

VIRGINIA: At a Regular Meeting of the Bland County Board of Supervisors held at the Bland County Courthouse located in Bland, Virginia, on the twenty-eighth day of February 2006, 5:00 p.m., the following duly elected and qualified members were present or absent.

PRESENT: Henry M. Blessing, Jason R. Ramsey, Karen H. Hodock, John C. Thompson

ABSENT: None

ALSO PRESENT: Jonathan D. Sweet, County Administrator, Carol Hall, Deputy Administrator,

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

CALL TO ORDER

Chairman Henry Blessing called the regular meeting to order.

INVOCATION

The invocation was offered by Vice-Chairman Jason Ramsey.

PLEDGE TO FLAG

Chairman Mr. Blessing led the pledge alliance to the flag.

FEBRUARY 28, 2006 MEETING AGENDA APPROVED

*****MOTION to approve the February 28, 2006 meeting agenda with changes to the location of public comments was made by Jason Ramsey, seconded by Karen Hodock.

Vote on this motion was as follows: Karen Hodock, yes; Jason Ramsey, yes; Henry Blessing, yes; John Thompson, yes. Motion passed.

CONSENT AGENDA

*****MOTION to approve the Consent Agenda which consist of minutes of the December 20, 2005, January 3, 2006, January 24, 2006 and the February 7, 2006 meetings, February 2006 bills in the amount of \$183,899.41, the February 1, 2006 and February 14, 2006 payrolls totaling \$138,685.66, reports from the Treasurer, Building Official, E-911 Program Manager, Public Works Director, Meals & Lodging and Recycling was made by Jason Ramsey, seconded by Karen Hodock.

Vote on this motion was as follows: Karen Hodock, yes; Henry Blessing, yes; Jason Ramsey, yes; John Thompson, yes. Motion passed.

VIRGINIA DEPARTMENT OF TRANSPORTATION

Frank Phipps, resident engineer updated the board regarding the Rt. 644 bridge construction, stop sign at the intersection of State Rt. 618/615 has been move and the request to replace the yield sign at the intersection of State Rt. 42/52 has been sent to traffic safety.

Marty Holloway reported the Pedestrian Crossing signs had been erected at the Rocky Gap School in an attempt to slow the thru traffic.

The request for guardrail upon State Rt. 646, Rt. 614 and Rt. 42 were discussed. Mr. Phipps advised funds are available for secondary roads only and would check the availability for used guardrail upon the Rt. 42 request.

Mr. Ramsey requested the need to fill the pot holes near the Rt. 606 bridge in Hollybrook.

SOCIAL SERVICES REPORT APPROVED

*****MOTION to approve the December 2005 Social Services report in the amount of \$50,787.41 with the local allotment of \$7,381.40 was made by John Thompson and seconded by Jason Ramsey.

Vote on this motion was as follows: Karen Hodock, yes; Henry Blessing, yes; Jason Ramsey, yes; John Thompson, yes. Motion passed.

ROBINSON FARMER & COX

Auditor Corbin Stone appeared before the Board with a presentation of the County's FY '04-05 Audit.

WYVE-WXBX MEDIA PRESENTATION

Danny Gordon, Operations Manager presented a proposal to the board regarding the public announcements that could be announced or advertised on the WYVE-WXBX radio stations.

PUBLIC COMMENTS

Eddie Hoge, resident, spoke in opposition of the county adopting a Noise Ordinance.

Ann Bailey, resident, spoke in opposition of a Noise Ordinance noting it would cause problems between neighbors.

Kay Hoge, resident, expressed opposition of a Noise Ordinance.

Jeff Pauley, resident, requested the proposed ordinance be dropped

Mary K. Stowers, resident, expressed opposition of a Noise Ordinance but did express the desire that the board stop loud music.

Lonnie Keene, resident, expressed opposition to the proposed Noise Ordinance.

Gale Case, resident, expressed his desire that he and other homeowners be protected from the loud disturbing noise of commercial vehicles parked within a residential neighborhood. Mr. Case played a video of his area which included the sound of a truck. Mr. Case requested the board to see the need for a county noise ordinance for populated residential areas.

Jerry Scott, resident, owner of the truck shown in the video, stated this truck was his way of making a living and he has no other place to park his work vehicle. He added that in his opinion the noise from the truck is not that loud.

PROPOSED NOISE ORDINANCE DROPPED

*****MOTION not to proceed with the proposed noise ordinance was made by Supervisor Jason Ramsey and seconded by Karen Hodock.

Call vote on the motion was: Karen Hodock, yes; Henry Blessing, yes; John Thompson, yes; Jason Ramsey, yes.

BLAND COUNTY HISTORICAL SOCIETY

Molly Thompson, member, appeared before the board with the request of assistance for the county's Celebration of 2011, and financial assistance to the historical society for expenses to include the heating of the building, updating the Bland County History Book project and summer employment of county students.

BLAND COUNTY MEDICAL CLINIC

Susan Greever, director, addressed the board regarding the real estate and personal property tax exemption of the medical clinic.

