

## **Board of Supervisors - March 9, 2000 Regular Meeting**

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The Wise County Board of Supervisors met in regular session on Thursday, March 9, 2000, at 6:00 p.m. in the Board of Supervisors meeting room located in the Wise County courthouse. The following were present:

Honorable Robert Adkins-Chairman

Honorable Virginia Meador

Honorable Betty Cornett

Honorable Edgar Mullins

Honorable Douglas Mullins

Honorable Douglas Stallard

Honorable Donnie Dowell

Honorable Jeffrey Salyers-members of said Board and

Shannon C. Scott-Acting County Administrator

Karen Mullins-County Attorney

Annette Underwood-Executive Secretary

### PRAYER

Joe Smiddy, Lay Speaker Wise Baptist Church led the Board in prayer.

### PLEDGE OF ALLEGIANCE TO THE FLAG

### MINUTES

Virginia Meador brought to the Board's attention two corrections that needed to be made in the minutes.

After discussing the corrections, a motion was made by Doug Stallard, seconded by Jeff Salyers, to approve the minutes as amended. The motion was unanimously approved.

IN RE: APPROVAL OF AGENDA

Administrator Scott asked for permission to add the following items to the agenda:

1. Authorize the County Administrator to go out for bids on a retainer wall at the Toms Creek Convenience Center.
2. Two payments be added to the payment of accounts.

IN RE: PUBLIC EXPRESSION

There was no one to speak during public expression.

IN RE: GRAVEL PAYMENTS

A motion was made by Donnie Dowell, seconded by Jeff Salyers, to approve the gravel payment in the amount of \$2,841.36 for gravel placed on roads throughout Wise County to be paid from the Coal & Gas Road Improvement Fund. The motion was unanimously approved.

IN RE: REVENUE SHARING PROGRAM

A motion was made by Donnie Dowell, seconded by Virginia Meador, to participate in the Revenue Sharing Program for Fiscal Year 2000-01 in the amount of \$500,000. The motion was unanimously approved.

IN RE: HUNTER ROAD CONSTRUCTION PROJECT

A motion was made by Edgar Mullins, seconded by Doug Mullins, to approve the payment to Bell Atlantic in the amount of \$4,602.00 for removal and relocation of three utility poles located on Hunter Road in Esserville that fall within the construction project. The motion was unanimously approved.

IN RE: VDOT R-O-W PURCHASE AT CARFAX

Mr. Branham stated that VDOT is in need of some County R-O-W in the Carfax community for the purpose of replacing two bridges that is too small for trucks to go through. He asked for direction from the Board.

A motion was made by Doug Stallard, seconded by Jeff Salyers, to approve the sale of the County R-O-W in the Carfax Community as referred to by Mr. Branham. The motion was unanimously approved.

IN RE: VDOT REMARKS

Mr. Branham reminded the Board of upcoming meetings and ongoing construction throughout Wise County.

IN RE: E-911 ROAD NAME ADDITION

A public hearing was held on March 2, 2000 to receive citizens' input regarding the new E-911 road name (Brookside Drive)( previously unnamed) located in the Crab Orchard section of Coeburn off River Lane Road. There was no opposition to the proposed road name.

A motion was made by Donnie Dowell, seconded by Jeff Salyers, to approve the new E-911 road name (Brookside Drive) as presented. The motion was unanimously approved.

IN RE: BLACKWOOD LANDFILL/INDUSTRIAL PARK BOUNDARY SURVEY

Administrator Scott explained that Bill King noted at the Workshop meeting the request from Superintendent of Public Works Jackie Darter to have the property owned by the County at the Blackwood Landfill surveyed. The purpose of this survey is to set the county's boundary lines which will allow Mr. Darter to remain within the County property lines when making a borrow pit for landfill cover material. Mr. King proposed that T&L would secure the services of an aerial survey firm with no added cost to the County. The cost for the survey would be approximately \$5,700.00 which includes ground control with stakes showing the property line. Mr. Scott asked the Board to authorize him to communicate with T&L and execute the contract for said survey.

Donnie Dowell questioned the possibility of these aerial photos being on file from another project. He mentioned the aerial photos that had been done for the GIS program.

Mr. Scott advised that those specific photos do not give the necessary ground control that is needed.

