

Board of Supervisors - April 6, 2000 Workshop Meeting

The Wise County Board of Supervisors met in a Workshop meeting on Thursday, April 6, 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 Doug Mullins

Honorable Edgar Mullins

Honorable Betty Cornett

Honorable Doug 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

Rev. Darrell Bolling, Pastor Guest River Pentecostal Church, led the Board in prayer.

PLEDGE OF ALLEGIANCE TO THE FLAG

IN RE: APPROVAL OF AGENDA

The following items were added to next week's agenda:

Coeburn High School/Odyssey of the Mind/Discretionary Funds

Lake Estonoa Project/Additional Agenda Item

Move the Big Stone Gap Boundary Adjustment to top of agenda.

IN RE: BIG STONE GAP BOUNDARY ADJUSTMENT

Bobby Herron, representing the residents living outside the corporate limits of Big Stone Gap, presented a petition with approximately 929 signatures opposing the Big Stone Gap boundary adjustment. One reason for the opposition is that Big Stone Gap cannot service the area it now incorporates. In addition, this tax would place a hardship on the elderly and disabled.

Brian Willis voiced his opposition to the boundary adjustment also.

Harry Meador, representing his engineering business located outside Big Stone Gap, voiced his opposition to the boundary adjustment because of the additional tax load placed on small businesses that would probably cause some businesses to fold. He further stated that Big Stone Gap should develop the area it now incorporates before taking on additional territory. He asked the Board to consider the businesses when making its decision and deny this request.

As a citizen, Mr. Meador enforced Mr. Herron's opposition to the proposed boundary adjustment because of increased taxes with no more service being provided.

Anthony Trigiana recommended that a referendum be done to get the wishes of the people regarding the boundary adjustment that would take the burden off the Board. This action would unite the people by doing the will of the people and the Board would be in a better position to make its decision.

George Polly, Big Stone Gap Town Manger, presented the town's Boundary Adjustment Proposal for the Board to review before its next meeting.

IN RE: PUBLIC EXPRESSION PERIOD

Chairman Adkins asked for comments for public expression.

IN RE: RESOLUTION/CONFEDERATE HISTORY & HERITAGE MONTH

Si Ingram, representing the organization of Wise County Camp of the Sons of Confederate Veterans known as The Wise Partisan Rangers, which is a genealogical historical civic organization, presented a resolution to the Board asking that April 2000 be recognized as Confederate History and Heritage Month. He further explained the content of the resolution.

IN RE: LAKE ESTONOA PROJECT

Nikki Buffalow, a student at St. Paul High School, presented the Board with a handout of the proposed Lake Estonoa Project. The goal of this project is to turn this wet land area into a learning center and to preserve the land. The center will promote the study of the wet lands and encourage the preservation of the conservation of the natural resource. This center would be used by the elementary school and the

community itself and possibly other elementary schools. Ms. Buffalow explained the different phases of construction for the proposed center. She asked for any assistance the Board may provide whether it be finances, man power or letters of support.

Jamie Gray commented briefly on the different organizations that have offered their support to make this vision come true.

Steffany Toliver briefed the Board on the portfolio for the project. She asked that the Board write a letter of support for the project and asked that the Board be listed in their directory as a source of contact.

Terri Vencil, a teacher at St. Paul High School, asked for the Board's support in making this dream come true for the St. Paul High School students.

Jeff Salyers stated that he had visited the area where this project is to take place and fully endorses the efforts of the students.

IN RE: DERBY & STONEGA HISTORICAL DESIGNATION

Carl Curtis, Project Manager for Appalachia Technical Services, provided an information packet regarding the pending Derby & Stonega Historical Resources Application.

Phillip Mullins, President of the Appalachia Technical Services, addressed the Board regarding the recent movement in Wise County to get some of the coal camps, particularly Derby and Stonega to be declared as historical districts. Mr. Mullins stated that nothing has been said regarding the potential adverse effects such designation may have on industry. He briefed the Board on the strict regulations that have been placed on the mining industry by the different regulatory agencies. He asked the Board to educate themselves on all the facts regarding this request before making a decision.

