

V I R G I N I A:

At a recessed meeting of the Washington County Board of Supervisors held Monday, April 23, 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 Co. Administrator
 Sandra M. Hatfield, Secretary

1. Call to Order

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

2. Presentation of Budget Request from Highlands Rescue Squad

Mr. Robert Davis, Captain, Highlands Rescue Squad, explained the budget request and asked the Supervisors for their support by funding the request.

3. Begin Work Session on FY 1990-91 Proposed County Budget

The following changes were made to the proposed county budget for FY 1990-91:

Add \$55,000, Subsidy, Washington County Industrial Park II, Sewer Plant;

Increase Virginia Highlands Airport Commission budget request by \$33,997;

Increase Town of Damascus budget request by \$10,000;

Decrease Mental Health and Mental Retardation Board Operations budget request by \$69,052;

On motion of Mr. Byrd, second by Mr. Mathews, it was resolved to adjust the FY 1990-91 proposed county budget adding \$250,000 earmarked for Economic Development, Infrastructure, New and Improved.

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				

By consensus, it was agreed to advertise the proposed FY 1990-91 County budget with suggested adjustments and changes for public hearing on May 15, 1990.

On motion of Mr. Brown, second by Mr. Mathews, it was resolved to appoint Mark Seamon as temporary County Administrator, and further that he receive an additional \$1,000 per month compensation beginning April 23, 1990 until such time as a County Administrator is hired.

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. Whittaker, it was resolved to adopt the following proclamation:

LAW DAY PROCLAMATION

WHEREAS, May 1 is Law Day U.S.A. in the United States of America, and;

WHEREAS, the United States of America has been the citadel of individual liberty and a beacon of hope and opportunity for more than 200 years to many millions who have sought our shores, and,

WHEREAS, the Foundation of individual freedom and liberty is the body of the law that governs us, and

WHEREAS, the Constitution of the United States of America, and the Bill of Rights, are the heart of that body of law, which guarantees us many freedoms - including freedom of religious belief, freedom to have and hold property inviolate, freedom of assembly, freedom of speech, freedom of press, freedom of assembly, freedom of speech, freedom of press, freedom of petition, and due process of the law among others, and

WHEREAS, this year marks the 33rd annual nationwide observance of Law Day, and the Congress of the United States and the President by official proclamation have set aside May 1 as a special day for recognition of the place of law in American life.

NOW, THEREFORE, WE the Board of Supervisors of Washington County, Virginia, do hereby designate May 1, 1990, as Law Day U.S.A. and call upon all citizens, schools, businesses, clubs, and the news media to commemorate the role of law in our lives.

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. Office on Youth Matters (Buckey Boone)

Buckey Boone, Director, Office on Youth, requested permission to address the Board of Supervisors in executive session concerning a personnel matter.

5. Continue Work Session on FY 1990-91 Proposed County Budget

There was no additional business to continue on the FY 1990-91 proposed county budget.

6. Executive Session pursuant to Section 2.1-344(A)(2) of the 1950 Code of Virginia, as amended, in order to discuss condition of public property, Courthouse;

On motion of Mr. Parris, second by Mr. Byrd, 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 condition of public property, Courthouse, and pursuant to Section 2.1-344(A)(1) of the 1950 Code of Virginia, as amended, in order to discuss a matter related to personnel.

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 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				

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

Mr. Parris: I move that we adopt that --

Mr. Litton: You can't do that.

Mr. Parris: Why not?

Mr. Litton: You got the chair.

Mr. Parris: Oh, o.k. You gonna do it?

Mr. Brown: I move we adopt, that we certify that we have adopted the (Code) sections. Do you want to read the whole thing through?

Mr. Parris: O.K. Motion by Mr. Brown to adopt the certification for coming out of executive session.

Mr. Mathews: And they were 2.1-344(a) in which was discussed the topic Courthouse, and 2.3-344(a) (1) which had to do with personnel.

Mr. Parris: o.k. motion by Mr. Brown, is there a second?

Mr. Mathews: I second Mr. Chairman.

