

VIRGINIA: At a Regular Meeting of the Bland County Board of Supervisors held at the Bland County School Board Office, Bastian, Virginia on the twenty-fourth day of June 2003, the following duly elected and qualified members were present or absent.

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

ABSENT: None

ALSO PRESENT: Jonathan D. Sweet, County Administrator; Carol Hall, Secretary; James E. Cornwell – County Attorney

OTHERS PRESENT: Frank Phipps and Marty Holloway – VDOT; several citizens

### CALL TO ORDER

Chairman Frank Chandler called the regular meeting to order.

### INVOCATION

Supervisor Danny Kinder offered the invocation.

### PLEDGE OF ALLIANCE

Chairman Frank Chandler led the pledge of alliance to the flag.

### BOARD APPROVED AGENDA

\*\*\*\*\*MOTION to approve the June 24, 2003 agenda was made by Robert Munsey, seconded by Wade Blankenship with Danny Kinder and Frank Chandler voting yes.

### CONSENT AGENDA

\*\*\*\*\*MOTION to approve the Consent Agenda was made by Danny Kinder, seconded by Robert Munsey with Wade Blankenship and Frank Chandler voting yes. Items within the Consent Agenda included: 1) minutes of the regular meeting of June 10, 2003; 2) bills for the month of June 2003 in the amount of \$182,731.56; 3) payroll for May 30, 2003 and June 16, 2003 at a total amount of \$111,265.87 and 4) reports of the Treasurer, Sheriff, Commissioner of Revenue, Recycling Program, Building Official, Public Works and E-911 Coordinator.

### VIRGINIA DEPARTMENT OF TRANSPORTATION

Frank Phipps updated the Board in regard to the ongoing projects throughout the county to include; 1) Rt. 608 construction has begun; 2) handicapped parking space at courthouse being reviewed; 3) Rt. 609 surface treatment to begin; 4) Ridgeway Subdivision draft agreement being drawn up for review. \*\*\*\*\*MOTION to grant to the Virginia Department of Transportation the 80' ROW needed on Rt. 615 Bastian so that VDOT can properly maintain the drainage was made by Robert Munsey, seconded by Danny Kinder with Wade Blankenship and Frank Chandler voting yes.

SOCIAL SERVICES

\*\*\*\*MOTION to approve the Social Services April 2003 report in the amount of \$103,814.04 with the local match of \$35,281.05. \$27,375.10 is the state cost allocation and \$7,905.95 being Bland County funds was made by Danny Kinder, seconded by Wade Blankenship with Robert Munsey and Frank Chandler voting yes.

SCHOOLS

\*\*\*\*\*MOTION to approve the school's July 2003 requisition in the amount of \$600,000.00 was made by Wade Blankenship, seconded by Robert Munsey with Danny Kinder and Frank Chandler voting yes.

\*\*\*\*\*MOTION to approve fringe benefit rollover funds in the amount of \$21,206.00 which will not be received by the county until after July 1 be added to the 2002-2003 school year was made by Wade Blankenship, seconded by Robert Munsey with Danny Kinder and Frank Chandler voting yes.

\*\*\*\*\*MOTION to approve the school cafeteria payrolls in the amount of \$151,098.22 be added to the School Board 2002-2003 budget was made by Wade Blankenship, seconded by Robert Munsey with Danny Kinder and Frank Chandler voting yes.

\*\*\*\*\*MOTION to allow the schools to carry over the unspent construction funds in the amount of \$11,881.00 from the fiscal year 2003 to the fiscal year 2004 was made by Wade Blankenship, seconded by Robert Munsey with Danny Kinder and Frank Chandler voting yes.

\*\*\*\*\*MOTION to allow the schools to carry over the unspent lottery funds in the amount of \$100,785.00 from the fiscal year 2003 to the fiscal year 2004 was made by Wade Blankenship, seconded by Robert Munsey with Danny Kinder and Frank Chandler voting yes.