Melvin Eads, speaking for the residents of Derby and as President of the Derby Committee for the Historical Designation of Derby and Stonega, voiced the community's opposition to mining in the Derby and Stonega communities. He commented on the impact mining has had in other communities and the fact that no historical history has been saved from such mining.

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

IN RE: ROAD & HIGHWAYS

The Coal & Gas Road payments were reviewed.

IN RE: SALE OF COUNTY PROPERTY/ CARFAX

Leland Branham, representing VDOT, informed the Board that a public hearing needs to be set to receive citizens comments regarding the sale of county property in the Carfax area. This property is needed for R-O-W purposes for a construction project.

IN RE: RESOLUTION/NEW ADDITION/KAYWOOD SUBDIVISION

Need to approve the resolution requesting the acceptance of the Kaywood Subdivision road into the secondary system.

IN RE: STADIUM TURNING LANES

The Board needs to authorize the Chairman to sign the contract for the stadium turning lane project. The scheduled start up date is May 1.

VDOT REMARKS

Mr. Branham spoke briefly on the work zone safety awareness week and the distribution of the revenue sharing allocation.

IN RE: APPALACHIA LANDFILL CLOSURE

Scott Wilson, representing Dewberry & Davis, gave the Board an update on the Appalachia Landfill Closure. DEQ is expected to approve the closure plan within the next two/four weeks. According to the consent order, the county must have a contractor under contract to do the closure within sixty days after DEQ approves the plan. Mr. Wilson asked for an amendment to its existing contract to do the bidding and construction administration of the job. The existing contract, lists bidding and construction administration work as an Additional Service, with scope and cost to be defined by amendment. He presented a scope of needed services for the Board's consideration for a cost of \$14,789.00.

Doug Stallard questioned the amendment about why these services were not included in the original contract.

Mr. Wilson explained that at the time of the original contract there were many "unknowns" regarding the scope of services to be rendered at the actual time of the closure. Also, the actual number of acres to be closed was uncertain which made it impossible to include these services.

IN RE: BLACKWOOD LANDFILL UPDATE

Administrator Scott gave a brief update on the Blackwood Landfill noting that everything is still on schedule.

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

Scott Mullins, Attorney for the Wise County School Board, stated that the Wise County School Board at its meeting on February 8, 2000 held a public hearing to discuss the issue of the transfer of a certain tract of property generally known as the St. Paul Home Economics Property. After the public hearing, a resolution was adopted by the School Board declaring this property to be surplus. Attorney Mullins asked for Board approval to allow the School Board to sell this property and that the proceeds of the sale be placed in the School Board's Capital Improvement Fund for new school construction, school renovation and other school maintenance projects.

There was some discussion on the options for the sale of this property.

Attorney Karen Mullins advised that after the School Board declares the property to be surplus, the Board of Supervisors has the option of keeping the property or sell the property with no restrictions on where the money is used.

IN RE: WISE COUNTY SCHOOL BOARD SALE OF SANDY RIDGE PARCEL

Attorney Scott Mullins informed the Board that the County School Board held a public hearing on April 11, 2000, to discuss the issue of the transfer of a certain tract of property generally known as the Old Gibson School Property located in the Sandy Ridge Section of Wise County that has been determined surplus property.

Scott Mullins, Wise County School Board Attorney, explained that the School Board adopted a resolution directing him to seek approval from the Wise County Board of Supervisors to sell the tract of land located on Sandy Ridge on which the old Gibson School was built. Attorney Mullins explained that Equitable Resources is in the process of developing the natural gas line in that area and after doing the title work it was concluded that the school system owns some real property on Sandy Ridge. The grantor who granted the property to the school system, several years later granted the same property to another person. Under law, the school system has the legal deed to the property. The property in question is less than one acre in size which is located on a hill side that has been stripped. There is a widow woman living on this property with the assumption that she owns the property. There is no water nor room for a septic system on this property and has an appraised value of approximately \$500. The property, being of no value to the School Board, has been declared as surplus property. He asked for authorization from the Board to sell the property.

