

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-sixth day of November 2002, the following duly elected and qualified members were present or absent.

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

ABSENT: None

ALSO PRESENT: Ron Hachey - County Administrator, Carol Hall – Secretary, John Rife
County Attorney

OTHERS PRESENT: Marty Holloway – VDOT; Wayne Quesenberry, The Bland Messenger;
several citizens

CALL TO ORDER

Chairman Frank Chandler called the regular meeting to order.

INVOCATION

Supervisor Robert Munsey offered the invocation.

PLEDGE OF ALLIANCE

Supervisor Wade Blankenship led the pledge of alliance to the flag.

BOARD APPROVED AGENDA

*****MOTION to approve the November 26, 2002 agenda as presented was made by Danny Kinder, seconded by Robert Munsey with Wade Blankenship and Frank Chandler voting yes.

CONSENT AGENDA

*****MOTION to approve the Consent Agenda 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 regular meeting of October 22, 2002; 2) bills for the month of November 2002 in the amount of \$173,253.69; 3) payroll for the second half of October 2002 and the first half of November 2002 in the amount of \$117,358.05; and 5) reports of the Treasurer, Sheriff, Commissioner of Revenue, Recycling Program, Building Official, Public Works and E-911 Coordinator.

VIRGINIA DEPARTMENT OF TRANSPORTATION

VDOT Assistant Resident Engineer Marty Holloway advised the Board that VDOT would be advertising the Bland County Six-Year Secondary Road Improvement Plan for December 17, 2002. Due to the financial condition of the state at this time, there would not be any changes or

additions made to the current plan. Mr. Holloway suggested that the new Rural Rustic Program design standards be used on Route 612, Route 620, and Route 622 and noted that the Board would need to pass resolutions for each of these road projects.

Supervisor Dan Kinder requested that VDOT evaluate the ditch line up Rt. 613 to correct drainage problems.

Supervisor Wade Blankenship requested an appointment with Mr. Holloway to go over the road issues in the Mechanicsburg area of the County.

Supervisor Frank Chandler requested that VDOT check the site distance problem at the intersection of Route 42W and Route 622.

SOCIAL SERVICES

*****MOTION to approve the September 2002 Social Services financial report in the amount of \$39,722.50 with the local share being \$6,013.01 was made by Danny Kinder, seconded by Wade Blankenship with Robert Munsey and Frank Chandler voting yes.

SCHOOLS

Dr. Alderman informed the Board that since environmental studies have come back positive on the 11.08-acre tract of property adjoining the football field, the school board would be preceding with the purchase of this property as a possible site for a new school facility.

*****MOTION to approve an additional \$8,252.00 to the November 2002 requisition and to approve \$650,000.00 for the December 2002 requisition was made by Robert Munsey, seconded by Danny Kinder with Wade Blankenship and Frank Chandler voting yes.

RECREATION COMMITTEE'S REQUEST FOR BASKETBALL GOALS

*****MOTION to approve \$600-\$700 for two sets of youth basketball goals, one for each school gymnasium, as recommended by the recreational committee was made by Wade Blankenship, seconded by Robert Munsey with Danny Kinder and Frank Chandler voting yes. The costs of the goals would be deducted from the FY '02-'03 Parks and Recreation budget.

APPOINTMENTS

*****MOTION to recommend the reappointment of Otho Cassell to the Board of Zoning Appeals for a five year term to expire on September 11, 2007 was made by Robert Munsey, seconded by Wade Blankenship with Danny Kinder and Frank Chandler voting yes.

CAROLINE COUNTY TOURISM REQUEST

It was the consensus of the Board that they support this tourism related initiative and asked Linda Bradshaw to work with Caroline County officials and Bland County website staff to feature Bland County, along with other communities in the Commonwealth, to market colonial era historical assets of the county at no charge to the County.

NOISE ORDINANCE PUBLIC HEARING TABLED

This item was tabled until the December 17, 2002 meeting.

PETITION FROM LAUREL CREEK RESIDENTS TO REBUILD CREEK BANK

The County Administrator was instructed to contact the Corp of Engineers and ask them to review this request with the residents who submitted the petition. Their request is to have the Corp build up the creek banks along Laurel Creek from above the schoolhouse east to the Rt. 52 bridge in the Rocky Gap area. It was suggested that the Corp meet with the affected residents to go over the flooding issues.