\*\*\*\*\*MOTION to adjust the estimated 2002-2003 Title I school budget amount from \$98,111.00 to the actual appropriation of \$109,984.00 was made by Wade Blankenship, seconded by Robert Munsey with Danny Kinder and Frank Chandler voting yes.

E911 SIGNS AWARDED

\*\*\*\*\*MOTION to award the E911 sign contract to Dogwood Sign Co, Inc. as recommended by the E911 Committee was made by Robert Munsey, seconded by Danny Kinder with Wade Blankenship and Frank Chandler voting yes.

COMCAST CABLE FRANCHISE PUBLIC HEARING SCHEDULED

\*\*\*\*\*MOTION to authorize the county administrator to schedule the Comcast Cable Franchise Agreement public hearing for July 2003 with Comcast paying for the advertisement and the costs for county attorney fees was made by Robert Munsey, seconded by Wade Blankenship with Danny Kinder and Frank Chandler voting yes.

APPOINTMENTS

Bland County Planning Commission appointment \*\*\*\*\*MOTION to appoint Stephen Kelly to the Bland County Planning Commission term to expire 12-31-03 and appoint Jim Baker to the Bland County Planning Commission term to expire 3-31-06 was made by Robert Munsey, seconded by Wade Blankenship with Danny Kinder and Frank Chandler voting yes.

Road Viewers Committee appointment -- Tabled

PARKS AND RECREATION COMMITTEE

Representative Cindy Wright appeared before the Board with an update on the recreational equipment ordered and the request to move any 2002-2003 remaining monies to the Recreational CD. Supervisor Danny Kinder directed the county administrator to get the survey and deed description of the land known as the Rocky Gap Park. Supervisor Danny Kinder requested a breakdown of all recreational monies spent on any parks noting that he desires to have equal amount spent in Rocky Gap.

UNITED METHODIST REQUEST TO CLEAN STATUTES

The County Administrator reported that he had informed the youth leader not to clean the statutes for purposes of altering the aging process and because of liability of the courthouse construction project.

CHARLES BREWSTER FIREWORKS PERMIT APPLICATION APPROVED

\*\*\*\*\*MOTION to approve the Charles Brewster fireworks permit application for July 5, 2003 was made by Wade Blankenship, seconded by Danny Kinder with Robert Munsey and Frank Chandler voting yes.

BASTIAN UNION CHURCH ENTERTAINMENT AND FIREWORKS PERMIT APPLICATIONS APPROVED

\*\*\*\*\*MOTION to approve the Bastian Union Church Entertainment and Fireworks permits for July 4 and waive all fees was made by Wade Blankenship, seconded by Danny Kinder with Robert Munsey and Frank Chandler voting yes.

ECONOMIC DEVELOPMENT RESOLUTION APPROVED

\*\*\*\*\*MOTION to approve the Resolution of Support for Economic and Community Development Efforts in Bland County was made by Robert Munsey, seconded by Danny Kinder with Wade Blankenship and Frank Chandler voting yes.

SAFE TRANSPORTATION EQUITY ACT OF 2003 SUPPORT

\*\*\*\*\*MOTION to oppose Section 1306 of H.R. 2088, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2003 which would establish rest area commercialization

pilot projects and would threaten budgets and development of counties was made by Robert Munsey, seconded by Danny Kinder with Wade Blankenship and Frank Chandler voting yes.

#### 2003-2004 BLAND COUNTY BUDGET ADOPTED

\*\*\*\*\*MOTION to adopt the 2003-2004 Bland County Budget in the amount of \$14,047,315 as advertised with levies remaining the same –Real Estate \$.65 per \$100 assessed value, Tangible Personal Property \$1.60 per \$100 assessed value, Machine and Tools \$.73 per \$100 assessed FMV and Merchants Capital \$.073 per \$100 assessed value was made by Robert Munsey, seconded by Wade Blankenship with Danny Kinder and Frank Chandler voting yes.

