

VIRGINIA: At a Regular Meeting of the Bland County Board of Supervisors held at the Courthouse, Bland, Virginia on the twenty-sixth day of February 2002, the following duly elected and qualified members were present or absent.

PRESENT: Frank W. Chandler, Chairman, Wade D. Blankenship, Robert O. Munsey,
Danny Kinder

ABSENT: None

ALSO PRESENT: Ron Hachey, County Administrator, Carol J. Hall, Secretary, James E.
Cornwell, Jr. County Attorney

OTHERS PRESENT: Frank Phipps, Hadley Lester, Virginia Department of Transportation;
Wayne Quesenberry, The Bland Messenger; Cindy Wright, Randy
Newberry, Dave Turner, Jerry Mercer – all of the Parks & Recreation
Committee; several citizens

CALL TO ORDER Chair Frank Chandler called the regular meeting to order.

INVOCATION Supervisor Robert Munsey offered the invocation.

PLEDGE ALLIANCE Wade Blankenship led the pledge of alliance to the flag.

CONSENT AGENDA

*****MOTION to approve the Consent Agenda as presented was made by Robert Munsey, seconded by Wade Blankenship with Danny Kinder and Frank Chandler voting yes. Items within the Consent Agenda included: 1) minutes of the continued and public hearing of January 8, 2002, regular meeting of January 22, 2002 and the continued meeting of February 12, 2002; 2) Bills and Payroll for the month of February 2002 in the amount of \$523,490.89; 3) reports of the Treasurer, Commissioner of Revenue, Recycling Program, Building Official and Animal Control Officer.

VIRGINIA DEPARTMENT OF TRANSPORTATION

VDOT Resident Engineer Frank Phipps updated the Board in regards to the Rt. 604 bridge project, the Rt. 611 project and the March 30, 2002 deadline for commitment to the Revenue Sharing Fund Program. County Administrator Ron Hachey was instructed to request the interest of the Ridgeway Subdivision landowners regarding a road improvement project into their subdivision.

*****MOVE to adopt the resolution requesting that the National Forest fund maintenance of all roads and bridges running through the National Forest and authorize the Chairman to sign was made by Robert Munsey, seconded by Danny Kinder with Wade Blankenship and Frank Chandler voting yes.

The abandonment of Route 1003, located between the Sheriff's Department and the Courthouse, was discussed briefly with the County Administrator instructed to advertise this for a public hearing for March 2002 and to have the Courthouse architect at T+L look to see if the County could gain additional parking spaces if the road was abandoned.

*****MOTION to adopt a resolution to conduct a speed study of Rt. 613 from the 2.16 marker to the end of the road, which would be a distance of 3 miles was made by Danny Kinder, seconded by Robert Munsey with Wade Blankenship and Frank Chandler voting yes.

*****MOTION to adopt a resolution to approve the Bland County roads, listed in the Regional Transportation Priorities for FY 2003-2004, to sent to the Mount Rogers Planning Commission

was made by Robert Munsey, seconded by Danny Kinder with Wade Blankenship and Frank Chandler voting yes.

PUBLIC COMMENTS

Little Creek resident Miller Meadows expressed the following concerns: 1) that monies allocated within the Six-Year Plan for road improvements on Rt. 601 were transferred to the Mechanicsburg District, 2) requested costs figures of the recent reassessment and 3) requested a speed study for the entire length of Route 601.

*****MOTION to adopt a resolution to conduct a speed study of the entire Little Creek Road, Rt. 601 was made by Robert Munsey, seconded by Wade Blankenship with Danny Kinder and Frank Chandler voting yes.

ROBINSON, FARMER & COX

Corbin Stone, auditor summarized the results of the County's 2000-2001 fiscal year audit and noted that the County is in a sound fiscal state with a 14% reserve rate.

WYTHEVILLE COMMUNITY COLLEGE

Dr. Ann E. Alexander, President, appeared before the Board with the College's annual status report.

SOCIAL SERVICES

Director Yvonne Endicott advised the Board that the EBT program will be phasing out paper food stamps and replacing them with an EBT debit card. This change will take effect July 1, 2002.

