

Board of Supervisors - April 13, 2000 Regular Meeting

The Wise County Board of Supervisors met in regular session on April 13, 2000, at 6:00 p.m. in the Board of Supervisors Room located in the Wise County Courthouse. The following people were present:

Honorable Robert Adkins- Chairman

Honorable Virginia Meador-Vice-Chair

Honorable Doug Mullins

Honorable Edgar Mullins

Honorable Betty Cornett

Honorable Doug Stallard

Honorable Jeff Salyers

Honorable Donnie Dowell-members of said Board and

Shannon C. Scott-Acting County Administrator

Karen Mullins-County Attorney

Annette Underwood-Executive Secretary

PRAYER

Rev. Rick Lancaster, Pastor First Baptist Church in Big Stone Gap led the Board in prayer.

PLEDGE OF ALLEGIANCE TO THE FLAG

IN RE: MINUTES

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

A motion was made by Donnie Dowell, seconded by Jeff Salyers, to approve the agenda as presented. The motion was unanimously approved.

IN RE: BIG STONE GAP BOUNDARY ADJUSTMENT

Bobby Herron, spokes person for the citizens living in the area now being considered in the Big Stone Gap boundary adjustment, voiced the citizens' opposition to the proposal. Mr. Herron provided a list of reasons why the people opposed the proposed boundary adjustment and asked the Board to deny the request. There was a show of hands from a large delegation that was in opposition to this proposal.

Hugh Kiser and Jeanie Chapman also voiced opposition to the boundary adjustment stating that the County would lose revenue and the businesses cannot afford the higher taxes.

George Polly, Town Manager for Big Stone Gap , reviewed the areas to be effected by the proposed boundary adjustment and the added benefits that would be provided to said areas. He said that even though the citizens don't realize it now, this will be to their benefit in the long run.

Ken Poor with Poor & Associates, stated that this boundary expansion would bring in additional capital which would bring about growth, help maintain a healthy environment and would provide more services to the citizens.

Virginia Meador stated that she had not had one person to speak for this expansion but many residents and businesses have spoken against it. She suggested the possibility of expanding into areas that would not effect the citizens residence but would give land for development as well as meet other needs of the town.

Betty Cornett said she had not seen a plan of development for this proposal nor additional services that would be provided to the citizens if this boundary adjustment was approved.

There was a lengthy discussion on the pros and cons of this proposal and the sentiments of the people. With no support for the proposed boundary adjustment and a multitude of opposition, Betty Cornett made a motion not to accept Big Stone Gap's Boundary Adjustment Proposal and to authorize the Acting County Administrator to seek price quotes from attorney's with expertise in annexation matters should the Town of Big Stone Gap pursue this issue and further that the quotes be used for County budgeting purposes. Virginia Meador seconded the motion. The motion was unanimously approved.

RECESS

There was a brief recess at 7:05 p.m.

The meeting reconvened at 7:15 p.m.

IN RE: PUBLIC EXPRESSION

Jack Kennedy spoke briefly on the following areas the County needs to focus to get industry into our area:

1. Telecommunications
2. Multi-Institutionalism

Mr. Kennedy stressed the need for the people to come together as a community to learn how to solve these issues to enable our economy to grow.

Chairman Adkins asked Mr. Kennedy if he would be willing to serve on a committee for this specific purpose.

Mr. Kennedy advised that the Board created the Wise County Community Technology Task Force to work with these different issues but to date the Task Force has not been productive. To make these issues work there must be interest, willingness and the power to change to make a difference. The Board has the power to change and should take the leadership to do so.

IN RE: GRAVEL PAYMENT

A motion was made by Donnie Dowell, seconded by Jeff Salyers, to approve the gravel payments in the amount of \$7,242.82 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: MEETING PAYMENTS

A motion was made by Doug Mullins, seconded by Virginia Meador, to approve the meeting payments in the amount of \$75.00 for attending the February 23, 2000, Coal & Gas Road meeting to be paid from the Coal & Gas Road Fund.

Aye-Doug Mullins Nay-None Abstain-Doug Stallard

Edgar Mullins

Betty Cornett

Bob Adkins

Donnie Dowell

Jeff Salyers

Virginia Meador

IN RE: VDOT PAYMENT

A motion was made by Betty Cornett, seconded by Jeff Salyers, to approve the VDOT payment in the amount of \$379,879.48 for work done on roads throughout Wise County to be paid from the Coal & Gas Road Fund. The motion was unanimously approved.