Mr. Parris: Second, Mr. Mathews, all those in favor. Opposed. 7-0. o.k.

- Mr. Litton: Mr. Chairman, I move that we attempt to find the applications for county administrator job that was lost and put them back in. Go back through them like we agreed to do and grade them on a point system. That's it.
- Mr. Whittaker: I'll second that.
- Mr. Parris: Motion by Mr. Math, er, Mr. Litton, second by Mr. Whittaker.
- Mr. Byrd: Ah.
- Mr. Parris: Discussion.
- Mr. Byrd: Yea, I want to make something ah clear for the record and I want it to be recorded that they say that Mr. Sparks' resume was not at the meeting that we, the last meeting that we reviewed these on, I guess that we Thursday night, is that correct? It was there, Mr. Whittaker pushed it where I was, called the man's name, I saw it on two other occasions. Just want that in there for the record.
- Mr. Whittaker: I want it put in the record that I don't remember this and Mr. Litton was sittin' beside of me and Mr. Parris was sittin' in front of me, and uh ---
- Mr. Litton: All I know is we understood that ah from somebody that they didn't see it, we misunderstood, evidently Tom come up the next morning, went through the applications, it wadn't there, he come and got me. I come back with him, we got Mark, we went through them (undeciferable) -- times and found that there was three applications missing.
- Mr. Byrd: Was, ah, was you there alone, Mr. Whittaker, looking at the applications?
- Mr. Whittaker: Maybe a few seconds.
- Mr. Byrd: A few seconds.
- Mr. Whittaker: And, I picked them up and carried them upstairs.
- Mr. Mathews: How long did it, ah, take you, Mr. Whittaker ---
- Mr. Byrd: By the time you --
- Mr. Whittaker: Ten seconds.
- Mr. Mathews: You were able to go through all of those in --
- Mr. Whittaker: Mr. Mathews, I didn't go go through them.
- Mr. Mathews: Well you said that ah you couldn't find Mr. Sparks.

Mr. Whittaker: ...didn't see Mr. Sparkes in there that morning --

Mr. Mathews: And it took you ten seconds --

Mr. Whittaker: And I immediately went and saw Mr. Litton. And Mr. Litton came back up here and went through them again

Mr. Litton: With Mark.

Mr. Whittaker: We were three short --

Mr. Mathews: I'm going back though --

Mr. Whittaker: 93.

Mr. Mathews: I'm going back that it just took you ten seconds to find out that there was an application missing.

Mr. Whittaker: I don't know Mr. Mathews --

Mr. Mathews: That's what you just said --

Mr. Whittaker: I didn't time myself.

Mr. Mathews: That's what you said Mr. Whittaker.

Mr. Whittaker: I didn't time myself to how long it.

Mr. Byrd: Did you go through them before you took them to Mark?

Mr. Whittaker: No. Pardon me. I looked at them as I went upstairs. Now, Mr. Byrd --

Mr. Byrd: How did you find out --

Mr. Whittaker: If you want to accuse me, accuse me now, put it on record.

Mr. Byrd: I'm not accusing you, I'm just asking a question, so I can have a better understanding.

Mr. Mathews: Well I have a point of order, the vote for the public record and the newspaper of January, in ah on Thursday, that Mr. Whittaker made a motion that Mr. Sparks' name be (word) along with the other applicants, and if I'm not mistaken, the vote was defeated 4-3.

Mr. Whittaker: That was out here, Mr. Mathews.

Mr. Mathews: All right sir, I understand that Mr. Whittaker, it it has to be out here, but if you were to make the motion one would of assumed that you had access to the resume Mr. Whittaker.

Mr. Whittaker: I went through the applications four times Mr. Mathews --

Mr. Mathews: O.K. Sir, o.k.

Mr. Whittaker: four times I went through these.

Mr. Mathews: What I am saying, this motion is not in order because you have to be a member of the affirmative ah to vote to have Mr. Sparks' name put back on the (undeciferable). This is out of order people because --

Mr. Litton: Mr. Mathews, you're not a lawyer.

Mr. Mathews: No sir, but I don't have to be a lawyer. I've been on the board long enough Mr. Litton --

Mr. Litton: Call for the question.