*****MOTION to approve the December 2001 Social Services report in the amount of \$43,288.61 with the local match of \$6,109.34 was made by Wade Blankenship, seconded by Danny Kinder with Robert Munsey and Frank Chandler voting yes.

SCHOOLS

*****MOTION to approve: 1) an additional \$22,056.00 in FY 2001-2002 Title 1 flow through funds which requires no local match and 2) the Schools March 2002 requisition in the amount of \$586,159.00 was made by Robert Munsey, seconded by Wade Blankenship with Danny Kinder and Frank Chandler voting yes.

COMMISSIONER OF REVENUE REQUESTS ELIMINATION OF H/FE/L/PP TAXES

Randolph Davis, Commissioner of Revenue, requested that the Board eliminate the Household/ Farm Equipment/ Livestock /Personal Property Tax beginning in the 2002 tax year. Mr. Davis stated that the Household Tax generated \$42,409.00 in 2001 and Farm Equipment/Livestock/Personal Property tax collected amounted to 24,637.00, also in 2001. Mr. Davis added that 3¢ on the levy with the new real estate assessment would replace this amount of money and it would be easier/fairer to collect this amount of money than through this set of taxes.

TREASURER

Treasurer Karen Harman briefed the Board on the checking account balances and revenue

estimates as of January 31, 2002.

SMYTH BLAND REGIONAL LIBRARY

Harry Shupe, Library Representative, advised the Board of the latest library user ship statistics and to announce that the Library now has a van that takes books and other library products to the nursing home in Bastian as well as to shut-ins. Mr. Chandler expressed his concern about pornographic material that had been seen on the library computer screens as reported to him by one of the library patrons. Mr. Shupe stated that he would look into the matter.

RECREATIONAL COMMITTEE

Recreation Committee Member Randy Newberry presented a list of playground and ball field equipment that the Committee wants to purchase for the community parks.

*****MOTION to approve the purchase of the equipment list as requested by the Recreational Committee was made by Robert Munsey, seconded by Wade Blankenship with Danny Kinder and Frank Chandler voting yes.

Mr. Newberry advised that an environmental study was not needed on the walking trails and volleyball courts being discussed, after having reviewed their plans with the County's Erosion and Sediment Control Officer Rodney Ratliff.

Mr. Newberry advised the Board of plans to have an annual cleanup week on illegal dumps during the week of April 8th. He noted that Interstate Contractor was willing to pickup the collected materials if the County would pay for the related tipping fees.

The Board discussed moving forward with utilizing of the Boy Scouts' swimming pool by the residents of the county this summer and the costs relating to its operation.

ADA COMPLIANCE FOR THE COUNTY'S POLLING PLACES

Registrar Bryant Morehead informed the Board of the March 1, 2002 deadline to have all polling places in the County in compliance with the ADA requirements. The Board advised that the Building Official would look at the sites and make recommendations on repairs that needed to be made at each site to make it ADA-compliant.

PUBLIC COMMENTS

Foli Taylor, Bland resident, expressed to the Board her desire that the County not tear down the building known as the old jail.

Nancy Tate, Bland resident, asked the Board if it would be possible for a committee to lease and preserve the old jail building.

APPOINTMENTS

*****MOTION to reappoint C.L. Faulkner and Linda Townley to the New River/Mt Rogers Workforce Investment Board for three year terms to expire on March 31, 2005 was made by Robert Munsey, seconded by Danny Kinder with Wade Blankenship and Frank Chandler voting yes.

APCO RESOLUTION APPROVED

*****MOTION to approve and adopt the APCO Resolution extending the current contract through June 30, 2007 as recommended by VML/VACo/APCo Steering Committee was made by Danny Kinder, seconded by Robert Munsey with Wade Blankenship and Frank Chandler voting yes.

SUPPORT TO PUT PRAYER BACK IN SCHOOL

*****MOTION to support the resolution supporting House Joint Resolution 81 which proposes an amendment to the Constitution of the United States restoring freedom to pray on public property including schools was made by Wade Blankenship, seconded by Robert Munsey with Danny Kinder and Frank Chandler voting yes.

