

## Board of Supervisors - November 14, 2019 Regular Meeting

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The Wise County Board of Supervisors met in a Regular Meeting on Thursday, November 14, 2019 @ 6:00 p.m. in the School Board Education Center located at 628 Lake Street in Wise. The following Board members were present:

Honorable Dana G. Kilgore – Chairman  
Honorable Robert E. Robbins – Vice-Chairman  
Honorable J. H. Rivers  
Honorable John Schoolcraft  
Honorable Fred Luntsford  
Honorable Bobby Cassell  
Honorable Steve Bates  
Honorable Robert R. Adkins – members of said Board and  
Michael W. Hatfield – County Administrator  
Karen T. Mullins – County Attorney  
Annette Underwood – Executive Secretary

### PRAYER

Bob Adkins led in prayer.

### PLEDGE

All led in the pledge of allegiance to the flag.

### MINUTES

A motion was made by Robby Robbins, seconded by Bob Adkins, to approve the minutes of October 10, 2019 as presented. The motion was unanimously approved.

### AGENDA

Administrator Hatfield asked the Board to remove from the agenda, under presentation, an update on the Community Facilities Project.

A motion was made by Robby Robbins, seconded by Bobby Cassell, to approve the agenda with the removable of an update on the Community Facilities Project. The motion was unanimously approved.

### IN RE: RATIFY SETTING PUBLIC HEARINGS

A motion was made by Robby Robbins, seconded by John Schoolcraft, to ratify setting the following public hearings:

- Set public hearing (11-14-2019 @ 6:00 p.m.) on a proposed Cable Franchise Agreement with MCA Cable, Inc.
- Set public hearing (11-14-2019 @ 6:00 p.m.) on a 1% increase in the County's FY 2019/20 budget

The motion was unanimously approved.

IN RE: ROADS AND HIGHWAYS

Supervisor Rivers stated that he has been contacted regarding fast traffic on Highway 58 coming out of Lee County. He asked that VDOT be contacted for a possible change in the speed limit in that area.

IN RE: PUBLIC HEARING – REZONING

A public hearing was duly advertised for this date to receive citizens' comments regarding a rezoning of property located at 928 E. Fifth Avenue in Big Stone Gap for the purpose of operating a medical clinic.

There being no public comments, the public hearing was closed.

IN RE: PUBLIC HEARING – CONDITIONAL ZONING

A public hearing was duly advertised for this date to receive citizens' comments regarding a conditional zoning of property located at 1716 Wildcat Road in Big Stone Gap for the purpose of parking equipment and work vehicles.

Several adjoining property owners, Randy and Cindy Carnes, Cory Miller and Randal Tankersley, voiced their opposition to the conditional zoning due to loud noise and increased traffic at all hours, accumulation of wrecked vehicles, oil and gas leaks on the ground and into the water wells as well as devaluing their property.

There being no further comments, the public hearing was closed.

IN RE: PUBLIC HEARING – NAMING OF BRIDGE – RODNEY D. PICKETT

A public hearing was duly advertised for this date to receive citizens' comments regarding a request to designate the bridge at the bottom of the Coeburn Wise Road on State Route 72 in memory of Rodney Douglas Pickett a fallen hero of the Vietnam War.

There being no public comments, the public hearing was closed.

IN RE: PUBLIC HEARING – MCA CABLE FRANCHISE AGREEMENT

A public hearing was duly advertised for this date to receive citizens' comments regarding a proposed Cable Franchise Agreement with MCA Cable, Inc.

Morris Hubbard, owner of MCA Cable, Inc., provided the Board with an update on the progress that has been made toward the installation of MCA's cable service in our area.

There be no further public comments, the public hearing was closed.

IN RE: PUBLIC HEARING – APPALACHIA BOUNDARY LINE ADJUSTMENT AGREEMENT

Chairman Kilgore stated that a Joint public hearing between Wise County and the Town of Appalachia has been duly advertised for this date to receive citizens' comments regarding a proposed Boundary Line Adjustment Agreement between Wise County and the Town of Appalachia. She opened the public hearing for the Board of Supervisors.

Appalachia Town Council Chairman Ted Collins called the Town Council meeting to order with all Council members being present.

Chairman Collins opened the joint public hearing between Wise County and the Town of Appalachia on a proposed Appalachia Boundary Line Adjustment Agreement.

