

## Board of Supervisors - July 13, 2000 Regular Meeting

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The Wise County Board of Supervisors met in regular session on Thursday, July 13, 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-Vice-Chair

Honorable Douglas Mullins

Honorable Edgar Mullins

Honorable Betty Cornett

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

Rev. Clyde Roop, Pastor Lone Pine Chapel Church, Pound, VA led the Board in prayer.

### PLEDGE ALLEGIANCE TO THE FLAG

### MINUTES

A motion was made by Doug Stallard, seconded by Betty Cornett, to approve the minutes as presented. The motion was unanimously approved.

IN RE: APPROVAL OF AGENDA

Administrator Scott asked that the following items be placed on the agenda:

1. Authorize the Chairman to go out for bid on the police cars
2. Appoint Committee to review bids and award bids

A motion was made by Doug Stallard, seconded by Betty Cornett, to approve the agenda with the additions as listed above. The motion was unanimously approved.

IN RE: PRESENTATION OF PLAQUES

Chairman Adkins presented plaques of Appreciation to Eugene Brooks, Harold Jackson and Gene Orr, former surviving members of the 1969 Board of Supervisors noting their vision and great wisdom in preparing for the economic welfare of Wise County and its citizens. The plaque for the late John Mc Kilgore was hung in the meeting room of the Board of Supervisors.

A motion was made by Doug Stallard, seconded by Betty Cornett, to approve the resolution of appreciation honoring the former 1969 Board of Supervisors. The motion was unanimously approved.

RESOLUTION # \_\_\_\_\_ 2000

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

IN RE: RESOLUTION OF APPRECIATION/JAMES ADKINS

Chairman Adkins presented a resolution of appreciation to Clara Adkins, wife of the late James Adkins, for his thirty-six years of dedication as a law enforcement officer in Wise County and his leadership as Sheriff for four years.

A motion was made by Jeff Salyers, seconded by Virginia Meador, to approve the resolution honoring the late James Adkins. The motion was unanimously approved.

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IN RE: PUBLIC EXPRESSION

There was no one to speak during public expression.

IN RE: VDOT PAYMENT

A motion was made by Doug Stallard, seconded by Jeff Salyers, to approve the VDOT payment in the amount of \$1,092.05 for work done on roads throughout Wise County to be paid from the Coal & Gas Road Fund. The motion was unanimously approved.

IN RE: GRAVEL PAYMENT

A motion was made by Jeff Salyers, seconded by Virginia Meador, to approve the gravel payments to Vulcan Materials in the amount of \$3,991.86 and \$2,498.06 to Dwale Development for gravel placed on roads throughout Wise County to be paid from the Coal & Gas Road Fund. The motion was unanimously approved.

IN RE: MEETING PAYMENTS

A motion was made by Donnie Dowell, seconded by Doug Mullins, to approve the meeting payments in the amount of \$75.00 for attending the meeting of 6-15-00 to be paid from the Coal & Gas Road Fund. The motion was unanimously approved.

IN RE: RESOLUTION/GATEWAY ACRES SUBDIVISION

A motion was made by Doug Stallard, seconded by Jeff Salyers, to approve the resolution approving the addition of the Gateway Acres Subdivision located on Birchfield Road into the secondary system of state highways. The motion was unanimously approved.

RESOLUTION # \_\_\_\_\_ 2000

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IN RE: COAL & GAS ROAD ANNUAL PLAN AMENDMENT

A letter was received from the Wise County IDA requesting the transfer of approximately \$82,750.00 from the primary road which divides the Technology Park to be used as industrial access road funds for the industry now going into the Technology Park. After reviewing this request, it was recommended that the Board of Supervisors be asked to consider this transfer subject to approval of the Coal & Gas Road Committee.

Doug Stallard made a motion to approve the amendment to the Coal & Gas Annual Road Plan for FY 2000-2001 whereby \$82,750.00 be transferred from Rt. 723 for industrial access for the LP Technology Park subject to the approval of the Coal & Gas Road Committee. Doug Mullins seconded the motion. The motion was unanimously approved.

IN RE: VDOT REMARKS

Mr. Banson briefed the Board on upcoming meetings regarding roads throughout Wise County.

IN RE: ST. MARY'S HEALTH WAGON/ REMOTE AREA MEDICAL

Teresa Gardner gave the Board a brief update on the St. Mary's hospital health wagon presently located at the Lonesome Pine Airport for the purpose of doing free medical and dental for the underprivileged, the working poor, and the unemployed. She explained there is \$2300.00 outstanding in expenses that need to be paid immediately. She asked the Board for a generous contribution to meet this need.

Doug Mullins made a motion to contribute, from the \$5,000.000 unanticipated monies set aside from the County-Wide Discretionary funds, \$2300.00 to the St. Mary's Hospital Health Wagon for needed expenses. Donnie Dowell seconded the motion.

Doug Stallard made a friendly amendment to the motion to have Ms. Gardner approach the City of Norton and the towns to ascertain whether or not they could contribute to this effort since it involves the whole county as well as the towns.

Mr. Mullins accepted the amendment.

The motion was unanimously approved.

IN RE: REZONING/HUDSON BRANHAM

Chairman Adkins advised that the Planning Commission held a public hearing regarding Hudson Branham's request to rezone 6.5 acres of land located at 8241 South Mountain Road in the Pound section of Wise County with no public opposition. There being no public opposition at the public hearing, the request was returned to the Board of Supervisors with a recommendation for approval.

The Board of Supervisors also held a public hearing on Mr. Hudson's request and there was no public opposition other than the verbal comments that were made to Doug Mullins in opposition to the proposed rezoning.

