

## Board of Supervisors - February 13, 2020 Regular Meeting

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The Wise County Board of Supervisors met in a Regular Meeting on Thursday, February 13, 2020 @ 6:00 p.m. in the School Board Education Center located at 628 Lake Street in Wise. The following members were present:

Honorable John T. Schoolcraft – Chairman	<u>ABSENT</u>
Honorable Steve Bates – Vice-Chairman	Honorable James Lawson
Honorable Fred Luntsford	
Honorable Bobby Cassell	
Honorable Robert R. Adkins	
Honorable Robert E. Robbins, Jr.	
Honorable J. H. Rivers – 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 Steve Bates, to approve the minutes of January 9, 2020, Organizational Meeting, and January 9, 2020 Regular Meeting as presented. The motion was unanimously approved.

### AGENDA

A motion was made by Robby Robbins, seconded by Fred Luntsford, to approve the agenda as presented to include items in red. The motion was unanimously approved.

### IN RE: PUBLIC HEARING -INTER MTN CABLE FRANCHISE ORDINANCE AGREEMENT

A public hearing has been duly advertised for this date to receive citizens input regarding the renewal of Inter Mountain Cable Franchise Ordinance Agreement. There were no public comments regarding the proposed Cable Franchise Agreement.

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

### IN RE: APPALACHIA FIRE DEPARTMENT PRESENTATION

Travis Anderson, representing the Appalachia Fire Department, provided a power point presentation showing the Appalachia Aerial Apparatus Fire Truck and the need for replacement due to age and high maintenance. At this point, Appalachia is the only County department that has a unit such as this. He further provided information on a new Aerial Apparatus Fire Truck noting that it would be housed and maintained at the Appalachia Fire Department but used all over the County. The department will seek grant funds to purchase the fire truck with a request to the County for 5%. An agreement or an MOU would need to be on file with the understanding that if the Appalachia Fire Department for some reason is shut down, this unit would become the property of the County.

### PUBLIC EXPRESSION

Bill Harris, representing the Library Gallery, stated that he has provided the County with a request from

the Library Gallery asking for \$1,900.00 in the upcoming County Budget. He asked that the Board consider adding this request to its budget cycle.

David Gibbs, Joe Kincade, Jeff Sams and Jerri Allen voiced their support for a tax-exempt status for the Free Will Baptist Family Ministries in Wise County.

Rusty Peters, Ralph Gilley, George Bolling, Gary Taylor, Charlotte McConnell, and Harold Green voiced their support for the Board to adopt a resolution supporting the unorganized Militia within the County of Wise pursuant to the second amendment to the United states constitution and Article 1, Section 13 of the constitution of the Commonwealth of Virginia.

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

IN RE: CONSENT AGENDA

A motion was made by Fred Luntsford, seconded by Bob Adkins, to approve the consent agenda as follows:

IN RE: RESOLUTION BANNER SEWER PROJECT

Approved the resolution for compliance for the Banner Sewer Project as set forth by the Virginia Department of Housing and Community Development

**RESOLUTION # 4 – 2020**

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

IN RE: RESOLUTION – STATE OF LOCAL EMERGENCY

Adopted the resolution ratifying the Declaration of State of Local Emergency for Wise County on February 6, 2020.

**RESOLUTION # 5 – 2020**

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

The motion to approve the consent agenda was unanimously approved.

IN RE: ORDINANCE TAX EXEMPT FOR FREE WILL BAPTIST FAMILY MINISTRIES

A motion was made by Robby Robbins, seconded by Steve Bates, to approve the Tax-Exempt Ordinance for the Free Will Baptist Family Ministries, Inc., and direct the County Administrator and County Attorney to coordinate with the Commissioner of Revenue the appropriate judicial process to address assessment exemption issue for tax years 2016-2019. The motion was unanimously approved.

**ORDINANCE # 1 – 2020**

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

IN RE: ORDINANCE -CABLE FRANCHISE AGREEMENT – INTER MOUNTAIN CABLE

A public hearing was held on 2-13-2020 to receive citizens' comments regarding the proposed renewal of Inter Mountain Cable Franchise Ordinance. There were no public comments regarding the proposed franchise ordinance.

A motion was made by J. H. Rivers, seconded by Robby Robbins, to approve the renewal of Inter Mountain Cable Franchise Ordinance Agreement with Wise County. The motion was unanimously approved.

### **ORDINANCE # 2 – 2020**

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

#### **IN RE: COUNTY AUDIT**

Administrator Hatfield stated that an RFP has gone out to secure procurement for the County's audit services. Two (2) proposals have been received. The administrative staff is in the process of reviewing the proposals, and a recommendation will be brought before the Board at its March meeting for award of contract.

#### **IN RE: RESOLUTION – DESIGNATING FUNDING FOR CAPITAL CONSTRUCTION PROJECTS**

The resolution designating funding for capital construction projects was discussed with several members objecting to placing the unexpended funds of the School 's capital outlay in the General Fund for future county capital needs. One concern mentioned, was that these school funds could be used for other county projects and not for school projects.

Administrator Hatfield explained that any unspent funds at the end of the fiscal year must go back to the governing body, which is required by law. In the past, there has been times that the Board has allowed the schools to keep the unspent funds instead of returning it to the County. However, the Board can appropriate the funds as they wish, once the funds have been returned to the county.