A map of the property was reviewed with special attention given to the portion that is being considered for the boundary adjustment. Two (2) options were reviewed and discussed.

Chairman Collins stated that the boundary adjustment is needed for economic development. This additional property would give the Town of Appalachia more property to expand its trails and give the Town control on the use of the property.

Vice-Mayor Chase Christian stated that the boundary adjustment would greatly benefit the Town of Appalachia with additional property for recreation and potential businesses.

Town Manager Fred Luntsford reviewed and discussed the two (2) options as noted on the map with option 1 being the most beneficial for Appalachia. He explained that this adjustment would not include any homes.

Travis Anderson stated that the boundary adjustment would provide much needed property for the Town of Appalachia to expand its boundaries. He said that he is working with DMME on building a Fire Station on this property, which federal grant money is available for financing the building. There would be no cost to the County. Hopefully, a plan can be worked out that will be profitable for both Penn Virginia and the Town. He mentioned several benefits the Town of Appalachia would reap from this boundary adjustment.

Carlos Smith, representing Penn Virginia, reviewed the portion of property that Penn Virginia has need of. He objected to Option 1 as shown. He explained that Penn Virginia needs a certain portion of the property that is being considered for the boundary adjustment, for future mining operations. However, Penn Virginia is willing to work with the Town of Appalachia on the property it needs.

After further discussion, it was noted that the portion of property that Penn Virginia needs for future mining operations as shown on Option map 1 can be carved out leaving sufficient property for the Town of Appalachia. Option 2 represents the adjustment.

There being no further comments, Chairman Kilgore closed the public hearing for the Board of Supervisors.

Town Council Chairman Ted Collins closed the public hearing for the Appalachia Town Council. He stated that the Council will stay in session until later in the meeting.

#### IN RE: PUBLIC HEARING – 1% INCREASE IN COUNTY’S FY 2019/20 BUDGET

A public hearing was duly advertised for this date to receive citizens’ comments regarding a 1% increase in the County FY 2019/20 budget.

Supervisor Rivers noted that citizens are concerned that no documentation has been made available showing the purpose of the 1% increase. He suggested that in the future, information such as this be placed on the County’s website for citizens view.

Chairman Kilgore explained that the increase is due to several unforeseen grants that were received after the budget was approved. The budget amendments, for said grants, are attached to the agenda, and have been placed on the County's website.

There being no further comments, the public hearing was closed.

#### PUBLIC EXPRESSION

Clarence Peters, a resident of District 4, felt that making Wise County a 2nd Amendment Sanctuary County would be good for the County as well as the police departments. Dickenson County has voted unanimously to adopt a resolution designating Scott County as a 2nd Amendment Sanctuary County. He asked that the Board consider doing the same.

There being no further public comments, the public expression period was closed.

#### IN RE: CONSENT AGENDA

A motion was made by J.H. Rivers, seconded by Fred Luntsford, to approve the consent agenda as follows:

#### IN RE: ORDINANCE ON PRE-EMPLOYMENT FINGER PRINTING

Approved setting a public hearing (12-12-2019 @ 6:00 p.m.) on a proposed Ordinance on Pre-employment Finger Printing

#### IN RE: ORDINANCE – TAX EXEMPT STATUS – FAMILY CRISIS SUPPORT SERVICES

Approved setting a public hearing (12-12-2019 @ 6:00 p.m.) on a proposed tax exempt ordinance for Family Crisis Support Services within Wise County

#### IN RE: RESOLUTION ISSUANCE OF WATER & SEWER REVENUE BONDS

Approved the resolution consenting to the issuance of water & sewer revenue bonds to finance improvements to the PSA's existing sewer pump stations

#### **RESOLUTION # \_\_\_\_\_ - 2019**

(Said resolution is on file in the County Administrator's Office)

The motion to approve the consent agenda was unanimously approved.

#### IN RE: SALE OF PROPERTY

Administrator Hatfield asked that the sale of property be moved until after close session.

A motion was made by John Schoolcraft, seconded by Robby Robbins, to take no action on the sale of property located at 208 Spring Avenue in Wise until after close session. The motion was unanimously approved.

#### IN RE: REZONING OF PROPERTY

A public hearing was held on November 14, 2019 to receive citizens comments regarding a request from Miners Exchange Bank to rezone property located at 928 E. Fifth Avenue in Big Stone Gap. There was no public opposition to the rezoning request.