IN RE: SALE OF COUNTY PROPERTY/ CARFAX

A motion was made by Doug Stallard, seconded by Jeff Salyers, to hold a public hearing on May 4, 2000, at 6:05 p.m. to receive citizens input regarding the sale of a portion of county property to be used for a VDOT construction project in the St. Paul area of Wise County. The motion was unanimously approved.

IN RE: RESOLUTION - NEW ADDITION

A motion was made by Donnie Dowell, seconded by Betty Cornett, to adopt the resolution requesting VDOT to add the street(s) of Kaywood Subdivision Road to the secondary system of state highways. The motion was unanimously approved.

RESOLUTION # 2000

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

IN RE: STADIUM TURNING LANES/UVA'S COLLEGE AT WISE

A motion was made by Doug Stallard, seconded by Jeff Salyers, to authorize the chairman to execute the contract for the stadium turning lane project. The motion was unanimously approved.

IN RE: VDOT REMARKS

Mr. Branham touched briefly on the revenue sharing allocation and reviewed the Wise county Coal & Gas Road Improvement Fund Annual Plan. He asked the Board to review said Plan and place on the agenda for next month for consideration and approval.

Mr. Branham commented on construction throughout the County.

This being Mr. Branham's last meeting before retirement, the Board members offered their appreciation and thanks for all the work that has been accomplished during Leland's tenure with Wise County.

IN RE: RESOLUTION OF APPRECIATION/LELAND BRANHAM

A motion was made by Donnie Dowell, seconded by Virginia Meador, to approve the resolution of appreciation for Leland Branham for his dedication and services to Wise County. The motion was unanimously approved.

RESOLUTION # 2000

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

IN RE: APPALACHIA LANDFILL CLOSURE

A motion was made by Donnie Dowell, seconded by Doug Stallard, to authorize the chairman to execute the Appalachia Landfill Closure Engineering Proposal Amendment as submitted by Dewberry & Davis, Inc. for an amount of \$14,789.00. The motion was unanimously approved.

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

Scott Mullins, Attorney for the Wise County School Board, informed the Board that the Wise County School Board has determined that the property commonly known as the St. Paul Home Economics Property has not been used for school purposes and is therefore determined to be surplus property. The School Board directed Attorney Mullins to seek approval from the Board of Supervisors to sell this property through the proper channels with the proceeds of this sale being placed in the School Board's Capital Improvement Fund as per State Code.

A motion was made by Doug Stallard to lay this request on the table. Virginia Meador seconded the motion.

After further discussion, a substitution motion was made by Doug Mullins, to give the School Board approval to sell the property which can be adjusted during the budget process. Edgar Mullins seconded the motion. The motion was unanimously approved.

IN RE: WISE COUNTY SCHOOL BOARD/SALE OF PROPERTY/SANDY RIDGE

Scott Mullins, Wise County School Board Attorney, informed the Board that the property known as the Old Gibson School Property located in the Sandy Ridge Section of Wise County has not been used for school purposes for years and is therefore determined to be surplus property. Attorney Mullins, under the direction of the Wise County School Board, asked the Board of Supervisors for approval to sell this property through the channels as required by law.

Attorney Mullins explained that Equitable Resources is in the process of running gas lines in that section of Wise County which involves this portion of land owned by the School Board. As noted in the Workshop Meeting, there is a widow lady living on this property with the assumption that she owns the land. The records show that the property belongs to the School Board. However, to resolve this problem, Attorney Mullins informed the Board that upon its approval to sell the land, proper steps will be taken for said sale with the intent of establishing proper ownership of the property.

A motion was made by Doug Mullins, seconded by Jeff Salyers, to grant approval to the School Board to sell the property known as the Old Gibson School Property. The motion was unanimously approved.

IN RE: RESOLUTION SUPPLEMENTAL RETIREMENT INCENTIVE BENEFIT PROGRAM

Greg Perry, representing the Wise County School Board, addressed the Board regarding a proposed Supplemental Retirement Incentive Benefit Program for the school employees which would be of benefit to all retiree participants. Mr. Perry explained that this is a qualified Internal Revenue approved pension plan with external trust funds and would establish a bridge until the employee becomes eligible for social security. Other counties that have adopted this plan have been well pleased. The school has outgrown its present program and this plan would allow the school to work with a larger number of employees.

