V I R G I N I A:

At a meeting of the Washington County Board of Supervisors held Monday, December 14, 1992, at 7:00 p.m., at the County Administration Building in Abingdon, Virginia, the following were present:

PRESENT:

Joe W. Derting, Chairman
James T. Osborne, Vice Chairman
Kenneth G. Mathews
James P. Litton
Maurice H. Parris
Jackson Barker, Jr.

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

ABSENT:

Cecil K. Simcox

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1. Call to Order

The meeting was called to order by Mr. Joe W. Derting, Chairman of the Board.

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2. Invocation and Pledge of Allegiance - Jackson Barker, Jr.

Mr. Jackson Barker, Jr. gave the Invocation and led in the Pledge of Allegiance.

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3. Approval of Agenda

On motion of Mr. Barker, second by Mr. Osborne, it was resolved to approve the Agenda, as submitted.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Barker	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Derting	Aye

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4. Approval of Minutes of November 24, 1992

On motion of Mr. Mathews, second by Mr. Barker, it was resolved to approve the Minutes of November 24, 1992 corrected as follows:

Pages 6382 and 6283, Items 19.b, Executive Session ... continued and 20, Adjournment:

Change recorded vote for coming out of executive session to 4-0, removing the name of Mr. Mathews. Minutes should read as follows:

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

"The vote on this motion was as follows (4-0):

Mr. Barker	Aye				
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Derting	Aye"

Remove name of Mr. Mathews listed in the recorded vote for approval of the Certification and replace it with Mr. Litton's name. Minutes should read as follows:

"On motion of Mr. Barker, second by Mr. Osborne, 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 (5-0):

Mr. Litton	Aye	Mr. Barker	Aye		
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Derting	Aye"

Remove name of Mr. Mathews listed in the recorded vote for adjournment and replace it with Mr. Litton's name. Minutes should read as follows:

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

"The vote on this motion was as follows (5-0):

Mr. Litton	Aye	Mr. Derting	Aye		
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Barker	Aye"

"The vote on the motion to approve the Minutes of November 24, 1992 with noted corrections was as follows (6-0):

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Barker	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Derting	Aye

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5. Citizen Comments

At this time, Mr. Derting invited comments from citizens in the audience on items that do not appear on the agenda.

Patrick Mannix, Wilson District resident, addressed the Supervisors on the following items: Renewed his request to have access to expense accounts of all Board of Supervisor members without any charge for copies, citing Virginia Code Section 15.1-531; Called attention to Virginia Code Section 15.1-7.5 relative to giving preferential consideration to Veterans who make application for employment, stating that he meets the requirements of the Code Section. He stated he was not granted an interview for the Assistant County Administrator/Economic Development position and does not know what considerations were given to prospective employees; Called attention to Virginia Code Section 24.1-76.1 relative to vacancies on the Board of Supervisors, and remarking on the length of time that Mr. Simcox had been absent from the Board due to illness. Mr. Mannix nominated himself to fill Mr. Simcox' elected position representing the Wilson District, and advised the Supervisors that if they do not act in his behalf, he will petition the Circuit Court Judge requesting that Mr. Simcox be replaced on the Board of Supervisors.

Thomas Whittaker addressed Mr. Bentley reiterating questions he raised at previous meetings on granting overtime for certain employees; disposal of brush at the Landfill; and, collection of charges for personal phone calls made on County phones to "900" telephone exchanges. Discussion ensued concerning the definition of "commercial" relative to disposal of brush at the Landfill with Mr. Whittaker expressing his viewpoint that the person who disposed of Mr. Martin's brush was hired, therefore, Mr. Martin should pay Landfill charges.

Sunny Wright addressed the Supervisors seeking relief from paying the road assessment levied on property owners in Whitetop I Subdivision, pleading personal financial hardship. At the request of the Supervisors, Mr. Walsh responded to Mr. Wright that he has researched the Code to find no sections

which would authorize the Supervisors to provide the relief requested. In another matter, Mr. Wright called attention to property he is trying to sell which is located in the Industrial Park. He reported vandalism and thefts have occurred in the immediate area and expressed concern for the safety of his business equipment stored on his property. He asked the Supervisors to request the Sheriff's Office to provide additional patrol coverage in the area.