Mr. Brown: All Charlie wanted, if I understand it, is a statement put on the record, we don't need all this other --

Mr. Byrd: I want it on the record.

Mr. Parris: The question has been called for. All in favor of Mr. Litton's motion?

Mr. Simcox: No. Wait a minute. Wait a minute. Are you going to send for another resume?

Mr. Litton: Yes sir.

Mr. Simcox: How long will it take it to get here.

Mr. Litton: I'd say he could send it overnight if he wants too, if he don't want to ah I'll let you know. I'll have to call him and see, we could have it overnight.

Mr. Mathews: Well I question the validity of the motion, and and we get a lawyer on deck and I think you'll find you have to be in the affirmative to bring back an issue, and Mr. Sparks --

Mr. Litton: Cecil, you can call him and ask him, I'm sure he don't have any idea that this has happened.

Mr. Mathews: (Turning to Mrs. Hatfield.) Will you make it a matter of the record that I think this is out of order, that it was taken, the vote was taken on Thursday, and you have to be a member of the affirmative vote to bring the issue back up again.

Mr. Litton: This is to go through the applications again, do them right like we agreed to by point system, that's all this motion's for, it has nothin' to do with Dennis Sparks or

anything else Mr. Mathews. Nothin' whatsoever with anybody.

Mr. Byrd: That's hard to believe. That's hard to believe that discussion we had --

Mr. Parris: The question's been called for, all in favor?

Mr. Simcox: You, you (undecipherable) send and call for it and get the application in here, and we'll see how it comes in.

Mr. Whittaker: (Undecipherable.) You going to vote on it now?

Mr. Simcox: Do what?

Mr. Whittaker: You got to vote on it now, the question's been called for.

Mr. Simcox: You get it. (undecipherable.)

Mr. Litton: Cecil, the one that we had I put my initial on Dennis Sparks and I don't know who else did but I'm sure there's alot of writin' on the front of it.

Mr. Byrd: I initialed it.

Mr. Parris: I initialed it.

Mr. Litton: -- the first time I saw it.

Mr. Whittaker: I'm sure I initialed it.

Mr. Litton: -- that's the only time I saw it.

Mr. Simcox: You saying you, you call and have him send another resume.

Mr. Litton: Shall we take a vote on this?

Mr. Simcox: Just call and have him send another resume.

Mr. Litton: Cecil, we'll have to if he wants to and we go through them again. We can go through them without him if he don't send one.

Mr. Simcox: (undecipherable) another resume, mail us another resume.

Mr. Byrd: It might not be a bad idea to have that to have an investigation into it that was suggested, see where the resume's gone.

Mr. Litton: That's right.

Mr. Whittaker: It might not be a bad idea.

Mr. Byrd: It might not. Just a few hands on it.

Mr. Litton: Cecil, I think we're trying to find out if we're goin' to vote for this motion or not vote 'til we get it.

Mr. Simcox: (Undeciferable.) What's the motion?

Mr. Litton: The motion is to go through them, recover them if we can, and go through them again and do it like we agreed on by the point system right here is is what Joe give all of us that we go by in selecting one and grade them by points.

Mr. Simcox: (Undeciferable.) What I want to know is are you going to send for another resume or are you going to try to find the resume that was here?

Mr. Litton: Well I think if it could be found --

Mr. Whittaker: Either one or both.

Mr. Litton: I asked Mark to do what he could to find it and I'm sure he probably did. Did you Mark. And I don't know how to get one --

Mr. Mathews: Mr. Chairman, I am grossly concerned. If you say there are x number that had been misplaced --

Mr. Litton: Mark was it or not? Mark counted them.

Mr. Seamon: There was 90 plus.