IN RE: RESOLUTION SUPPLEMENTAL RETIREMENT INCENTIVE BENEFIT PROGRAM

Scott Mullins, Attorney for the Wise County School Board, spoke briefly on the Supplemental Retirement Incentive Benefit Program for school employees. It is stated in the Virginia Code that before any changes can be made in the school's retirement system, the School Board must come before the Board of Supervisors for approval.

Greg Perry gave the Board an overview of the proposed supplemental program. He commented that the number of employees interested in this program has grown and the present program cannot meet the needs of the employees. He explained the mechanics of the program and the benefits to be reaped by the participating employees.

This plan is to be established as a qualified defined benefit plan under Internal Revenue Code Section 401(a) . The firm of Rutherford Benefit Services based in Roanoke, Virginia will be utilized in establishing and maintaining the program.

IN RE: INDIAN CREEK WATER PROJECT UPDATE

PSA Director Danny Buchanan gave the Board an update on the Indian Creek Water Project. He also briefly commented on proposed future water projects and funding sources that are being secured for said projects.

IN RE: ALL AMERICAN CITY AWARD

Christianne Parker, Assistant Administrator for Washington County, addressed the Board regarding the All-American City Award. The All-American Award given to the Tri-Cities TN/VA region in June of 1999 was the first time in the history of that program that a region like this one has received this designation. This award brought 56 jurisdictions together in a cohesive unit to successfully compete for one of the nation's most prestigious awards.

She explained the plan that has been developed by the All-American City Steering Team to promote the award within the region to enhance regional cooperation and to promote the area outside the region for tourism and economic development purposes.

The All-American City Steering Team is seeking to identify financial partners in both the public and private sector to support a budget of \$200,000 for the proposed activities that will run through the end of the award year June 30, 2000. The targeted goal for governmental contributions is \$75,000 with the local governments being asked to contribute .10 cents per capita based on the 1990 U.S. Census population. If these funds are not available this fiscal year, funding from next year's budget would be appreciated.

Ms. Parker presented a brochure that included All-America City Apparel that can be purchased by employees. She presented sample Static-Cling Decals, Stickers that can be used to advertised the All-American City logo.

IN RE: WISE COUNTY SEWER ALLOCATION/BEAR CREEK

Bill Skeens speaking for Bear Creek Development came before the Board requesting an allocation of Wise County's treatment capacity in the CNW regional wastewater treatment plant at Coeburn.

Bear Creek Development has plans to develop a residential subdivision in the Hurricane section of Wise County. The first phase, consisting of 36 lots, has already received Planning Commission approval. Future plans are to develop up to a total of 125 lots.

The sewer system for Bear Creek Development will either connect to the proposed Bear Creek sewer line, or be pumped back into the Town of Wise sewer system. Regardless of which method is chosen, treatment will still be with the CNW plant. PSA has been approached to obtain ownership, operation and maintenance of both the water and sewer system after installation.

Based on Virginia Health Department regulations, the 36 lots will have a designed flow of 10,800 gallons per day. The request to the Board is for an allocation from the County's treatment capacity of 10,800 gallons per day.

For future development of the subdivision, another allocation will be requested when 80% of the above request has been reached.

There was some discussion as to the demand that will be made on the County's sewer allocation in the future. The Board needs to consider doing a study on the CNW facility for possible upgrade.

Ms. Meador stated that she was on the Board when the County bought into the CNW system and at that time it was the Board's intent to reserve the County's sewer allocation for industry.

IN RE: SMOKING ORDINANCE AMENDMENT

A public hearing needs to be set for the proposed amendment to the Smoking Ordinance.

IN RE: DERBY & STONEGA HISTORICAL SITES

Richard Prior reviewed the request for application authorization and funding request for the Derby and Stonega Historical Designation.

The purpose of the grant application is to enable the State Department of Historical Resources to accomplish an in-field survey of these two communities that will lead to historical designation. The actual survey will be conducted by a consultant hired by the state agency.