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6. Mr. Litton's Reports and Comments

Mr. Litton raised the question of the status of the convenience station in Tumbling Creek. Mr. Walsh advised the Supervisors he has filed the required documentation with the Court and has petitioned the Judge to make a decision based on the information he now has.

Mr. Litton requested paid telephone bills for the Solid Waste Department and Animal Control Shelter for 1990 and 1991.

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7. Virginia Department of Transportation (Ken Brittle)

Ken Brittle, Senior Resident Engineer, Abingdon District, Virginia Department of Transportation, was present to report on road studies requested by the Board of Supervisors.

(a) Evaluation of Intersection of Route 19 and 700 for Stop Light Installation

Mr. Brittle responded to the Board of Supervisor's request that the Virginia Department of Transportation study possible corrective measures to alleviate hazardous conditions and the potential for future traffic accidents at the interchange of Route 19 and Route 700. He reported the results of their study reveal the accident experience at that interchange falls below VDOT's mean average of accidents per year at similar interchanges, and, therefore, this interchange does not warrant corrective action. Mr. Brittle assured the Supervisors that the Department of Transportation will continue to monitor the situation.

Discussion ensued about possible options for slowing traffic speeds.

Members of the audience commenting on the hazardous conditions at the interchange were Milton Hearl, and Rev. Jerry Eggers, Pastor of the Greendale Baptist Church, who expressed particular concern for the safety of children riding the school busses to and from Greendale School.

Discussion ensued with Mr. Litton making a motion, second by Mr. Barker, to request the assistance of the Sheriff's Department and the State Police requesting they provide radar surveillance or other appropriate action to monitor speeds and possibly slow down vehicle traffic in the northbound

lane of Route 19, specifically during hours that school busses are making their runs to and from Greendale School.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Barker	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Derting	Aye

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(b) Status of Corrective Action for Intersection of Routes 11, 19 and 745

Mr. Brittle reported on the Department of Transportation's long range plans for Routes 19, 11 and 745, explaining the funding sources and public hearing process for road projects. A brief discussion followed. Mr. Bentley provided a report from the Town of Abingdon of actions the Town is taking to correct the traffic congestion.

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8. Recess

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

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Barker	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Derting	Aye

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9. Consideration of Expiring Appointments to Boards and Commissions

Supervisors were provided a list of appointees to Boards and Commission whose terms will expire between the period of January and June 1993.

On motion of Mr. Barker, second by Mr. Osborne, it was resolved to submit the nomination of Lacy Love to the Circuit Court Judge for his consideration in making an appointment to the Board of Zoning Appeals effective January 1, 1993.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Barker	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Derting	Aye

It was noted that Mr. Phil Denton's appointment expires January 1, 1993.

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10. Consideration of Appointments to the Board of Supervisors/School Board 1993-94 Joint Budget Committee

On motion of Mr. Mathews, second by Mr. Barker, it was resolved to appoint Messrs. J. T. Osborne and Joe Derting to serve on the Board of Supervisors/School Board 1993-94 Joint Budget Committee.

The vote on this motion was as follows (4-0-2):

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Barker	Aye
Mr. Osborne	Abstain	Mr. Parris	Aye	Mr. Derting	Abstain

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11. Consideration of Appointments to Audit Services Review Committee

On motion of Mr. Mathews, second by Mr. Osborne, it was resolved to appoint Mr. Maurice Parris, representing the Board of Supervisors, to serve on the Audit Services Review Committee along with the Treasurer, the Director of Accounting, a representative from Washington County School Board, and a representative from the Department of Social Services, for the purpose of reviewing proposals, negotiating with prospective auditing firms, and making a recommendation to the Board of Supervisors.

The vote on this motion was as follows (5-0-1):

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Barker	Aye
Mr. Osborne	Aye	Mr. Parris	Abstain	Mr. Derting	Aye

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12. Receipt of Refund, Chesterfield Insurers, Inc., for Highlands Volunteer Rescue Squad

Received communication from Ms. Mary Fraysier, Emergency Services Coordinator, wherein Washington County received funds in the amount of $1,401.00 which represent reimbursement from Chesterfield Insurers, Inc. for insurance policies for Highlands Rescue Squad that were cancelled. Mr. Seamon commented that these funds have been deposited with the Treasurer and are posted to the Miscellaneous Recovery Account.