After further discussion, a motion was made by Jeff Salyers, seconded by Donnie Dowell, to approve the resolution authorizing the Wise County School Board to establish a supplemental retirement program in accordance with the Code of Virginia, Section 51.1-801. The motion was unanimously approved.

RESOLUTION # 2000

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

IN RE: SMOKING ORDINANCE AMENDMENT

A motion was made by Donnie Dowell, seconded by Jeff Salyers, to hold a public hearing on May 4, 2000, at 6:10 p.m. to receive citizens comments regarding a proposed amendment to the Ordinance Pursuant To The Virginia Indoor Clean Air Act (County Smoking Ordinance). The motion was unanimously approved.

IN RE: ALL-AMERICAN CITY AWARD

A motion was made by Doug Mullins, seconded by Donnie Dowell, to participate in the All-American City Steering Team marketing efforts with a contribution of approximately \$3,957.00 out of next year's budget toward the efforts of these marketing efforts.

Aye-Doug Mullins Nay-None Abstain- Edgar Mullins

Betty Cornett

Doug Stallard

Virginia Meador

Bob Adkins

Donnie Dowell

Jeff Salyers

IN RE: WISE COUNTY SEWER ALLOCATION/BEAR CREEK

Ron Stidham, representing Bear Creek Development, addressed the Board regarding an allocation of Wise County sewer from the CNW wastewater treatment plant which will be used for the first phase of the Bear Creek Subdivision located in the Hurricane section of Wise County. This first phase will consist of 36 lots for approximately 10,800 gallons per day which will meet health department standards. At this time, out of the County's 400,000 gallon allotment, only 85,000 are being used.

Doug Mullins made a motion that the allocation of 10,800 gallons per day of the County's sewer capacity in the CNW Wastewater Treatment Plant be approved for the Bear Creek Subdivision Project. Edgar Mullins seconded the motion.

Virginia Meador made a substitute motion to table this request until a study can be made on the County's remaining sewer allocation and other demands that may be forthcoming for future development.

Administrator Scott advised that Ms. Meador's concern is the number of county taps that are being used. The Bear Creek Development will be using the Town of Wise taps and not county taps.

Ms. Meador withdrew her substitute motion.

After further discussion, Chairman Adkins asked for a vote on the motion to approve the request for Bear Creek Development. The motion was unanimously approved.

IN RE: RESOLUTION CONFEDERATE HISTORY AND HERITAGE MONTH

A motion was made by Jeff Salyers, seconded by Virginia Meador, to table indefinitely the Resolution Recognizing April 2000 Confederate History and Heritage Month. The motion was unanimously approved.

IN RE: APPROPRIATION OF FUNDS/ SOCIAL SERVICES

A motion was made by Donnie Dowell, seconded by Doug Mullins, to approve the appropriation of \$141,097.00 to the Wise County Social Services Budget for the fiscal year 1999/2000 as requested. The motion was unanimously approved.

IN RE: SHERIFF'S DEPARTMENT / TRANSFER OF FUNDS

A motion was made by Donnie Dowell, seconded by Jeff Salyers, to approve the transfer of \$38,414 from vacancy savings to office expenses within the state budget of the Sheriff's Department as requested. The motion was unanimously approved.

IN RE: APPROPRIATION OF DRUG SEIZURE FUNDS

A motion was made by Doug Mullins, seconded by Virginia Meador, to approve the appropriation of the Drug Seizure Funds in the amount of \$3,871.57 for training and equipment. The motion was unanimously approved.

IN RE: WISE COUNTY ZONING ORDINANCE AMENDMENT

A motion was made by Donnie Dowell, seconded by Doug Mullins, to hold a public hearing at 6:15 p.m. on May 4, 2000, to receive citizens comments regarding a proposed amendment to the Wise County Zoning Ordinance. The motion was unanimously approved.

IN RE: DERBY & STONEGA HISTORICAL DESIGNATION

A motion was made by Doug Mullins, seconded by Edgar Mullins, to authorize the chairman to execute the grant application for the Derby and Stonega Historical Designation and to appropriate \$10,000 from FY 2000/01 budget for the County's portion of funding for said project. The motion was unanimously approved.