The County Administrator was directed to develop a resolution with recommendations regarding the tax exemption of the medical clinic but indeed tax the area currently rented to the pharmacy and have ready for the March 28, 2006 meeting.

KENSINGER PUBLIC HEARING OPENED

Chairman Henry Blessing opened the public hearing to receive comment on the application of Mr. Eli D. Kinsinger for a Conditional Use Permit to build and operate a cottage industry to conduct a custom, hand-crafted cabinet door operation upon his property, located off Rt. 670 in the Mechanicsburg area of the county.

PUBLIC COMMENTS

Junior Schmucker spoke in favor of Mr. Kinsinger and requested approval of the permit.

Owen Hershberger expressed appreciation to the board in consideration of the application of Mr. Kinsinger and requested that they be fair.

Robert Stuart expressed concern of the diesel engine and requested that the board think about it before they make a final decision.

James Bogle expressed his concern regarding the fuel storage tank and his opposition of the power unit for the facility proposed.

Darrell Tyeryar expressed his concern of the traffic and noted his was opposed to the cottage industry.

R.B. Anderson requested the board's support on the unanimous decision of the planning commission in favor of the application noting that the planning commission had spent a lot of hours on the application.

Danny Bogle expressed his opposition for the project with the concern of (1) the road is not designed to accommodate the traffic; (2) environmental reasons; (3) noise; and (4) the hours of operation.

Randy Moler advised the board of the work provided by the Omish on the Rocky Gap Park adding that in his opinion proves that they are good neighbors and the desire to be part of Bland County.

Eli Kinsinger, applicant, expressed appreciation to the board on their appearance at the proposed site and requested approval of the permit.

PUBLIC HEARING CLOSED

Mr. Blessing closed the public hearing.

KENSINGER CONDITIONAL USE PERMIT APPROVED WITH CONDITIONS

*****MOTION to approve the application of Mr. Eli D. Kensinger to operate a Cottage Industry to build custom, hand-crafted cabinet doors upon his property located on Rt. 670, (Mt. Zion Rd.) with the following conditions: 1) Traffic – Tractor trailers are only permitted to deliver materials or transport products to and from the site between the hours of 9:30 A.M. and 2:30 P.M. for purpose of public safety and well being. 2) Noise – That the 90 H.P. diesel engine be equipped with a muffler and located within a well insulated (Styrofoam chips) cinderblock building behind the structure to limit and reduce noise. 3) Diesel Engine Operating Hours – The custom cabinet shop’s Diesel Engine Operating hours would be limited from 7:00 A.M. to 6:00 P.M., Monday – Friday and 7:00 A.M. to 12:00 P.M. on Saturdays, to reduce noise impact on the surrounding neighbors. 4) Diesel Fuel Storage – The fuel storage for the diesel engine shall be in a tank not larger than 500 gallons and shall be placed within an adequately accommodating concrete dike for the purpose of protecting public health and safety against leaks or spills. 5) View Shed – An adequate amount of trees are to be planted and strategically placed to conceal the facility from the adjoining landowners (the Walkers), i.e. along the front side of the property. 6) Fire Protection – A minimum of seven (7) fire extinguishers, being of proper class, are to be placed throughout the facility for the purpose of public health and safety. 7) Facility Size – That the facility not be expanded above its original dimension of 56x120 or 6,720 sq. ft., or to exceed employment of more than five (5) persons with a majority being that of the owners’ of the property or their family. 8) Waste Disposal – To properly dispose of all hazardous by-products and material associated with the operation for the purpose of public health, safety and well-being. 9) Legal Requirements – To comply with all applicable local, state, and federal laws. 10) Reversion – If the approved use (cabinet shop) fails to operate for more then six (6) consecutive months; i.e., one-hundred and eighty (180) consecutive days, then the conditional use permit will be null & void, was made by Karen Hodock and seconded by John Thompson.

Vote on this motion was as follows: Karen Hodock, yes; Henry Blessing, yes; Jason Ramsey, yes; John Thompson, yes. The motion passed unanimously.

SCHOOLS REQUISTION APPROVED

*****MOTION to approve the March 2006 school board’s request of \$650,000.00, to approve the filing of the meeting minutes of January 23, 2006, check registers of December 15,2005, January 12, 2006 and January 19, 2006 was made by Jason Ramsey, seconded by Henry Blessing.

The vote on this motion is as follows: Karen Hodock, yes; Jason Ramsey, yes; Henry Blessing, yes; John Thompson, yes. Motion passed.

TREASURER REPORTS

County Treasurer, Joann Shewey briefed the board regarding the activities of the office.

COMMISSIONER OF REVENUE

Commissioner of Revenue, Cindy Wright updated the board on the tax returns being completed through her office and the 762 and the 762B forms mailed to businesses and farmers throughout the county.

SHERIFF

Sheriff Jerry Thompson approached the board with the request of a Closed Session to discuss a Personnel Matter.