#### LITTER PREVENTION AND RECYCLING GRANT

\*\*\*\*\*MOTION authorizing the County Administrator to proceed with the Litter Prevention and Recycling Grant application was made by Danny Kinder, seconded by Wade Blankenship with Robert Munsey and Frank Chandler voting yes.

#### TREASURER REPORTS

\*\*\*\*\*MOVE to authorize the Treasurer to perform transfers to the Water/Sewer Operating Fund, the Bastian Sewer Fund and the Courthouse Renovation Fund to prevent negative cash balances as needed and in the same manner as the School Fund, The CSA and VPS fund was made by Robert Munsey, seconded by Wade Blankenship with Danny Kinder and Frank Chandler voting yes.

#### CLOSED SESSION

“Move to go into a closed session to discuss a personnel, contractual and a legal matter was made by Robert Munsey, seconded by Wade Blankenship with Frank Chandler voting yes and Danny Kinder absent from the meeting.

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

#### 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 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.

#### LEGAL MATTER

\*\*\*\*\*MOTION to accept legal counsels' recommendations pertaining to a pending litigation was made by Robert Munsey, seconded by Danny Kinder with Wade Blankenship and Frank Chandler voting yes.

#### URS (Utilities Reduction Specialist, Inc.)

\*\*\*\*\*MOTION to move forward with URS Services based upon legal counsel's recommendation was made by Robert Munsey, seconded by Danny Kinder with Wade Blankenship and Frank Chandler voting yes.

#### LEAVE BALANCES UPON EMPLOYEE SEPARATION

\*\*\*\*\*MOTION that the County pay to county employees and employees of constitutional officers a maximum of 240 hours of annual leave upon separation based upon their hourly rate of pay but limited to \$2000 effective July 1, 2003 was made by Robert Munsey, seconded by Wade Blankenship with Danny Kinder and Frank Chandler voting yes.

#### VARIANCE APPLICATION FEE PUBLIC HEARING OPENED

Mr. Chandler opened the public hearing announcing that the purpose was to receive public comment on the proposed amendment to the Zoning Ordinance of the Bland County Code which would increase the Zoning Variance Application fee from \$50.00 to \$200.00.

#### PUBLIC COMMENTS

No public comments were offered.

#### PUBLIC HEARING CLOSED

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

#### VARIANCE APPLICATION FEE INCREASE PASSES

\*\*\*\*\*MOVE to increase the Variance application fee from \$50.00 to \$200.00 was made by Robert Munsey, seconded by Wade Blankenship with Danny Kinder and Frank Chandler voting yes.

#### EAST RIVER BAPTIST MINISTRY C.U.P. PUBLIC HEARING

Chairman Frank Chandler opened the public hearing announcing the purpose of the hearing was to receive public comment on the C.U.P. application of the East River Baptist Ministry for a

storage warehouse on a 1.5 acre lot located on Rt. 1005 and identified on the Bland County Tax Maps a 77A2-A-10&10A.

### PUBLIC COMMENTS

No public comments were offered.

### PUBLIC HEARING CLOSED

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

### BLAND BAPTIST MINISTRY C.U.P APPROVED

\*\*\*\*\* MOTION to approve the Bland Baptist Ministry's Conditional Use Permit application as requested by the Bland Baptist Ministry with the conditions listed: 1) The two frame barns would be demolished and removed from the site. 2) Comply with the Virginia Department of Transportation requirements for an entrance. 3) All on site lighting would be directional or screened so as not to be offensive to the adjoining properties. 4) The construction style and exterior finish would be consistent with the structures located on the adjoining properties. Brick or siding of a light neutral color matching the exterior the surrounding structures. The structure will have vertical sides with a hip style roofline. 5) Normal business hours of 7:00 Am to 6:00 Pm with the exception of emergencies.