After further discussion, and with time being of the essence, a motion was made by Virginia Meador to approve the Blackwood Industrial Park survey provided the requested survey has not already been done and to further insure that there is no duplication of the proposed survey.

Jeff Salyers seconded the motion. The motion was unanimously approved.

IN RE: WORKFORCE INVESTMENT ACT/CHIEF LOCAL ELECTED OFFICIALS AGREEMENT

A motion was made by Donnie Dowell, seconded by Doug Mullins, to adopt the Chief Local Elected Officials Agreement as presented. The motion was unanimously approved.

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

#### IN RE: CSA ADDITIONAL FUNDING

A motion was made by Doug Stallard to approve additional funding for the CSA up to \$50,000 with the stipulation that if the funding from Medicaid becomes available these funds will be returned to the County's general fund. Jeff Salyers seconded the motion. The motion was unanimously approved.

#### IN RE: ROUNDTABLE APPOINTMENT

Neal Kilgore, Water Shed Manager for Upper Tennessee & Big Sandy Rivers, came before the Board at its Workshop with an update on the Upper Tennessee River Roundtable structure, and the issues to be discussed at the meeting to be held in Abingdon. He asked the Board to consider an appointment to the Executive Board of the Roundtable to represent Wise County.

The names of John Pierce (Petie) Nelson and Bonnie Aker were mentioned as possible candidates for appointment to this Board.

After further discussion on the possibility of having other nominations for this position, a motion was made by Doug Mullins, seconded by Donnie Dowell, to table this appointment until next month. The motion was unanimously approved.

#### IN RE: HOPE HOUSE GRANT FUNDING

Janice Funk, representing Hope House, spoke at the Workshop meeting asking for the Board's support in getting grant funding for Hope House. The purpose of this grant is to enhance the safety of women and children by supporting projects designed to address and prevent domestic violence and child victimization.

A motion was made by Donnie Dowell to authorize the County Attorney and County Administrator to execute the grant application for Hope House as presented. The motion was unanimously approved.

#### IN RE: RESOLUTION VRA BOND FINANCING/BLACKWOOD LANDFILL EXPANSION

A resolution has been presented to the Board for approval regarding the issuance, sale and award of its solid waste management system revenue bond, series 2000.

The adoption of the resolution will also approve the Form of Bond and Financing Agreement for the Blackwood Landfill expansion.

Administrator Scott explained the mechanics of the bond financing noting that the first payment is due September of 2000.

Doug Mullins, with the assumption that all paper work for the VRA bond issue is in order and has been approved by the attorney, made a motion to approve the resolution for the VRA bond financing for the Blackwood Landfill expansion. Virginia Meador seconded the motion.

Betty Cornett voiced her concerns regarding some of the language in the bond packet.

Attorney Mullins advised that there would be no problem in speaking with the bond counsel regarding this wording. She proceeded to explain the language of the agreement that was of concern by Ms. Cornett which can be verified by the bond counsel.

Ms. Cornett spoke briefly on the landfill use fee collection which according to the percentages that she had been given by the Treasurer, does not seem to be producing the amount of revenue needed to make the payment due on the landfill expansion loan. She stated that there needs to be another method of collecting revenue for the landfill expansion that would be sufficient to meet this payment.

Edgar Mullins voiced his disappointment with the convenience centers in that the centers have not stopped litter from being thrown along side the roads. He noted several areas where garbage has been piled up and has become an eye sore. To him, it did not seem as though the convenience centers were working.

Doug Mullins voiced his concern that some Board members were sending the wrong signal out to the public about the landfill use fee. The ordinance has been adopted to collect the fee and even though some have not paid, they should be encouraged to pay and not given ammunition to not pay. To "change horses in the middle of the stream" at this point in time for the collection of this fee would not be in the best interest of the County. He stated that instead of criticizing the litter efforts that are being made by some, the county should hire another litter warden to enforce the litter ordinance which would control the littering.

Donnie Dowell noted that the problem with the landfill use fee is the method of collecting the fee and not the method of billing.

Jeff Salyers stated that in his opinion the landfill use fee is unfair and another method should be devised to produce a revenue stream for payment of the landfill expansion.

