, 1990. He continued saying that as soon as it was learned he would be out of town, Mr. Litton and Mr. Whittaker called a special meeting to organize with less than 50% of the population of the county be represented at the special called meeting.

Discussion ensued. Mr. Byrd commented about his disappointment that he cannot take Mr. Litton at his word. Mr. Litton explained that the County had to get on with business.

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22. Executive Session for the Purpose of Discussing Matters Related to Personnel Pursuant to Section 2.1-344(a)(1); Prospective Business or Industry Locating in Washington County Pursuant to Section 2.1-344(a)(5); and Consultation With Legal Counsel Pursuant to Section 2.1-344(a)(7)

On motion of Mr. Simcox, second by Mr. Parris, it was resolved to go into executive session to discuss matters related to personnel pursuant to Section 2.1-344(a)(1) and Prospective Business or Industry Locating in Washington County Pursuant to Section 2.1-344(a)(5).

Mr. Mathews referred to the Rules and Procedure approved by the Board raising the question about going into executive session on personnel matters pointing out that the board will not go into executive session to discuss personnel.

Mr. Howard stated that he does not believe the rules preclude the Board from going into executive session to discuss personnel.

Mr. Byrd commented there should be a consistent policy for discussing personnel and should not be an arbitrary decision.

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. Parris, it was resolved to adopt the following resolution:

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. Byrd, second by Mr. Mathews, it was resolved to relieve Mark Seamon of his duties as Acting County Administrator and give them to Joe Howard, and that Mark Seamon take over the purchasing duties that Mr. Howard now has, and that they use their discretion as far as getting the necessary help until the Board can hire a County Administrator, and further that Mr. Howard be authorized to advertise for a County Administrator according to the state code.

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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23. Adjournment

On motion of Mr. Mathews, second by Mr. Parris, it was resolved to recess the meeting until Monday, February 19, 1990 to meet with the City of Bristol to discuss a prospective industry locating in Washington County where announcement has not been previously made in executive session pursuant to Section 2.1-344(a)(5) of the 1950 Code of Virginia, as amended.

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