### HIGHLAND CELLULAR TOWER C.U.P. PUBLIC HEARING OPENED

Mr. Chandler opened the public hearing announcing that the purpose of the hearing was to receive public input on the application of Highland Cellular Tower's C.U.P. application to replace an existing tower located on Big Walker Mountain.

### PUBLIC COMMENTS

Representative Heather Brown spoke to the Board regarding the specifications of the tower and FCC regulations.

### PUBLIC HEARING CLOSED

The public hearing was closed upon motion of Robert Munsey, seconded by Danny Kinder with Wade Blankenship and Frank Chandler voting yes.

### HIGHLAND TOWER CONDITIONAL USE PERMIT APPROVED

\*\*\*\*\*MOTION to approve the C.U.P application of Highland Tower as recommended by the Planning Commission with the conditions as follows: 1) This permit shall be limited to the construction of 1 telecommunications tower not to exceed 250' in height. 2) The site plan submitted with the application shall be considered the conceptual site plan of development for this tower and should be the same one 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 in the amount of \$25,000 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, This surety amount will be adjusted in 5-years to reflect changes in the Consumer Price Index (CPI) between 2002 and 2007. 5) At the time of building permit application, the owner of the tower shall provide at least 1 written executed lease between them and a telecommunications' company who will be using the tower.

6) 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 telecommunication's tower. 7) 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. 8) The owner of the tower 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 Standards Institute before a building permit is issued for the construction of the tower. 9) The owner of the tower shall annually, on or before January 30th of each year, provide in writing to the Commissioner of Revenue 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. 10) The owner of the tower shall provide the County antenna space on the tower, at no cost to the County, at an elevation of 130' (8th rad. center), or at another height 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. 11) 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 by the tower owner to the Board of S:upervisors. 12) The tower owner and landowners shall consent to reasonable administrative inspections by the *Zoning* Administrator to determine compliance with the conditions of approval of this permit. 13) The owner of the tower and landowner shall sign the final list of the adopted conditions signifying acceptance and intent to comply with them. 14). No site lighting shall be permitted in conjunction with this operation. 15. Existing vegetation and tree lines noted on the conceptual plan shall be preserved. 16) The E-911 Program Manager or the successor to that position in Bland County is notified by the Tower Owner of any changes in carriers or positions that they occupy on the tower as any changes occur.

11) 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 by the tower owner to the Board of S:upervisors. 12) The tower owner and landowners shall consent to reasonable administrative inspections by the *Zoning* Administrator to determine compliance with the conditions of approval of this permit. 13) The owner of the tower and landowner shall sign the final list of the adopted conditions signifying acceptance and intent to comply with them. 14). No site lighting shall be permitted in conjunction with this operation. 15. Existing vegetation and tree lines noted on the conceptual plan shall be preserved. 16) The E-911 Program Manager or the successor to that position in Bland County is notified by the Tower Owner of any changes in carriers or positions that they occupy on the tower as any changes occur.

#### JOHN D MELVIN C.U.P PUBLIC HEARING OPENED

Mr. Chandler opened the public hearing announcing that the purpose of the hearing was to receive public input on John Melvin constructing two structures for his construction, solid waste collection, recycling and snow removal businesses on a 3.4 acre industrially-zoning tract located along Rt. 51 in Bastian identified on the Bland County Tax Maps as 34S-S-25B.

#### PUBLIC COMMENTS

Harry Thompson joining landowner requested that the structures be located near the rear of the property and not along Rt. 52.

Barbara Thompson joining landowner expressed her concern of the traffic and the noise and requested that the board review what they would like for the Park to be.

Sandra Bowling resident expressed concern of the salt pond and storage of run off.

Alma Shufflebarger Bastian resident expressed concern of the backup beepers and the requirement of such beepers.

MELVIN PUBLIC HEARING CLOSED

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

ADJOURNMENT This meeting was adjourned until 4::00 a.m. on July 22, 2003 at the Bland County Schoolboard Office, Bastian, VA.

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Frank Chandler, Chairman

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Jonathan D. Sweet, County Administrator