Administrator Scott explained that the collecting process is in its first year and will have many flaws that must be corrected. There will be a second billing going out the middle of April which will reach many of the people who did not received a bill, and those that were in the first billing, who have chosen not to pay, will be taken to court. In the meantime, Mr. Scott encouraged the citizens to pay their landfill fee.

Doug Stallard and Virginia Meador voiced their concern that the Board needs to support those citizens who have paid the fee and support the method of collection that has been chosen by the Board until a better method has been established.

Chairman Adkins stated that this Board is being unfair to the citizens that have paid this fee if the ordinance is not enforced to ensure that every citizen pays. He encouraged the Board's support in accomplishing this goal.

After further discussion, Chairman Adkins asked for a vote on the motion to approve the resolution on the VRA bond financing for the Blackwood Landfill expansion subject to clarification of the wording of the agreement being confirmed by the bond counsel as questioned by Ms. Cornett. The motion was unanimously approved

RESOLUTION # 2000

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

IN RE: RIVER GORGE SUBDIVISION/WISE COUNTY SEWER TREATMENT ALLOCATION

Freddie Dean and Bill Skeens approached the Board requesting approval from the Board for a portion of Wise County's sewer allocation from CNW Wastewater Treatment in the amount of 22,500 gallons per day for the River Gorge Subdivision recently purchased by River Gorge LLC. Mr. Dean reiterated that the pump station and lines would be installed at the expense of River Gorge LLC with health department approval of all plans and specifications. Upon completion of the system, the ownership and R-O-W would be turned over to PSA and maintained by PSA. A handout was presented showing a sketch of the proposed subdivision. Mr. Dean noted that forty lots will be completed by the end of this summer and the other twenty will be completed upon the need or demand. Four homes are already built and are on septic tanks.

Doug Stallard asked whether or not the homes would be required to hook on to the sewer system.

Mr. Dean said that before he could require this hook up by the home owners, the county would need an ordinance in place requiring mandated connections to the sewer/water if available.

After further discussion, Edgar Mullins made a motion that the Board grant the request from River Gorge LLC for the use of 22,500 gallons per day of Wise County's sewer allocation from CNW Wastewater Authority for the River Gorge Subdivision and further that 50% of the subdivision be completed within twelve months and 100% complete within twenty-four months, if not completed, the remaining sewer allocation will be transferred back to the county. Doug Stallard seconded the motion. The motion was unanimously approved.

IN RE: SCHOOL BOARD PROPERTY TRANSFER

The Wise County School Board at its meeting held on February 8, 2000, adopted a resolution for the purpose of transferring properties known as the Sandy Ridge Fairview Community Center and the Flat Gap School, which have been declared as surplus property, be transferred to Wise County.

Nancy Hamm, a resident of the Sandy Ridge Community, asked the Board to allow the community to keep the Sandy Ridge school (Fairview Community Center) as a community center for that area. The citizens have formed a corporation and have taken care of the building for five years with funds being donated by the Recreational Authority and the Board of Supervisors for repairs and other needed items. There is a charge for the use of the building for community functions which pays the electric bill and water bill.

Donnie Dowell made a motion that the county accept the transfer of properties from the Wise County School Board known as the Sandy Ridge Fairview Community Center and the Flat Gap School (Flat Gap Community Center) and both schools remain as community centers. Doug Mullins seconded the motion. The motion was unanimously approved.

IN RE: WISE COUNTY SCHOOL BOARD/SALE OF SURPLUS PROPERTY

A motion was made by Doug Stallard, seconded by Virginia Meador, to table the request from the Wise County School Board to sell its surplus property known as the St. Paul Economics Property. The motion was unanimously approved.

IN RE: RESOLUTION-ISSUANCE OF INDUSTRIAL BONDS/MEOC

A motion was made by Virginia Meador to approve the resolution allowing the issuance of industrial bonds by the Wise County IDA for an amount not to exceed \$560,000 to assist in financing the expansion of the MEOC facility located in Big Stone Gap. Betty Cornett seconded the motion. The motion was unanimously approved.

RESOLUTION #      2000

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

IN RE: PSA AUDIT COMPONENT

There had been some questions at the Workshop meeting as to the reason for combining the PSA audit with the County and the difference between the PSA and the IDA.

Administrator Scott advised that it had been recommended by the County's present auditing firm to make the PSA an audit component. Also, the auditing firm of Robinson, Farmer, & Cox had stated during their review of the proposed RFP for the upcoming audit that the counties that they have audited always include the water or sewer authority as a component unit.