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13. Consideration of Board Representative on District III Governmental Cooperative Board of Directors (Jackson's Barker's term expires December 31, 1992)

On motion of Mr. Osborne, second by Mr. Parris, it was resolved to reappoint Jackson Barker, Jr. to represent Washington County on the Board of Directors of District Three Governmental Cooperative effective January 1, 1993 for a term of one year.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Barker	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Derting	Aye

Mr. Barker expressed his appreciation to the Supervisors for reappointing him to the District Three Board of Directors, and praised the efforts of their volunteer workers in Washington County.

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14. County Administrator Comments:

The following action was taken on County Administrator comments:

a. Farm Brush at Landfill

Mr. Bentley provided the Supervisors with a report of his investigation of Mr. Whittaker's complaint that three loads of brush were hauled from Coy Martin's farm to the Landfill and that Mr. Martin did not pay the Landfill charges. In his report Mr. Bentley concluded that Mr. Martin did not violate County policy because the brush was not taken to the Landfill by a business providing the service.

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b. Request to Use Space in the Washington County Courthouse

Mr. Bentley presented correspondence from Judge Charles Smith requesting consideration for allowing the Washington County Bar Association use the space in the Courthouse formerly occupied by the Historical Society. Also presented was correspondence from L. C. Angle, President, Historical Society of Washington County, requesting space in the Courthouse, formerly occupied by the Historical Society, be assigned either temporarily or permanently to the Historical Society for use of historical/preservation tasks.

Discussion ensued. On motion of Mr. Osborne, second by Mr. Mathews, it was resolved to work with the Bar Association and the Historical Society to work out the best arrangement to benefit the most people.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Barker	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Derting	Aye

The Board requested Mr. Bentley meet with both groups to explore satisfactory alternative solutions suggesting there is surplus office space at Emergency Services, or the Courtroom in the Administration Building that has been vacated by Juvenile & Domestic Relations. Mr. Bentley is to present a report to the Board of Supervisors at a future meeting.

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c. Request for Extension of Contract on Courthouse Renovation - Burwil Construction Co., Inc.

Mr. Canter reported on the construction delays at the Courthouse and proposed the supervisors add an additional 55 days to the contract with Burwil Construction Co., Inc. Discussion ensued with Mr. Mathews expressing concern that Burwil Construction Co., Inc. had been allowed to fall behind schedule 55 days without the appropriate staff bringing this to the attention of the Supervisors to request an extension of the contract or take other appropriate action. He stated he hopes that neither the cost of the construction project nor any other costs increased by virtue of the 55 day extension to the contract.

On motion of Mr. Litton, second by Mr. Osborne, it was resolved to approve extension of the Courthouse construction contract with Burwil Construction Co., Inc. by adding an additional 55 days to the contract.

The vote on this motion was as follows (4-2):

Mr. Mathews	Nay	Mr. Litton	Aye	Mr. Barker	Nay
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Derting	Aye

Mr. Mathews expressed concern stating that the Supervisors should have been alerted by staff that Burwil Construction Co., Inc. was falling behind schedule at the times the delays were occurring.

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d. Anticipated Surplus Cars From Sheriff's Department

Received communication from Sheriff Joseph D. Mitchell, Sr. concerning anticipated action to declare the following vehicles as surplus upon the arrival of new vehicles:

Car No.	Year	Make	VIN	Mileage
296	1989	Chevrolet	1G1BL5179K4203016	75,000+
098	1989	Chevrolet	1G1BL5173K4203098	80,000+
413	1989	Chevrolet	1G1BL5179RR201413	100,000+
935	1989	Chevrolet	1G1BL5170K4202935	100,000+
016	1989	Chevrolet	1G1BL5173K4202296	88,000+
436	1988	Chevrolet	1G1JC5117J7166436	60,000+

Discussion resulted in the following action being taken:

On motion of Mr. Parris, second by Mr. Osborne, it was resolved to hold a lottery drawing for disposal of the following vehicles from the Sheriff's Department to be distributed to the various fire departments and/or the School Board, contingent upon the arrival of new replacement vehicles and declaring the vehicles as surplus:

Car No.	Year	Make	VIN	Mileage	Supervisor

296	1989	Chevrolet	1G1BL5179K4203016	75,000+	J.T. Osborne for Glade Spring FD
098	1989	Chevrolet	1G1BL5173K4203098	80,000+	Jim Litton for Clinch Mntn FD
413	1989	Chevrolet	1G1BL5179RR201413	100,000+	Joe Derting for Green Springs FD
935	1989	Chevrolet	1G1BL5170K4202935	100,000+	J.T. Osborne for Meadow-
016	1989	Chevrolet	1G1BL5173K4202296	88,000+	Ken Mathews for Abingdon FD or School Board

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Barker	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Derting	Aye

Mr. Barker filed a statement disclosing he has a personal interest in certain aspects of the Washington County Budget related to appropriations to the Washington County School Board; that he is an employee of the Washington County School Board and appropriations to the Board could indirectly affect his position, salary, employment benefits, etc.; that he is a member of a group of employees which are affected by the amount of the appropriation to the Washington County School Board; that he can participate in this transaction fairly, objectively and in the public interest.

On motion of Mr. Barker, second by Mr. Mathews, it was resolved to donate the following vehicle from the Sheriff's Department to District Three Governmental Cooperative for their use in Washington County, contingent upon the arrival of a new replacement vehicle and declaring this vehicle as surplus.

Car No.	Year	Make	VIN	Mileage
436	1988	Chevrolet	1G1JC5117J7166436	60,000+

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Barker	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Derting	Aye

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e. Virginia Trails Association Questionnaire

Mr. Bentley presented communication and accompanying questionnaire from Virginia Trails Association relative to funds for the development of trails, and information about the creation of a Regional ISTEA coalition. Mr. Bentley requested direction from the Supervisors in responding to the questionnaire.

Discussion ensued with Mr. Parris offering to speak to Drs. Mel Heiman and French Moore, Jr. to get their views about Washington County's participation in the coalition, and getting their input for completing the questionnaire. Mr. Parris will return the questionnaire to Mr. Bentley.

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g. Request to Attend Meeting, January 7, 1993, Richmond, Virginia, Concerning Laws Related to Revenue Resources

On motion of Mr. Osborne, second by Mr. Mathews, it was resolved to send one representative to attend a meeting sponsored by Virginia Association of Counties to discuss existing laws on revenue resources available to Counties to be held on January 7, 1993, in Richmond, Virginia.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Barker	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Derting	Aye

Mr. Mathews suggested that Mr. Bentley attend this meeting.

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f. Virginian Sewer

On motion of Mr. Mathews, second by Mr. Osborne, it was resolved to appropriate $1,000 from Reserves for Contingency to Washington County Service Authority isolated to the "Virginian Sewer Project," to be used as needed toward application fees, purchase of necessary required bonds for the project, and other miscellaneous expenses of this project, and further, that all the unspent amount of this fund shall be returned to the Board of Supervisors in the event the Service Authority does not become the owner of this project.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Barker	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Derting	Aye

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h. Communications The following communications were received:

Interoffice Communications

:: From Bruce E. Bentley:

:: Agenda for Meeting with Legislators Tuesday, December 15, 1992, 7:00 p.m., Greenway Haven Party House;
:: List of Holidays for 1993 Calendar Year;
:: Memorandum to County employees concerning Christmas and New Year's Holidays;
:: Offer of employment to Mark K. Reeter, Assistant County Administrator/Economic Development; Mr. Reeter's acceptance of employment; Mr. Reeter's Resume; Mr. Reeter's resignation as Town Manager, Gate City, Virginia;

:: Subpoena Duces Tecum in the matter of Victor Vanover vs. Patrick J. Mannix requesting the custodian of records for Washington County to provide the Circuit Court with taped minutes of the Board of Supervisors Meeting of August 27, 1992;
:: From Bill Hutton, Director of Maintenance and Operations, concerning damage to the County van that occurred on November 24, 1992;
:: From Planner Cathie Freeman concerning American Limestone Company seeking to modify the Abingdon Quarry crushing and screening plant;
:: From Recreation Director Keith Owen concerning Men's Basketball Rules and Regulations;
:: Recycling Coordinator Stephen F. Austin concerning household garbage found outside the Glade Spring Convenience Center on Route 750;
:: Newspaper Article concerning County Administrator Post Increasingly a Hot Seat;