RECREATION COMMITTEE

Representative Randy Moler updated the board regarding the progress of the Rocky Gap Community Park and the play equipment desired for the park.

APPOINTMENTS

2006 Clerk of the Board

2006 Deputy Clerk of the Board

*****MOTION to reappoint Jonathan Sweet, County Administrator as Clerk of the Board for 2006 and reappoint Carol J. Hall, Deputy Administrator as Deputy Clerk of the Board for 2006 was made by John Thompson and seconded by Karen Hodock.

The vote on this motion was as follows: Karen Hodock yes; Henry Blessing, yes; Jason Ramsey, yes; John Thompson, yes. Motion passed.

Bland County Planning Commission

*****MOTION to reappoint Elmer Chewning to the Planning Commission to the term to expire January 31, 2008 was made by John Thompson and seconded by Karen Hodock.

Vote on this motion was as follows: Karen Hodock, yes; Henry Blessing, yes; Jason Ramsey, yes; John Thompson, yes. The motion passed unanimously.

2006-2007 BUDGET CALENDAR ADOPTED

*****MOTION to tentatively adopt the 2006-2007 budget calendar was made by John Thompson and seconded by Jason Ramsey.

Vote on this motion was as follows: Karen Hodock, yes; Henry Blessing, yes; Jason Ramsey, yes; John Thompson, yes. The motion passed unanimously.

BLAND COUNTY MEDICAL CLINIC CDBG RESOLUTION PASSES

*****MOTION to adopt the Bland County Medical Clinic Resolution approving the grant application in the County's name was made by Jason Ramsey and seconded by John Thompson.

Vote on this motion was as follows: Karen Hodock, yes; Henry Blessing, yes; Jason Ramsey, yes; John Thompson, yes. The motion passed unanimously.

VDOT RURAL TRANSPORTATION PLANNING GRANT RESOLUTION APPROVED

*****MOTION to approve the VDOT Rural Transportation Planning Grant Resolution (Tourism Initiative Phase I), (in the amount of \$40,000) with the local requirement (\$10,000) to be paid for through the community development budget was made by Karen Hodock and seconded by John Thompson.

Vote on this motion was as follows: Karen Hodock, yes; Henry Blessing, yes; Jason Ramsey, yes; John Thompson, yes. The motion passed unanimously.

SURPLUS LIST DECLARED

*****MOTION to approve the property list provided as surplus, and dispose of as per county policy was made by John Thompson and seconded by Jason Ramsey.

Vote on this motion was as follows: Karen Hodock, yes; Henry Blessing, yes; Jason Ramsey, yes; John Thompson, yes. The motion passed unanimously.

COYOTE ORDINANCE DISCUSSED

There was discussion on the proposed Coyote Ordinance. Topic was tabled.

BLAND COUNTY SERVICE AUTHORITY ADDITIONAL APPROPRIATION APPROVED

*****MOTION to approve \$288,200 to the Bland Water Project Fund #340 for the purpose of construction and design of the Bland water extension under Interstate 77. The project to be funded by a grant from Mt. Rogers Planning District in the amount of \$236,200 and the additional appropriation in the amount of \$25,000 will be funded from the liquidated damages on the Bastian Wastewater project. Motion to approve was made by Jason Ramsey and seconded by John Thompson.

Vote on this motion was as follows: Karen Hodock, yes; Henry Blessing, yes; Jason Ramsey, yes; John Thompson, yes. The motion passed unanimously.

SCHOOLS BASKETBALL TEAMS TO BE RECOGNIZED

The County Administrator was directed to draft a resolution recognizing the schools girls and boy's basketball teams on their recent accomplishment.

CLOSED SESSION

“Move to go into a closed session to discuss a Personnel matter pursuant to 2.2-3711-A, subparagraph 1 of the Code of Virginia was made by John Thompson, seconded by Jason Ramsey.

Vote on the motion was as follows: Karen Hodock, yes; Henry Blessing, yes; John Thompson, yes; Jason Ramsey. The motion passed.

“Move to return to Regular Session, adopt the certification and waive the reading of the certification of a Closed Session but certify that only items announced by the Board were discussed in Closed Session was made by John Thompson seconded by Jason Ramsey.

Vote on the motion was as follows: Karen Hodock, yes; Henry Blessing, yes; John Thompson, yes; Jason Ramsey, yes. The motion passed.

COURTROOM SECURITY FUNDS TO BE SPENT

*****MOTION to approve the setup of the appropriate expenditure accounts needed for the sheriff to spend courtroom security funds to pay for courtroom security for the case to be held March 2 and March 3, 2006 was made by John Thompson and seconded by Karen Hodock.

Vote on the motion was as follows: Karen Hodock, yes; Henry Blessing, yes; John Thompson, yes; Jason Ramsey, abstain. The motion passed.

CONTINUANCE This meeting was continued until 5:30 p.m., March 22, 2006.

Henry M. Blessing, Chairman

Jonathan D. Sweet, County Administrator