He explained that the difference between the IDA and the PSA is that with the PSA the County is co-mingled in sharing different insurance policies and has a staff of several employees. The IDA has no employees and only shares the public liability insurance with the county.

After further discussion, Betty Cornett made a motion that the PSA not be an audit component with the county audit.

The motion died due to lack of a second.

A motion was made by Doug Stallard that the PSA be made a component part of the county's audit. Jeff Salyers seconded the motion.

Edgar Mullins questioned whether or not the county would pay for the complete audit.

Administrator Scott recommended that the two entities pay for its individual audit.

Mr. Stallard said he would amend his motion to include that both entities, the County and the PSA, pay for its own audit. Jeff Salyers seconded the motion.

Aye-Virginia Meador    Nay-None    Abstain - Edgar Mullins

Bob Adkins

Doug Mullins

Jeff Salyers

Donnie Dowell

Doug Stallard

Betty Cornett

The motion carried.

IN RE: LANDFILL/ENGINE FOR TRACTOR

A motion was made by Donnie Dowell, seconded by Jeff Salyers, to purchase an engine for the tractor at the landfill as recommended by the landfill superintendent. The motion was unanimously approved.

IN RE: DISCRETIONARY FUNDS

A motion was made by Doug Stallard, seconded by Virginia Meador, to approve the disbursement of discretionary funds. The motion was unanimously approved.

IN RE: APPOINTMENT/ RADA BOARD

A motion was made by Doug Stallard, seconded by Jeff Salyers, to appoint Edgar Mullins to the RADA Board. The motion was unanimously approved.

A motion was made by Doug Stallard, seconded by Doug Mullins, to reappoint Sister Beth Jaspers to the RADA Board. The motion was unanimously approved.

IN RE: APPOINTMENT/ BUILDING CODE AND APPEALS BOARD

A motion was made by Doug Stallard, seconded by Jeff Salyers, to reappoint Bill Wampler to the Building Code and Appeals Board. The motion was unanimously approved.

A motion was made by Betty Cornett, seconded by Virginia Meador, to reappoint Dan McCoy to the Building Code and Appeals Board. The motion was unanimously approved.

IN RE: APPOINTMENT/ HIGHWAY SAFETY COMMISSION

A motion was made by Doug Stallard, seconded by Doug Mullins, to table the two appointments to the Highway Safety Commission. The motion was unanimously approved.

IN RE: APPOINTMENT / IDA BOARD

A motion was made by Donnie Dowell, seconded by Jeff Salyers, to reappoint Emmet Low, Jr. to the IDA. The motion was unanimously approved.

IN RE: APPOINTMENT / SOCIAL SERVICES BOARD

A motion was made by Edgar Mullins, seconded by Doug Mullins, to reappoint Elizabeth Stuart to the Social Services Board. The motion was unanimously approved.

IN RE: APPOINTMENT / LENOWISCO BOARD OF DIRECTORS

Chairman Adkins noted that he had recently resigned from the LENOWISCO Board of Directors. Since Doug Stallard had stated an interest in that Board, Chairman Adkins made a motion to appoint Doug Stallard to the LENOWISCO Board of Directors. Jeff Salyers seconded the motion. The motion was unanimously approved.

IN RE: APPOINTMENT / LENOWISCO DISABILITY SERVICES BOARD

There were no suggested appointment for the LENOWISCO Disability Services Board.

Doug Stallard recommended that the County Administrator check with VACo and obtain a form that is being used to solicit applications from citizens that may be available and willing to serve on the county's boards and authorities.

Virginia Meador noted that the Chamber of Commerce would possibly have a list from those who have taken the Forward Wise County Class.

IN RE: LANDFILL USE FEE FOR BUSINESS/COMMUNICATION WITH TOWNS

Administrator Scott explained that in the event the landfill use fee ordinance regarding the charges to businesses is amended, he asked for permission to communicate with all the towns to determine a measurable unit for charging the businesses that could possibly change the existing fee. This would give a more accurate figure for which the businesses are being charged.

After discussion, a motion was made by Doug Stallard, seconded by Jeff Salyers, to authorize the County Administrator to communicate with the towns regarding garbage pick up for the business located within the towns. The motion was unanimously approved.