CROSSROADS REGIONAL INDUSTRIAL FACILITY AUTHORITY "PROJECT 2002-01"

*****MOTION to approve \$5,000 as the initial investment in the CRIFA "Project 2002-01" was made by Wade Blankenship, seconded by Danny Kinder with Robert Munsey and Frank Chandler voting yes.

HOLLYBROOK COMMUNITY CENTER BOILER REMOVAL BIDS

County Administrator Ron Hachey advised the Board that no bids had been received on the Hollybrook Community Center's radiator and boiler removal project.

ANIMAL CONTROL VEHICLE

Mr. Hachey informed the Board that Dr. Roy Hand, Regional Veterinarian, had inspected the animal control vehicle and expressed his concerns governing the "Transportation of Companion Animals." The County Administrator was instructed to ask Dr. Hand whether or not it would be possible to: 1) reroute the exhaust of the vehicle and (2) reframe the bottom of the truck to correct the dust problem.

EXPIRATION OF SOLID WASTE COLLECTION/DISPOSAL CONTRACT

The County Administrator advised the Board that the County would be accepting proposals for the collection and disposal of the County's garbage for the new contract period starting July 1, 2002.

BASTIAN WASTEWATER TREATMENT PLANT

The Board was advised that the company building the Bastian Wastewater Treatment Plant was now in default of their construction contract. Mr. Hachey advised that the County Attorney has been asked to pursue this matter as quickly as possible.

PUBLIC HEARING ON AN ORDINANCE TO FILE DISCLOSURE STATEMENT OF PERSONAL INTEREST OPENED

Chairman, Frank Chandler opened the public hearing stating that the reason for the hearing was to receive public comment on an Ordinance to require designated appointees and employees of the Board of Supervisors to file a Disclosure Statement of Personal Interest.

PUBLIC COMMENTS

None

CLOSURE OF HEARING

*****MOTION to close the Public Hearing was made by Danny Kinder, seconded by Robert Munsey with Wade Blankenship and Frank Chandler voting yes.

ORDINANCE REQUIRING FILING OF DISCLOSURE STATEMENTS PASSES

*****MOTION to adopt the Ordinance requiring designated appointees and employees of the Board of Supervisors to file a Disclosure Statement of Personal Interest was made by Danny Kinder, seconded by Robert Munsey with Wade Blankenship and Frank Chandler voting yes.

BAKER CONDITIONAL USE PERMIT PUBLIC HEARING OPENED

Chairman Frank Chandler opened the public hearing to receive public comments on the application from Vernon and Edward Baker, T/A Communication Facilities, Inc. for a Conditional Use Permit for the erection of a FM Radio Tower on property located along State Route 598 near the Bland County/Mercer County line.

PUBLIC COMMENTS

Eddie Baker, owner of T/A Communication Facilities, Inc., spoke to the Board in regard to the application. He requested a change in the original application requesting that the existing seventy foot tall tower be allowed to remain, if the proposed tower is approved is approved by the Board.

CLOSURE OF HEARING

*****MOTION to close the public hearing was made by Robert Munsey, seconded by Wade Blankenship with Danny Kinder and Frank Chandler voting yes.

BAKER CONDITIONAL USE PERMIT PASSES WITH CONDITIONS

There was additional discussion and reconsideration by the Board.

*****MOTION to approve the Conditional Use Permit of T/A Communication Facilities, Inc. with the conditions set forth by the Planning Commission as made by Danny Kinder, seconded by Robert Munsey with Wade Blankenship voting no and Frank Chandler voting yes.

The conditions to the C.U.P. are as follows: 1) This permit shall be limited to the construction of one telecommunications tower not to exceed 140' in height, 2) The site plan submitted with the application shall be considered the conceptual plan of development for this tower and should be submitted with the application for the building permit, 3) The tower will be designed to "fold over" on itself in the event of a structural failure, 4) The owner of the tower will provide the County with a surety instrument to insure that the tower will be removed from the property if it is determined in the future that it is no longer needed for telecommunications purposes, 5) The owner of the tower will take immediate steps to eliminate any interference being experienced by nearby landowners created by any equipment associated with the telecommunications' tower, 6) The owner of the tower shall submit written evidence of compliance with all FAA and FCC requirements before the building permit is issued for the construction of the tower, 7) The owner shall submit written evidence that the facility has not exceeded all applicable health standards established by either the Federal Government and/or the American National Standard Institute before a building permit is issued for the construction of the tower, 8) The owner of the tower shall annually, on or before January 30th of each year, provide in writing the Commissioner of Revenue with the name and address of the owners of all antenna and/or other structures located