IN RE: DISTRIBUTION OF DISCRETIONARY FUNDS

BIG STONE GAP LITTLE LEAGUE BASEBALL

\$300 - Virginia Meador

\$300 - Betty Cornett

ODYSSEY OF THE MIND

\$450 - Donnie Dowell

AFTER PROM PARTY

The Board agreed to give each high school participating in the After School Prom Party an amount of \$200 each with the total amount being divided equally among each Board member and paid from the discretionary funds.

A motion was made by Donnie Dowell, seconded by Doug Mullins, to approve the disbursement of discretionary funds as listed above. The motion was unanimously approved.

IN RE: GAS & COAL SEVERANCE TAX ISSUE

Chairman Adkins explained that the Dickenson County Board of Supervisors adopted a proposal to retain the law firm of Sands, Andersons, Marks & Miller to assist Dickenson County in its efforts to clarify the meaning of gross receipts, for purposes of severance taxes levied on coal and gas. They further asked that Wise County and Buchanan County participate in this matter and agree to share the cost of legal representation.

Chairman Adkins noted that as of this date, no figures have been provided to the Board as to its share of said cost, therefore, he asked for a motion to table this request.

A motion was made by Donnie Dowell, seconded by Virginia Meador, to table this request. The motion was unanimously approved.

IN RE: JUNCTION CENTER FOR INDEPENDENT LIVING

A motion was made by Donnie Dowell, seconded by Doug Mullins, to include the request from Junction Center for Independent Living in the list of requests to be considered during the budget process at which time the amount of participation from the County will be decided. The motion was unanimously approved.

IN RE: BUILDING REFUND

A motion was made by Donnie Dowell, seconded by Jeff Salyers, to approve the building refund to Jerry Salyers in the amount of \$10.10 as requested by the Building Department. The motion was unanimously approved.

IN RE: APPROPRIATION / FOURTH QUARTER

A motion was made by Donnie Dowell, seconded by Doug Mullins, to approve the fourth quarter appropriation as presented. The motion was unanimously approved.

IN RE: APPOINTMENT/HIGHWAY SAFETY APPOINTMENT

A motion was made by Edgar Mullins, seconded by Donnie Dowell, to appoint James Mullins to the Highway Safety Commission. The motion was unanimously approved.

A motion was made by Doug Stallard to reappoint James Adkins to the Highway Safety Commission. Jeff Salyers seconded the motion. The motion was unanimously approved.

IN RE: APPOINTMENT RECREATIONAL AUTHORITY

It was the consensus of the Board to table this appointment.

IN RE: APPOINTMENT/COMMUNITY CRIMINAL JUSTICE BOARD

A motion was made by Jeff Salyers, seconded by Virginia Meador, to reappoint the following people to the Community Criminal Justice Board:

William H. Price-Chief of Police Representative

Church McHugh-Community Services Board Representative

Elizabeth Lowe - Education Representative

The motion was unanimously approved.

IN RE: ROUNDTABLE EXECUTIVE BOARD

A motion was made by Jeff Salyers, seconded by Donnie Dowell, to appoint Bonnie Aker to the Roundtable Executive Board subject to her acceptance. The motion was unanimously approved.

IN RE: LANDFILL USE FEE REFUNDS

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

IN RE: PROCLAMATION/KEEP AMERICA BEAUTIFUL MONTH

A motion was made by Edgar Mullins, seconded by Donnie Dowell, to adopt the proclamation proclaiming April as Keep America Beautiful Month. The motion was unanimously approved.

IN RE: PROCLAMATION/CHILD ABUSE PREVENTION MONTH

A motion was made by Donnie Dowell, seconded by Betty Cornett, to adopt the proclamation proclaiming April 2000 as Child Abuse Prevention Month. The motion was unanimously approved.

With this large amount of funds being requested for the Judicial Sale, Doug Mullins stated that this is proof to the Board that the County needs a full time attorney.

After further discussion, Doug Mullins made a motion that the additional \$20,000 be considered in next year's budget. Donnie Dowell seconded the motion.

Edgar Mullins made a substitute motion that the \$20,000 not be considered in next year's budget.

The motion died due to lack of second.

After further discussion, Virginia Meador made a substitute motion to grant the additional appropriation of \$20,000 as requested by the Treasurer. Betty Cornett seconded the request.

There was some discussion on which fund this money would be taken from and the process and time frame in which these funds will be returned back to the County.

Ms. Holbrook stressed the fact that the money is needed this year to go forward with the sale since there is an attorney willing to do the title work.