A motion was made by J.H. Rivers, seconded by John Schoolcraft, to approve the rezoning of property located at 928 E. Fifth Avenue in Big Stone Gap as requested by Miners Exchange Bank for the purpose of operating a medical clinic. The motion was unanimously approved.

IN RE: CONDITIONAL ZONING OF PROPERTY

A public hearing was held on November 14, 2019 to receive citizens comments regarding a request from Robert Phillips for a conditional zoning of property located at 1716 Wildcat Road in Big Stone Gap.

There were several adjoining property owners attending the public hearing with opposition to the conditional zoning.

It was noted that the Planning Commission recommended denying the request.

A motion was made by John Schoolcraft, seconded by J. H. Rivers, to deny the request from Robert Phillips for a conditional zoning of property located at 1716 Wildcat Road in Big Stone Gap for the purpose of parking equipment and work vehicles as recommended by the Planning Commission.

Aye- John Schoolcraft  
J. H. Rivers  
Dana Kilgore  
Bobby Cassell  
Steve Bates  
Bob Adkins  
Robby Robbins

Abstain: Fred Luntsford (Due to conflict of interest)

Motion carried.

IN RE: RESOLUTION NAMING OF BRIDGE – RODNEY D. PICKETT

A public hearing was held on November 14, 2019 to receive citizens' comments regarding a request to designate the bridge at the bottom of the Coeburn Wise Road on State Route 72 in memory of Rodney Douglas Pickett. There was no opposition to the naming of the bridge as requested.

A motion was made by Robby Robbins, seconded by Bob Adkins, to approve the resolution designating the bridge at the bottom of the Coeburn Wise Road on State Route 72 in memory of Rodney Douglas Pickett, a fallen hero of the Vietnam War. The motion was unanimously approved.

**RESOLUTION # - 2019**

(Said resolution is on file in the County Administrator's Office)

IN RE: ORDINANCE – MCA CABLE FRANCHISE

A public hearing was held on November 14, 2019 to receive citizens' comments on a proposed Cable Franchise Agreement with MCA Cable, Inc. There was no opposition to the proposed Cable Franchise Agreement.

A motion was made by John Schoolcraft, seconded by Robby Robbins, to approve the Cable Franchise Agreement with MCA Cable, Inc. as presented. The motion was unanimously approved.

**ORDINANCE # \_\_\_\_\_-2019**

(Said ordinance is on file in the County Administrator's Office)

**RECESS**

The Board took a brief recess at 6:56 p.m.  
The meeting reconvened at 7:20 p.m.

**IN RE: APPALACHIA BOUNDARY LINE ADJUSTMENT AGREEMENT**

Chairman Kilgore asked Administrator Hatfield to clarify the boundary line adjustment with the changes that were discussed.

Administrator Hatfield explained that the difference in the two options is the two parcels that Penn Virginia had specified as potential future mining operations that have been removed to create Option 2. Option 2 would include the Bullitt Mine Site, the area above the Bullet Mine site up to the Roda Road (Exeter road), the forest service and the Straights (Roaring Branch Road) going to Big Stone Gap.

Appalachia Town Manager Fred Luntsford pointed out option 2 on the map, showing the areas that Penn Virginia has asked to be removed. He also noted that there are no homes included in the proposed boundary adjustment.

A motion was made by Fred Luntsford, seconded by Bobby Cassell, to adopt option 2 of the proposed Boundary Adjustment Plan to exclude the Jay Bird section South of the Town of Appalachia.

The motion was unanimously approved by roll call vote.

Chairman Kilgore rendered the floor to Appalachia Town Council to consider the Boundary Line Adjustment Agreement.

The Town Council voted unanimously to approve the Boundary Line Adjustment Option 2.

The Town Council meeting was adjourned.

**IN RE: BUDGET 1% INCREASE FY 2019/20**

A public hearing was held on November 14, 2019 to receive citizens' comments on a 1% increase in the County's FY 2019/20 budget. There were no public comments regarding the 1% increase.

A motion was made by Robby Robbins, seconded by Bob Adkins, to approve the County's FY 2019/20 1% budget increase as presented. The motion was unanimously approved.

**IN RE: RESOLUTION OF SUPPORT FOR COAL MINERS HEALTH INSURANCE**

A motion was made by Robby Robbins, seconded by Bob Adkins, to approve the resolution of support for House Resolution 934 and Senate Bill 27 to help coal miners keep their health insurance. The motion was unanimously approved.