Supervisor Bates stated that the schools have a lot of capital needs such as roof replacements, and other projects that have been scheduled for Spring, and the County has the responsibility to make sure the money is available for these needs. If these funds are placed in a fund for future capital needs, the funds could be spent anywhere.

Supervisor Rivers suggested putting the money into the school system's capital outlay instead of giving it back to the county.

Administrator Hatfield stated that the Board could appropriate the money back to the schools at this meeting, if that be the Board's choice, but as of July 1, 2019, the unspent money went back to the County.

Supervisor Rivers made a motion to appropriate the unspent school funds back to the schools.

Administrator Hatfield explained that the unspent school funds must first be returned to the County coffers before they can be appropriated to the schools.

Supervisor Rivers withdrew his motion.

A motion was made by J. H. Rivers, seconded by Fred Luntsford, to adopt the resolution designating funding for Capital Construction Projects. The motion was unanimously approved.

### **RESOLUTION # 6 – 2020**

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

#### **IN RE: AGENDA AMENDMENT**

A motion was made by J. H. Rivers, seconded by Fred Luntsford, to amend the agenda by adding

transfer of funds from the County's Capital Construction Projects to the School Capital Outlay. The motion was unanimously approved.

IN RE: TRANSFER OF SCHOOL'S UNSPENT CAPITAL OUTLAY FUNDS

A motion was made by J. H. Rivers, seconded by Fred Luntsford, to transfer \$1,091,383.86 from the County's Capital Construction Projects to the School Capital Outlay. The motion was unanimously approved.

IN RE: RESOLUTION OPPOSING HB 1526 AND SB 851

A motion was made by Bob Adkins, seconded by J. H. Rivers, to adopt the resolution opposing HB 1526 and SB 851 Virginia Clean Economy Act, which would require closure of the Virginia City Hybrid Center by 2030 to comply with legislation mandates and further would affirmatively eliminate all utility pollution by 2050. The motion was unanimously approved.

**RESOLUTION #7 – 2020**

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

IN RE: BUDGET COMMITTEE

Chairman Schoolcraft appointed Bobby Cassell and J. H. Rivers to serve on the Budget Committee.

IN RE: APPALACHIA FIRE DEPARTMENT GRANT APPLICATION

A motion was made by Fred Luntsford, seconded by Robby Robbins, to approve the Grant Application request of Appalachia Fire Department subject to review and approval of the County Administrator and County Attorney, and an agreement that if AFD were to disband or dissolve that the asset obtained by this grant would be requested through FEMS to become property of Wise County. The motion was unanimously approved.

IN RE: BUDGET AMENDMENTS

A motion was made by Fred Luntsford, seconded by Robby Robbins, to approve budget amendments #23 thru #28 as presented. The motion was unanimously approved.

IN RE: APPOINTMENT – COAL & GAS ROAD IMPROVEMENT ADVISORY COMMITTEE

J. H. Rivers recommended Jerry Hamilton for re-appointment to the Coal & Gas Road Improvement Advisory Committee.

Fred Luntsford made a motion that nominations cease. Robby Robbins seconded the motion. The motion to recommend Jerry Hamilton for re-appointment was unanimously approved.

IN RE: APPOINTMENT – LONESOME PINE YOUTH SERVICES BOARD

A motion was made by Robby Robbins, seconded by J. H. Rivers, to table the appointment to the Lonesome Pine Youth Services Board until the March meeting. The motion was unanimously approved.

IN RE: APPOINTMENT – PLANNING COMMISSION

A motion was made by Robby Robbins, seconded by J. H. Rivers, to table the appointment for Richard Houchins on the Planning Commission until the March meeting. The motion was unanimously approved.

A motion was made by Steve Bates, seconded by Bob Adkins, to table the appointment for Roger Mullins on the Planning Commission until the March meeting. The motion was unanimously approved.

IN RE: APPOINTMENT – SOUTHWEST VIRGINIA EMERGENCY MEDICAL SERVICES COUNCIL

Robby Robbins nominated Dr. Sue Cantrell for re-appointment to the Southwest Virginia Emergency Medical Services Council. J. H. Rivers made a motion that nominations cease, and Dr. Sue Cantrell be

re-appointed by acclamation. Bobby Cassell seconded the motion. The motion was unanimously approved.

IN RE: CLOSE SESSION

A motion was made by Bob Adkins, seconded by Robby Robbins, 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.

After close session, a motion was made by Robby Robbins, seconded by Bob Adkins, 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 Robby Robbins, to approve the resolution certifying that only public business matters lawfully exempted from open meeting requirements as were identified in the motion convening the close meeting were heard or discussed by the Board of Supervisors. The motion was unanimously approved by roll call vote.

**RESOLUTION #8 – 2020**

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

BOARD COMMENTS

There were few comments from Board members.

Supervisor Rivers asked that a resolution supporting the unorganized militia be placed on the March agenda for discussion.

ADJOURN

There being no further business to come before the Board, a motion was made by Fred Luntsford, seconded by J. H. Rivers, to adjourn the meeting at 8:30 p.m. The motion was unanimously approved.

ATTEST:

WISE COUNTY BOARD OF SUPERVISORS

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Michael W. Hatfield, Clerk

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John T. Schoolcraft, Chairman