Mr. Mathews: All right, so how many had been misplaced? I think that we need all of this information

Mr. Litton: Three

Mr. Mathews: O.k. Three. Now you are asking for just one man, Mr. Dennis Sparks, to resubmit his, not the other two --

Mr. Litton: You tell me who they are --

Mr. Mathews: Sir I have no, you know all of this, I know none of this --

Mr. Litton: (undeciferable) he said he had no way of knowin' who the others was --

Mr. Mathews: You are completely out of order unless you redo the whole thing, if you are going to specifically state, we're going to contact the three, we are going to ask for one to resubmit because the one is absent or misplaced or whatever might have happened. People, you all are treading on the most dangerous ground in the world and I hope this board will vote. The Board voted first to accept the

three, by consensus, in the executive session, that these three would be asked to come for an interview starting at 8:00, April 30, and now all of a sudden, we are changing the rules. And, I think gentlemen, and believe me, no Mr. Litton I'm not a lawyer, definitely not a lawyer --

Mr. Litton: We're not changing any rules --

Mr. Mathews: But you are out of order, you are specifically asking for one additional application Mr. Litton.

Mr. Litton: Well I'm asking for all three of them (undeciferable) --

Mr. Mathews: Well sir, the other two you don't know, you happen to know one.

Mr. Brown: (Undeciferable.)

Mr. Litton: He don't know.

Mr. Byrd: Why don't you just readvertise--

Mr. Litton: That would suit me fine.

Mr. Mathews: You are in the minority Mr. Litton, you cannot bring that out.

Mr. Litton: (Laughing) It's got nothin' to do with it --

Mr. Mathews: We are talking about the applications that we requested, duly advertised, duly accepted, duly set down and evaluated, each person had their own means of evaluation to follow (undeciferable) you so ably stated, Mr. Litton. But the point is Mr. Litton, we came out of executive session with the consensus, not a vote, and then the vote was made in here publicly like it has to be, without names. And then all of a sudden one applicant's name was brought up to be reconsidered and the vote was 4-3 not to reconsider. Now we're here on Monday, April 23rd, and unless you vote with the affirmative, Mr. Litton, you cannot bring that up again.

Mr. Litton: I'm not bringing the same thing up Mr. Mathews. I'm sayin' go through them again, grade them like we agreed to, if we can get the ones we know is them get them, if we can't we'll take what we got. That's what the motion is.

Mr. Byrd: We already graded them.

Mr. Mathews: We've already done it.

Mr. Litton: Charlie, I didn't see yours, you picked --

Mr. Byrd: I didn't see yours --

Mr. Litton: two out of the stack.

Mr. Byrd: I didn't see yours.

Mr. Litton: I had it. Just like that long sheet --

Mr. Byrd: mine in the brief case --

Mr. Litton: You didn't have it that night.

Mr. Byrd: my memory, I think my memory is a little bit better than
that that I could remember which ones they
were.

Mr. Litton: You had to go through it to pick out two more just about
five minutes.

Mr. Litton: I just think it ought to be done right.

Mr. Byrd: Why don't you just hire him, Jim, forget about it.

Mr. Litton: That's not what it's about, it's about being fair, the way
it's supposed to be done.

Mr. Byrd: (Undeciferable.)

Mr. Litton: Why don't you tell us who took them out Charlie.

Mr. Byrd: I wasn't the last one in there, I don't know. I know they
were there and I know that Tom had his hand on
it and pushed it over there and said this is Mr. Sparks --

Mr. Whittaker: Mr. Byrd, what in the hell would I have to do with Dennis
Sparks' application and put it to you knowing
that you didn't have him on your list.

Mr. Byrd: That wasn't, that wasn't. You didn't know who I had on my
list when you said that.

Mr. Litton: Cecil, we're trying to find out if you want to vote on
this or get the application back first.

Mr. Simcox: Let's get the application back.

Mr. Litton: O.K., all right. Why don't you call and get it. Mark can
get you his number.

Mr. Simcox: No, you call him and get it (undeciferable). All I want
to see is the post mark number.

Mr. Whittaker: (Undeciferable) there, you should see the post mark number.

Mr. Brown: I think you ought to have the other two --

Mr. Mathews: Yes sir, yes, or we will advertise. I will not participate in this if we're going to single out one or three that had been misplaced, people, we're wrong.

Mr. Litton: Then let's advertise it.