on this tower as of January 1st of that year, 9) The owner of the tower shall provide the County antenna space on the tower, at no cost to the County, at an elevation to be determined jointly by the owner of the tower and the County's Emergency Services staff to accommodate the County's emergency communications' needs, 10) This tower shall be under construction within 180 days of the CUP approval date or this approval shall expire unless the Board of Supervisors grants a one-time extension of up to 180 days based on extenuating circumstances as presented to the tower owner to the Board of Supervisors, 11) Access to this site shall be limited to the existing entrance, 12) The tower shall be made of a non-reflective material to lessen its impact on the view-shed, 13) No site lighting shall be permitted in conjunction with this operation, 14) Existing vegetation shall be preserved in its current, 15) The existing tower will be removed from the site within 4 months of the completion of the new tower, 16) The tower owner shall consent to reasonable administrative inspections by the Zoning Administrator to determine compliance with the conditions of approval of this permit and 17) The tower owner shall sign the final list of the adopted conditions signifying acceptance and intent to comply with them.

CLOSED SESSION

“Move to go into a closed session to discuss a Personnel, Industrial Prospect and a Legal Matter contractual matter pursuant to the provisions of Section 2.1-344A, subparagraph 1, 5 and 7 of the Code of Virginia” was made by Robert Munsey, seconded by Wade Blankenship with Danny Kinder and Frank Chandler voting yes.

“Move to return to Regular Session and adopt the certification of a closed session was made by Robert Munsey, seconded by Danny Kinder with Wade Blankenship and Frank Chandler voting yes:

CERTIFICATION OF A CLOSED SESSION

WHEREAS, the Bland County Board of Supervisors convened a closed meeting on this date pursuant to an affirmative recorded vote and pursuant to the provisions of Section 2.1-344A, subparagraph 1, 5 and 7 of the Code of Virginia and in accordance with the Virginia Freedom of Information Act.

WHEREAS, Section 2.1-344A of the Code of Virginia requires a certification by the Bland County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Bland County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting in which this Certification Resolution applies; and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Bland County Board of Supervisors.

CERES CANNERY OPERATOR RESIGNS

County Administrator Ron Hachey advised the Board that Jonan Repass, Chief Operator at the Ceres Cannery, has resigned and the office would be advertising the vacancy in the near future.

COUNTY ADMINISTRATION OFFICES MOVES

The County Administrator advised that the County Administration offices had successfully moved from the Courthouse to the County Administration Building on February 25, 2002 and expressed appreciation to the staff and to the Bland Correctional Center personnel for the well managed move.

HOLLYBROOK COMMUNITY CENTER BOILER

*****MOTION, that since no bids were received for the removal and disposal of the radiators, boiler and other metal parts at the Hollybrook Community Center, to allow the Lessee of the Center to remove and dispose of according to law and any monies retrieved from the boiler go back into the Center from renovation and repairs was made by Wade Blankenship, seconded by Danny Kinder with Robert Munsey and Frank Chandler voting yes.

MOREHEAD WELL TESTING REQUEST

Supervisor Wade Blankenship informed the Board that Karen Morehead Dillow had inquired as to the testing of the Morehead well. County Attorney Jim Cornwell noted that the county had indeed previously tested the Morehead well, but since the county now has their own wells, all tests are now performed on the County wells.

MECHANICSBURG COMMUNITY CENTER ROW

County Attorney Jim Cornwell advised the Board that his office would be completing the work regarding the right-of-way at the Mechanicsburg Community Center.

CONTINUANCE OF MEETING

This meeting was continued until 5:30 p.m. on March 12, 2002 for a Continued Joint Meeting with the Bland County School Board.

Frank Chandler, Chairman

Ron Hachey, Clerk