IN RE: LANDFILL USE FEE REFUNDS

A motion was made by Donnie Dowell, seconded by Doug Mullins, to approve the landfill use fee refunds as requested. The motion was unanimously approved.

#### IN RE: FOSTER HOME RECRUITMENT/ TITLE 4-E GRANT FUNDS

Donnie Dowell made a motion that \$6,000 be allocated from next year's budget for the matching grant portion for the Title 4-E grant funds for the Foster Home Recruitment Program. Jeff Salyers seconded the motion.

Virginia Meador asked whether or not this motion should be the "intent" of the Board to fund the \$6,000 rather than making an allocation for next year budget.

After discussion, Mr. Dowell withdrew his motion

Mr. Salyers withdrew his second.

Donnie Dowell made a motion that the Board give its intent of allocating \$6,000 out of next year's budget (FY 2000/01) for the matching funds for the Title 4-E grant for the Foster Home Recruitment Program. Jeff Salyers seconded the motion. The motion was unanimously approved.

#### IN RE: ANIMAL CONTROL VEHICLE

A motion was made by Doug Mullins, seconded by Donnie Dowell, to authorize the purchase of a vehicle for the animal control department for an amount not to exceed \$8,000. The motion was unanimously approved.

#### IN RE: SMOKING ORDINANCE

Chairman Adkins stated that the county has evidently been in violation of the Clean Air Act that was adopted several years ago. Verbal complaints as well as written complaints have been received from citizens concerning smoking in the courthouse which, by law, should be a smoke free building.

Attorney Mullins stated that she had spoken with VACo Attorney Flippo Hicks earlier today concerning the Board's authority to regulate smoking in the courthouse. Mr. Hicks stated that it is within the Board's authority to make a determination concerning smoking in the courthouse other than the areas that are controlled by the chief judges. The present ordinance designates two smoking areas; one room on third floor and the employee lounge except between the hours of 11:00 AM and 1:00 PM. If there is to be an amendment to this ordinance, a public hearing will need to be held to receive citizens input regarding any changes. The portion of the existing ordinance which speaks of "private" offices has been interpreted in past to be acceptable for smoking. However, according to State Statute that cannot be, since the courthouse is a public building and is entered by the general public on a daily basis.

Doug Mullins stated that in his opinion the Smoking Ordinance now on the books should be sufficient to control the smoking. He recommended that the County Administrator have the ordinance enforced.

There was some discussion on the existing smoking rooms.

Ms. Meador brought to the Board's attention that several years ago a change was made in the ordinance regarding the elimination of one of the designated smoking rooms located on the third floor. Since that amendment was not included in the packet, she was uncertain as to the extent of that amendment. The way she interprets the ordinance in its present form, it does not comply with the Clean Air Act.

Attorney Mullins explained that the present ordinance is in compliance with the Clean Air Act but she needed to check the minutes to ascertain what action was taken when one of the smoking rooms on third floor was eliminated.

Administrator Scott recommended that the Board direct the County Attorney to draft an amendment to the smoking ordinance to incorporate suggested changes from the Board and to be in to compliance with the Virginia Clean Air Act and place it on next month's agenda.

After further discussion, a motion was made by Doug Stallard, seconded by Donnie Dowell to table any amendment to the smoking ordinance until next month at which time the County Attorney will draft a proposed amendment for Board review. The motion was unanimously approved.

Administrator Scott asked for clarification as to his position on controlling the smoking within the courthouse at the present time.

Attorney Mullins explained that at the present time the only places designated by the present smoking ordinance for smoking is in the employee lounge and one room on third floor. However, the Board has the authority to make the courthouse a smoke free building if they so choose with the exception of the judges chambers.

It was the consensus of the Board that the present ordinance be enforced.

#### IN RE: RFP REVIEW BY COMMITTEE

A motion was made by Doug Stallard, seconded by Doug Mullins, to authorize the Audit Committee to review the RFP's. The motion was unanimously approved.

#### IN RE: AUDIT CONTRACT

A motion was made by Doug Stallard, seconded by Betty Cornett, to authorize the Chairman to sign the Audit Contract. The motion was unanimously approved.