After further discussion, the following vote was made on the substitute motion:

Aye- Virginia Meador	Nay- Doug Mullins
Betty Cornett	Edgar Mullins
Jeff Salyers	Doug Stallard
	Donnie Dowell
	Bob Adkins

The motion failed.

Chairman Adkins asked for a vote on the main motion to consider the request for the additional \$20,000 in next year's budget process.

Aye-Doug Mullins	Nay-Doug Stallard
Betty Cornett	Edgar Mullins
Donnie Dowell	
Bob Adkins	
Jeff Salyers	
Virginia Meador	

The motion carried.

IN RE: JUDICIAL SALE/ATTORNEY FEES

A motion was made by Donnie Dowell, seconded by Jeff Salyers, to approve the payment of \$540.28 to Daniel Fast for attorney fees collected on the Judicial Sale. The motion was unanimously approved.

IN RE: CNW/ COUNTY SEWER NEEDS

A motion was made by Jeff Salyers, seconded by Doug Mullins, to authorize the Chairman and the County Administrator to meet with the CNW Board to review the existing agreement between the County and CNW regarding the County's sewer needs. The motion was unanimously approved.

IN RE: GIS MAPPING/911 ADDRESSES

Ron Flanary spoke briefly on digitizing the 911 property numbering and mapping. Since the original 911 road names were established, there has been a constant changing of the names which makes it impossible to do proper mapping and also causes confusion on emergency calls because of these changes. Mr. Flanary recommended that the Board cease any further changes of the existing 911 road names to enable LENOWISCO to finalize the 911 maps. This does not include future names on new roads which will be placed on the 911 maps through periodic updates. He also suggested that as the data base is being built, that all the GIS data bases be fully integrated which in turn will build a better data base for the Landfill Use Fee billing.

Donnie Dowell made a motion that the 911 road name changes be considered until June 8th at which time a moratorium be placed on 911 road name changes. Virginia Meador seconded the motion. The motion was unanimously approved.

Doug Stallard left the meeting at this time.

IN RE: SOUTHWEST VIRGINIA TECHNOLOGY COUNCIL

Jack Kennedy made the Board aware that the Library of Virginia has an application pending as well as the State Compensation Board regarding the Technology Trust Fund for the purpose of digitizing these 911 maps.

Mr. Kennedy explained the purpose and goals of the Technology Council and asked the Board to participate in the Council. On May 15th at UVA's College at Wise, the Southwest Virginia Technology Council will hold its first conference in 2000 in Wise County. On May 16th, the Secretary of Technology of Virginia will be in Wise along with Mark Warner. He asked the Board to participate financially as well as being an active member of the Southwest Technology Council since Wise County gave it birth.

IN RE: LAKE ESTONOA PROJECT

Jeff Salyers made a motion that the Lake Estonoa Project request be tabled until next month at which time there will be a presentation made regarding this project. Donnie Dowell seconded the motion. The motion was unanimously approved.

IN RE: PAYMENT OF ACCOUNTS

A motion was made by Donnie Dowell, seconded by Jeff Salyers, to approve the payment of accounts as presented. The motion was unanimously approved.

IN RE: E-911 PAYMENTS

A motion was made by Donnie Dowell, seconded by Doug Mullins, to approve the 911 payments as presented. The motion was unanimously approved.

IN RE: ENTERPRISE FUND PAYMENTS

A motion was made by Doug Mullins, seconded by Jeff Salyers, to approve the enterprise fund payments as presented. The motion was unanimously approved.

IN RE: BLACKWOOD LANDFILL/APPALACHIA LANDFILL

A motion was made by Donnie Dowell, seconded by Virginia Meador, to approve the Blackwood Landfill/Appalachia Landfill payments as presented. The motion was unanimously approved.

IN RE: BOARD COMMENTS

Edgar Mullins informed the Board that he wanted to resign from the RADA Board because these meetings are held in the late evening and he has problems driving at night.

Chairman Adkins asked that this appointment be placed on next month's agenda.

IN RE: RECESS MEETING

There was some discussion as to whether or not to have a recessed meeting to hear the School Board budget and to go into closed session to review applications on the County Administrator's position.

It was agreed that the Board would hear the School Board Budget, if necessary, after cuts have been made.

A motion was made by Donnie Dowell to recess this meeting until Tuesday, April 18th at 6:00 p.m. with Monday, April 17th at 6:00 p.m. being an alternate date. Jeff Salyers seconded the motion. The motion was unanimously approved.