Federal, State, and Local Representatives:

:: Marine Resources Commission concerning Green Cove Creek Violation;
:: Department of Health, Office of Water Programs, concerning interceptor sewer to serve The Virginian and the Route 648 corridor;
:: Department of Taxation concerning Washington County Board of Assessors member Elgin K. McMillian receiving training;

General Correspondence:

:: Billing from Johnson Memorial Hospital for 350 Hepatitis Vaccines;
:: Columbus McKinnon Corporation's Permit Application to State Water Control Board for remedial action treatment at sites with ground water and/or soils contaminated with petroleum products;
:: Mount Rogers Partnership concerning summary of Marking Committee Meeting Tuesday, October 27, 1992;
:: Mount Rogers Planning District Commission concerning Recreation Center and Park located in Abingdon, Virginia;
:: New River-Highlands concerning Middle Fork Holston River Streambank Management Project Press Conference December 10, 1992;
:: Tysinger, Hampton & Partners, Inc. concerning railroad consulting engineering services;
:: Certificate of Appreciation to Board of Supervisors for Outstanding Service to the Veterans of Foreign Wards and Disabled American Veterans;
:: Washington County Service Authority concerning Cost Estimate on bids for Taylors Valley Water Project;
:: Woods, Rogers & Hazlegrove concerning Appalachian Power Company Application for an Increase in Rates;

:: Virginia Tech concerning appreciation for use of County conference room facility.

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i. Reminders of meetings were received.

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15. County Attorney's Reports

The following action was taken on County Attorney reports:

a. E-911 Order and Contract

Received copy of an Order to be sent to United Telephone for Enhanced 911 Service Features.

On motion of Mathews, second by Mr. Barker, it was resolved to authorize Chairman Joe Derting to sign E911 agreement on behalf of the County.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Barker	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Derting	Aye

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b. Decision of Twenty-Eighth Judicial Circuit of Virginia in the matter of Bill Bish vs. Washington County

Mr. Walsh presented the Decision received from Judge Charles H. Smith, Jr., Twenty-Eighth Judicial Circuit of Virginia, in the matter of Bill Bish vs. Washington County relative to a violation of using certain revenues derived from implementation of a special tax for establishment of an E-911 system.

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On motion of Mr. Mathews, second by Mr. Osborne, it was resolved to authorize the County Attorney to attend Evelyn Wood Reading Dynamics for Business Professionals on January 11, 1993, and How to Supervise People on January 25, 1993, and authorized payment of the registration fees.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Barker	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Derting	Aye

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16. Consent Agenda:

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

a. Payment of Bills, November 1992
b. Request for Refund of Real Estate Tax, Mr. Elbert Monk, $136.20
c. Program Refunds, Recreation Department, Men's Adult Basketball League,to Appalachian Plastics,Inc., $310.00; Damascus Motor Sales, $360.00; Johnston Memorial Hospital, $310.00; Tom Evans, $310.00

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Barker	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Derting	Aye

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17. Board Member Reports

The following Board Member reports were given:

Jackson Barker, Jr. reported on the successful luncheon with the Legislators at Hamilton School at which one of the topics discussed was proposed gun control legislation; results of the town meeting he held on rezoning in the Tyler District on November 30, 1992; and road work which is proceeding on Campground and Nordyke Roads.

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18. Recess to Tuesday, December 15, 1992, 7:00 p.m. for the purpose of holding a dinner meeting with legislators at the Greenway Haven Party House

On motion of Mr. Parris, second by Mr. Barker, it was resolved to recess the meeting to Tuesday, December 15, 1992, 7:00 p.m., Greenway Haven Party House to meet with the legislators.

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

Mr. Mathews	Aye	Mr. Litton	Aye	Mr. Barker	Aye
Mr. Osborne	Aye	Mr. Parris	Aye	Mr. Derting	Aye

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Joe W. Derting, Chairman