#### IN RE: TAX RATE FOR FY 2000/2001

A motion was made by Doug Stallard, seconded by Betty Cornett, to set the same tax rate as last year ( 52 cent per \$100). Betty Cornett seconded the motion.

Administrator Scott asked the Board to recess the meeting until March 23 at 8:00 p.m. for the purpose of allowing him to present the Board with several issues that are potential withdrawal from the county's

reserve. With the adoption of the resolution in support of the school construction projects, that automatically meant a seven cent tax increase unless the reserve could support the needed funding. The School Board is going to reduce their debt service request by \$400,000. This means that the School Board Budget, even at level funding, will increase a minimum of \$300,000. Other items of concern is industrial recruitment, increase in health insurance, state mandated items, and other requests that will be coming before the Board that will require additional funding from the general fund to meet those needs. With these anticipated needs, Mr. Scott recommended that the tax rate be increased by three cents or five cents.

Mr. Scott said he would be hopeful that the general fund reserve would be sufficient for the necessary appropriations to handle any additional growth to the county budget.

Virginia Meador said it was her understanding that the tax rate would not be increased this year.

Donnie Dowell discussed briefly the lottery funds and its availability after this year to help off set the school construction costs.

Chairman Adkins reminded the Board that there would be additional needs through the year and the fact that there may not be fund available to meet those needs must be taken into consideration by the Board.

Mr. Dowell commented that the only way these needs can be met is to increase revenue or decrease expenditures. At this time, by not knowing nor having the facts about the budget needs, it is impossible to make a decision on the tax rate.

Mr. Scott said that's the purpose for his asking the Board to recess this meeting before making a decision on the tax rate. A few extra days would give each member an opportunity to review the different budget requests and to digest other possible issues that may be forthcoming.

Chairman Adkins asked for a vote on the motion to set the tax rate the same as last year.

Aye- Virginia Meador

Nay-Donnie Dowell

Betty Cornett

Doug Mullins

Jeff Salyers

Bob Adkins

Edgar Mullins

Doug Stallard

The motion carried.

#### IN RE: PAYMENT OF ACCOUNTS

A motion was made by Jeff Salyers, seconded by Donnie Dowell, to approve the payment of accounts to include those added by the County Administrator.

Aye-Virginia Meador

Nay-Doug Stallard

Betty Cornett

Doug Mullins

Edgar Mullins

Bob Adkins

Donnie Dowell

Jeff Salyers

Administrator Scott reminded the Board that at the beginning of the meeting he had asked that the following two bills be added to the payment of accounts:

(2) Monthly payments to Stronco in the amount of \$2,940.00 each.

A motion was made by Doug Mullins, seconded by Betty Cornett, to approve the payments to Stronco as presented.

Aye-Virginia Meador

Nay-Doug Stallard

Betty Cornett

Doug Mullins

Edgar Mullins

Bob Adkins

Donnie Dowell

Jeff Salyers

#### IN RE: E-911 PAYMENTS

A motion was made by Edgar Mullins, seconded by Betty Cornett, to approve the E-911 payments as presented. The motion was unanimously approved.

#### IN RE: BLACKWOOD ENTERPRISE FUND PAYMENTS

A motion was made by Doug Mullins, seconded by Virginia Meador, to approve the Blackwood Enterprise Fund payments as presented. The motion was unanimously approved.

IN RE: JUDICIAL SALE/ ATTORNEY FEE

A motion was made by Virginia Meador, seconded by Jeff Salyers, to approve the attorney fees for Leonard Rodgers and Daniel Fast regarding the Judicial Sale as presented by the Treasurer. The motion was unanimously approved.

IN RE: PANEL OF PHYSICIANS

Mr. Scott presented the Board with a list of a Panel of Physicians as proposed by the Virginia Municipal League for approval by the Board.

A motion was made by Doug Stallard to approve the Panel of Physicians as presented. Jeff Salyers seconded the motion. The motion was unanimously approved.

IN RE: BIDS/ FOR CONVENIENCE CENTER WALL

A motion was made by Doug Stallard, seconded by Jeff Salyers, to authorize the County Administrator to go out for bids on building the wall at the Toms Creek Convenience Center. The motion was unanimously approved.

ADJOURN

There being no further business, a motion was made by Doug Stallard, seconded by Jeff Salyers, to adjourn the meeting. The motion was unanimously approved.