BLAND COUNTY MANUAL UPDATES

The County Administrator passed out copies of portions of the manual and asked the Board members to review this information and that any changes that the Board members wanted to make could be done at the Board's January 2003 organizational meeting.

MRS. ALBERT STILWELL'S REQUEST FOR A WAIVER TO THE TRASH FEES

*****MOTION to deny waiving trash fees as requested by Mrs. Albert Stilwell, but instead charge Mrs. Stillwell based upon the guidelines within the County's solid waste ordinance for a part-time dwelling was made by Danny Kinder, seconded by Robert Munsey with Wade Blankenship and Frank Chandler voting yes. Mrs. Stillwell would be assessed one quarter per year in the amount of \$21.00.

GROUNDBREAKING/RIBBON-CUTTING CEREMONY DATE SET

It was the consensus of the Board that the groundbreaking for the Courthouse Addition/Renovation Project be at 10:00 a.m. on December 16, 2002 at the Courthouse and that the ribbon-cutting ceremony for the completion of the Bastian Wastewater Treatment Plant be at 11:00 a.m. December 16, 2002 with light refreshments to immediately follow at the treatment plant lab.

TAX RELIEF FOR THE ELDERLY REQUEST

Commissioner of Revenue Randolph Davis appeared before the Board with the request that the gross combined income of \$10,000 and the total combined financial worth of \$25,000 for the tax

relief program for the elderly and disabled be increased to \$12,000 and \$30,000 respectively due to the increase in the cost of living and in property reassessments to accommodate the citizens and taxpayers of Bland County that are in need of this tax relief.

*****MOTION to schedule a public hearing on this request for January 28, 2003 was made by Wade Blankenship, seconded by Robert Munsey with Danny Kinder and Frank Chandler voting yes.

PUBLIC SPEAKERS

Walter Benda, resident of Max Meadows and property owner in Bland County, appeared before the Board advising them that he and a co-owner were not advised of the 2002 reassessment of two tracts of property in the County that they jointly own. In addition, he did not understand the Land Use Taxation Program paperwork that he received from the Commissioner of Revenue that resulted in an increase in the amount of taxes that he is being charged this year.

Mr. Benda stated that he felt this increase was unfair and asked that the Board make an adjustment to the amount of taxes charged. Since the Board is not allowed to forgive taxes, Mr. Benda's request was denied.

CLYDE EASTER'S REQUEST FOR VETERANS MEMORIAL HIGHWAY SIGNS

The request from Mr. Clyde Easter is for the Board to fund the purchase of signs along Route 52 to identify this road as Veterans Memorial Highway. The Board tabled his request until the December 2002 meeting and requested that E-911 Project Manager Katie Gamble obtain a cost estimate for the signs that would be needed along the entire length of Rt. 52 in Bland County.

MOUNT ROGERS PLANNING DISTRICT COMMISSION UPDATES

Executive Director Thomas Taylor appeared before the Board with information regarding a funding application to develop a Regional Natural Hazard Flood Mitigation Plan. There was no action needed by the Board on this project.

Mr. Taylor advised the Board that three responses have been received by the PDC in response to request for proposals for future property reassessments.

*****MOTION that Frank Chandler be a part of the reviewing and ranking of the firms representing Bland County was made by Wade Blankenship, seconded by Robert Munsey with Danny Kinder voting yes and Frank Chandler abstaining.

PEPPERS FERRY WASTEWATER TREATMENT AGREEMENT

*****MOTION to renew the 2003 Peppers Ferry Wastewater Treatment Plant Agreement was made by Wade Blankenship, seconded by Danny Kinder with Robert Munsey and Frank

Chandler voting yes.

2002 THANKSGIVING HOLIDAY SCHEDULE SET

*****MOTION to follow the state's holiday schedule with County offices closing at 1:00 p.m. on November 24, 2002 and remaining closed on November 25th and 26th for the Thanksgiving Holiday was made by Wade Blankenship, seconded by Robert Munsey with Danny Kinder and Frank Chandler voting yes.

HOUSING AND COMMUNITY DEVELOPMENT DRYWELL REPLACEMENT PROGRAM

It was concluded that the County Administrator apply for the Housing and Community Development Drywell Replacement Program funds with the MRPDC staff designated to administrator the grant funds if awarded to the County.