Mr. Whittaker: Well, then let's readvertise. I make a motion

Mr. Mathews: You can't Mr. Whittaker because you are not one of the affirmative votes. You're not with all due respect, sir, you are not.

Mr. Whittaker: Well, then Mr. Simcox, Mr. Byrd, Mr. Brown, or you will have to make it --

Mr. Mathews: That's right sir

Mr. Litton: No sir, that's not the way it is --

Mr. Mathews: Yes it is.

Mr. Litton: We're not votin' on anything but to readvertise. Mark, you know, anybody knows you can vote to readvertise anything you want to.

Mr. Mathews: No sir, Mr., not unless you are of the affirmative, Mr. Litton.

Mr. Litton: (Laughing) If you'd a voted it down to readvertise it then I couldn't bring it up (undeciferable) then we readvertise --

Mr. Mathews: We took the three applicants that the majority of the Board of Supervisors on Thursday, April 26 by consensus agreed upon.

Mr. Litton: Now, you want to advertise --

Mr. Mathews: It was done and over.

Mr. Litton: it since we agreed to do that, you don't want to readvertise it.

Mr. Mathews: I don't want to touch this at all, believe me.

Mr. Litton: I'm not going to touch any part of it without doing it right either.

Mr. Mathews: It was done correctly, Mr. Litton.

Mr. Whittaker: Neither will I.

Mr. Litton: Cecil, I'll get his phone number and call him and see if he wants to send another one, and I'll let you know tomorrow if he does or not.

Mr. Brown: What about the other two?

Mr. Litton: You call them.

Mr. Brown: I don't know who they are.

Mr. Litton: O.K. I told ya, I asked Joe Howard who they was. He said he didn't know who they was.

Mr. Brown: (undeciferable) -- I just know what you all are saying --

Mr. Byrd: Why is all this centered around Mr. Sparks and we're not concerned about the other two. I don't understand that.

Mr. Litton: I'm concerned about the other two that's why I say let's readvertise it and maybe they'll fly again.

Mr. Byrd: Seems like somebody stole the applications.

Mr. Litton: I don't know how it came about or nobody ever thought to even check them to see if they wadn't there. You know how it happened in there.

Mr. Byrd: I'm not sure I know what you're talking about --

Mr. Seamon: We do have three interviews set up for next week.

Mr. Whittaker: Well, we're at a stalemate here. We're going to have to make some kind of motion.

Mr. Mathews: No sir, Mark's already set up at the will of the board, three applicants will be in

Mr. Byrd: (Undeciferable.)

Mr. Litton: All Mark's got to do is call these people and tell them that we've got a problem, we're going to redo it.

Mr. Mathews: We don't have a problem, Mr. Litton, you have a problem.

Mr. Litton: That's right --

Mr. Mathews: The Board does not have a problem.

Mr. Litton: (undeciferable)

Mr. Byrd: I move

Mr. Parris: We've got a motion on the floor.

Mr. Byrd: we recess. Oh, somebody may have called for the question

Mr. Parris: They have two or three times --

Mr. Byrd: Question.

Mr. Litton: Cecil wants to wait until we get it back, and if that's what Cecil wants and then vote on it --

Mr. Byrd: We can't vote (undeciferable)

Mr. Parris: Motion's been withdrawd.

On motion of Mr. Mathews, second by Mr. Brown, it was resolved to appoint Mr. Barry Proctor as temporary County Attorney at the rate of \$1,900 per month compensation.

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. Mathews, second by Mr. Brown, it was resolved to authorize the temporary County Administrator to advertise for the position of permanent County Attorney.

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. Recess to Tuesday, April 24, 1990, 6:00 p.m. to meet jointly with the Bristol, Virginia City Council in City Council Chambers in Executive Session pursuant to Section 2.1-344(a) (5) concerning a prospective business or industry where no previous announcement has been made.

On motion of Mr. Byrd, second by Mr. Mathews, it was resolved to recess to meet jointly with the Bristol, Virginia City Council in City Council Chambers in Executive Session pursuant to Section 2.1-344(a) (5) concerning a prospective business or industry where no previous announcement has been made.

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