**RESOLUTION # 2019**

(Said resolution is on file in the County Administrator's Office)

**IN RE: RESOLUTION – ELK MANAGEMENT ZONE**

A motion was made by Robby Robbins, seconded by John Schoolcraft, to approve the resolution asking the State Legislature to take Wise County out of the Elk Management Zone.

Aye- Fred Luntsford  
Bobby Cassell  
Steve Bates  
John Schoolcraft  
Bob Adkins  
Dana Kilgore  
Robby Robbins

Abstain: J. H. Rivers

Motion Carried.

**RESOLUTION # 2019**

(Said resolution is on file in the County Administrator's Office)

**IN RE: BUDGET AMENDMENTS**

A motion was made by Fred Luntsford, seconded by Robby Robbins, to approve budget amendments as follows:

#11...Sheriff's Grant-Bryne/JAG gang & drug crime reduction ..... \$109,365.00  
#12...Sheriff's Grant-Tactical Team Equipment purchases..... \$40,211.00  
#13...Sheriff's Grant-Rescue Task Force – active shooter event.... \$24,500.00  
#14...Sheriff's Grant-Ballistic Regional Response vehicle.....\$148,000.00  
#15...Sheriff's Special Drug Confidential Fund Transfer .....\$1,500.00  
#16....Lonesome Pine Office on Youth – Court Appointed Special Advocate Grant....\$75,000.00

The motion was unanimously approved.

**IN RE: APPOINTMENT – STANDARD COMMITTEE (911)**

Robby Robbins nominated Robert R. Adkins, Jessica Swinney, Billie Laney, and Nancy Mullins for re-appointment to the Standards Committee for a term of two (2) years. J. H Rivers made a motion that nominations cease and the slate of officers be elected by acclamation. John Schoolcraft seconded the motion. The motion was unanimously approved.

**IN RE: CLOSE SESSION**

A motion was made by Robby Robbins, seconded by Bob Adkins, to go into close session as permitted by the Code of Virginia per the following Code Sections

Section 2.2-3711(A)(6) Investing of public funds  
(A)(7) Consultation with legal counsel  
(A)(1) Personnel

The motion was unanimously approved.

James Lawson was invited into close session.

After close session, a motion was made by Fred Luntsford, seconded by Robby Robbins, to reconvene the regular meeting. The motion was unanimously approved.

IN RE: RESOLUTION CERTIFICATION FOR CLOSE MEETING

A motion was made by Fred Luntsford, seconded by J. H. Rivers, to approve the resolution certifying that only public business matters lawfully exempted from open meeting requirements as were identified in the motion convening close session were heard or discussed by the Board of Supervisors. The motion was unanimously approved by roll call vote.

**RESOLUTION #           -2019**

(Said resolution is on file in the County Administrator's Office)

IN RE: AGENDA ADDITION

A motion was made by Robby Robbins, seconded by John Schoolcraft, to amend the agenda by adding a request for refunds as submitted by the Commissioner of Revenue. The motion was unanimously approved.

IN RE: REFUND REQUESTS

A motion was made by Robby Robbins, seconded by Bob Adkins, to authorize the County Administrator to issue tax overpayments as requested by the Commissioner of Revenue. The motion was unanimously approved.

IN RE: SALE OF PROPERTY

A public hearing was held on October 10, 2019 to receive citizens' comments regarding the sale of property located at 208 Spring Street in Wise. There were no public comments for or against the sale of the property.

A motion was made by Robby Robbins, seconded by J. H. Rivers, to table, indefinitely, the sale of property located at 208 Spring Street in Wise. The motion was unanimously approved.

BOARD COMMENTS

Board members wished everyone a happy and safe Thanksgiving with friends and family.

Supervisor Rivers voiced his concern that the poll workers for the election did not get a raise this year. He noted that it is difficult to get people to work the polls for such a small pay, and long hours. He asked that the Board take that into consideration.

Also, he voiced his support for the 2nd Amendment sanctuary, and would like for the Board to consider adopting a resolution of support.

ADJOURN



There being no further business to come before the Board, a motion was made by Robby Robbins, seconded by J. H. Rivers, to adjourn the meeting at 9:00 p.m. The motion was unanimously approved.

ATTEST:  
SUPERVISORS

WISE COUNTY BOARD OF

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Michael W. Hatfield, Clerk

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Dana G. Kilgore, Chairman