SUPERVISORS' TIME

Mr. Munsey requested that the County respond to the USFS's request for comments with the same concerns that they delivered to them earlier in the year at the public hearing at the Bland High School regarding the proposed transmission line. It was noted that the deadline for the County's response is November 29, 2002.

Mr. Munsey expressed his concern about the high deer population and the damage that they cause to both vehicles and cropland.

*****MOTION to adopt a resolution and send it to the Virginia Division of Game and Inland Fisheries requesting that there be an increase in the number of deer a person could kill within a season 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 personnel, legal and economic matter by Robert Munsey, seconded by Wade Blankenship with Danny Kinder and Frank Chandler voting yes.

"Move to return to Regular Session and adopt the following certification of a closed session was made by Robert Munsey, seconded by Wade Blankenship with Danny Kinder 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 and 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.

INTERSTATE CONTRACTORS' CONDITIONAL USE PERMIT PUBLIC HEARING

Chairman Frank Chandler opened the public hearing by announcing that the hearing was being held to receive public comment on the request by this company for a Conditional Use Permit for his construction, solid waste collection, recycling and snow removal business in an existing building on a 1.35 acre industrially-zoned tract located along State Route 1005 in Bland.

PUBLIC SPEAKERS

Bland resident Foli Taylor spoke to the Board about her salt exposure concerns to her property. She stated that this secondary road is not able to take the additional industrial traffic that would be generated by Mr. Melvin's businesses and requested that the Board not allow the facility to be in her back yard.

Mrs. Blankenship read into the record her negative concerns relating to the proposed facility that included an increase in noise in this residential neighborhood, the unattractive increase in the number of rats, flies and mosquitoes, potential salt contamination of water sources, increase in traffic in a residential area, deterioration of the road because of heavy truck usage and a decrease in property values as a result of salt storage and recycling materials.

Bland resident Joe Kosnicki expressed his concern that the development plan is inadequate because it does not address how excessive water run off will affect the salt storage facility. Mr. Kosnicki added that the nature of the recycling storage operation was unclear and requested that the Board give the application back to the Planning Commission for clarification.

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Resident Eddie Hoge expressed his dissatisfaction with the salt storage facility, with the inadequate width of the road and with locating any type of business within a residential area.

INTERSTATE CONTRACTOR 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.

*****MOVE to table a decision on the Interstate Contractors CUP application until the December 17th meeting to give Mr. Melvin time to address the following concerns: 1) the hard surfacing of the entrance; 2) salt water runoff and its containment; 3) the dust problem; and 4) the increase in traffic was made by Wade Blankenship, seconded by Robert Munsey with Danny Kinder and Frank Chandler voting yes.

VICIOUS DOG ORDINANCE PUBLIC HEARING

Chairman Frank Chandler opened the public hearing announcing that the hearing was being held to receive public comments on the adoption of a Vicious Dog Ordinance.

PUBLIC SPEAKERS

Assistant County Attorney John Rife briefed the audience on the definitions, intent and limitations of the proposed ordinance.

Eddie Hoge expressed his dissatisfaction with the ordinance being considered and noted that it should not be the responsibility of the County's Animal Control Officer to determine if a dog is vicious.

Jeff Pauley questioned the Board as to why the proposed ordinance was being introduced and expressed his concern for charges at the pound charge for any dog was picked up and wanted to know who would be paying the bill.

Allan Mustard added that in his opinion, the law was not needed in Bland County.

Lucy Rudder expressed her concern about the proposed ordinance by stating that dog owners would kill their own dogs if they became vicious.

Debbie Looney pointed out to the Board that it is difficult to enforce the current animal control laws that are on the books and she didn't feel that the County would want the liability from the dog owners should their dogs be picked up and taken to the pound.

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Steven Moses asked why don't the Sheriffs Deputies enforce this law under the State Statutes and not leave it to the County's Animal Control Officer.

VICIOUS DOG ORDINANCE PUBLIC HEARING CLOSED

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

VICIOUS DOG ORDINANCE FAILS

*****MOVE that the Board deny this ordinance was made by Wade Blankenship with Robert Munsey voting yes and Danny Kinder voting yes and Frank Chandler voting yes.

MEETING ADJOURNMENT

This meeting was adjourned until December 17, 2002. This meeting would be held at the Bland County School Board Office located in Bastian, Virginia starting at 3:00 p.m.

Frank Chandler, Chairman

Ron Hachey, Clerk