The scope of the work must be designed for completion within a fifteen month period starting after the beginning of the fiscal year.

Wise County's responsibilities are to submit the application, provide in-kind services where available to reduce project cost, and to provide 50% of the funding.

The consultants hired by the department generally charge \$100 per unit to be surveyed. The County's share would be \$50 of that charge.

A preliminary count of structures in the communities indicate there are 154 surveyable units for a total cost of \$15,400. The County's share of this cost would be \$7,700.

Due to possible inaccuracies in the present mapping systems utilized to determine the unit costs and unknown consultant costs, a total funding request from the County is \$10,000.

There was some discussion regarding the proposed mining in these areas and the possibility of destroying these historical sites.

Mr. Eads, resident of the Derby area, addressed the Board stating that the people in Derby and Stonega are not against the coal companies. If the mining is done in the mountains surrounding the communities

and not in the communities destroying the homes and roads, the people have no objection to the mining activities. He asked the Board to support the requested funding for this project.

Richard Falin, resident of the Derby community, echoed the sentiments of Mr. Prior and Mr. Eads for funding for this project.

There was some discussion on the sewer problems in the Derby area and the solutions that have been proposed to correct that problem.

IN RE: OTHER ITEMS DISCUSSED

1. Appropriations of Funds - Social Services
2. Transfer of Funds / Sheriff's Department
3. Appropriation of Drug Seizure Funds/Sheriff's Department
4. Wise County Zoning Ordinance Amendment/(Set Public Hearing)
5. Disbursement of Discretionary Funds
6. Junction Center For Independent Living, Inc.
7. Building Refund
8. Appropriations (4th quarter)
9. Appointments
10. Landfill Use Fee Refunds
11. Proclamation/Keep America Beautiful
12. Proclamation/Child Abuse Prevention Month
13. Judicial Sale/Additional Appropriation
14. Judicial Sale/Attorney Fees
15. GIS Mapping/911 Addresses
16. Southwest Virginia Technology Council
17. Resolution of Appreciation
18. Payment of Accounts
19. E911 Payments
20. Enterprise Fund Payments
21. Board Comments

IN RE: GAS AND COAL SEVERANCE TAX

On January 25, 2000, the Dickenson County Board of Supervisors adopted a proposal to retain the law firm of Sands, Andersons, Marks & Miller to assist the County in its efforts to clarify the meaning of gross receipts, for purposes of severance taxes levied on coal and gas. This clarification is necessary to preserve the revenues the counties receive from this source.

Since Wise and Buchanan counties are faced with a similar tax concern, Dickenson County's Board of Supervisors would like to encourage all three counties to jointly participate in this matter, and that the localities agree to share the cost of legal representation.

Ms. Meador was concerned with the litigation that Dickenson County is involved in at this time.

Administrator Scott advised that the litigation is regarding Dickenson County's audit and not the question regarding the Gas & Coal Severance Tax issue.

Attorney Mullins said she would talk with Commissioner of Revenue Wilson prior to next week's meeting regarding this request.

IN RE: PSA AUDIT COMPONENT

Regarding the PSA being an audit component, Edgar Mullins stated that when the County votes to make a department a part of its audit, the County should bear the cost of that audit. He asked that a vote be taken on this matter at the next meeting.

IN RE: CNW SEWER NEEDS

The Board needs to authorize the Chairman and County Administrator to meet with CNW representatives to negotiate on possible changes in the County sewer allocation from CNW for future growth.

IN RE: JUDICIAL SALE/ADDITIONAL APPROPRIATIONS

A letter was received from Treasurer Holbrook requesting an additional appropriation of \$20,000 to complete the cost of the title searches for the Judicial Sale.

There was some concern among Board members regarding the large amount of funding when the original amount set aside for this purpose had not been expended.

It was noted that Ms. Holbrook would be present at the next meeting to review this request.

ADJOURN

There being no further business, the meeting adjourned at 9:30 p.m.