Doug Mullins stated that in his opinion, rezoning an A-RR District to a B-1 district is not acceptable. The purpose of zoning is to protect the citizens and to separate residential from business. His concern is not because of Mr. Branham's request for the proposed nursery, but in the event the property is sold to another party and a different type of business is placed there that is permitted in the B-1 District. Mr. Mullins noted that others in the community oppose the rezoning but would not come forward.

After further discussion, a motion was made by Doug Mullins to deny the request from Hudson Branham to rezone the 6.5 acres of land. Donnie Dowell seconded the motion.

After further discussion, Doug Stallard made a substitute motion to lay this request on the table for ninety days, subject to the County Attorney's review of the time frame, which would give the Planning Commission time to amend the County's Zoning Ordinance regarding conditional zoning. Jeff Salyers seconded the motion.

Aye-Betty Cornett Nay-Doug Mullins Abstain- Edgar Mullins

Virginia Meador

Donnie Dowell

Robert Adkins

Douglas Stallard

Jeffrey Salyers

The motion carried.

Donnie Dowell questioned the possibility of litigation from the applicant.

Attorney Mullins advised that the County has the option to table, approve or disapprove a request within a reasonable time frame.

#### IN RE: REZONING PEGGY ADAMS

A public hearing was held on July 6th to receive citizens' comments regarding a request from Peggy Adams to rezone 3.41 Acres of land from an A-RR District to a B-2 District for the purpose of placing two billboards for advertising. There was no public opposition to this request.

A motion was made by Edgar Mullins, seconded by Doug Mullins, to approve Peggy Adam's request to rezone 3.41 acres of land as stated above. The motion was unanimously approved.

#### IN RE: DERBY REVITALIZION PROJECT

A motion was made by Donnie Dowell, seconded by Jeff Salyers, to accept the "Just-in-Time" grant for revitalization programs in Derby and to authorize the County Administrator to sign any and all the contract documents for said project. The motion was unanimously approved.

A motion was made by Donnie Dowell, seconded by Jeff Salyers, to authorize the County Administrator to advertise for RFP's for engineering services for said project and to award said contract. The motion was unanimously approved.

#### IN RE: APPOINTMENT-LP LIBRARY BOARD OF TRUSTEES

A motion was made by Doug Stallard, seconded by Jeff Salyers, to appoint Carol Sue Gilbert to the LP Library Board of Trustees for a term of four years. The motion was unanimously approved.

#### IN RE: APPOINTMENT-PLANNING COMMISSION

A motion was made by Virginia Meador, seconded by Betty Cornett, to appoint Edwin Roop to the Planning Commission for a term of four years. The motion was unanimously approved.

IN RE: APPOINTMENT - RECREATIONAL AUTHORITY

A motion was made by Doug Stallard, seconded by Donnie Dowell, to reappoint Hub Gray to the Recreational Authority for a term of four years. The motion was unanimously approved.

IN RE: APPOINTMENT-REDEVELOPMENT AND HOUSING AUTHORITY

A motion was made by Virginia Meador, seconded by Betty Cornett, to reappoint James R. Johnson to the Redevelopment and Housing Authority for a term of four years. The motion was unanimously approved.

A motion was made by Donnie Dowell to reappoint Johnnie Ramey to the Redevelopment and Housing Authority.

Jeff Salyers nominated Albert Elkins to the Redevelopment and Housing Authority.

There being no further nominations, the nominations ceased.

Chairman Adkins asked for a vote on reappointing Johnnie Ramey to the Redevelopment and Housing Authority.

Aye-Donnie Dowell

Doug Mullins

Edgar Mullins

The motion failed.

Chairman Adkins asked for a vote on Albert Elkins being appointed to the Redevelopment and Housing Authority for a term of four years.

Aye: Betty Cornett

Virginia Meador

Jeff Salyers

Bob Adkins

Doug Stallard

The motion carried.

IN RE: APPOINTMENT -BUILDING CODE AND APPEALS BOARD

A motion was made by Donnie Dowell, seconded by Jeff Salyers, to reappoint Walter Lawson, Jr. to the Building Code and Appeals Board for a term of five years. The motion was unanimously approved.

IN RE: APPOINTMENT-LENOWISCO BOARD OF DIRECTORS

Chairman Adkins advised that a letter had been received from Ron Flanary of LENOWISCO explaining that Roy Robertson, due to a clerical error, had been incorrectly documented for a two year term on the LENOWISCO Board of Directors instead of a three year term. According to Mr. Flanary, Mr. Robertson has one more year to serve for a term to end June 30, 2001.

After discussion, no action was taken until the Board minutes could be researched regarding this appointment.

IN RE: APPOINTMENT-CONNECTOR ROAD COMMITTEE

Chairman Adkins appointed the following committee to review the Connector Road RFP's and bring a recommendation back to the Board:

Jeff Salyers

T. G. Branson-VDOT

County Administrator

Chairman

IN RE: RESOLUTION-COMMUNITY SERVICES BOARD PERFORMANCE CONTRACT

A motion was made by Doug Stallard, seconded by Donnie Dowell, to adopt the resolution approving the Planning District One Community Services Board FY 2001 Performance Contract. The motion was unanimously approved.

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

IN RE: JUDICIAL SALE/ATTORNEY FEES

A motion was made by Donnie Dowell, seconded by Jeff Salyers, to approve the payment of \$125.00 payable to Daniel Fast for attorney fees for Judicial Sale.

Aye-Doug Stallard                      Nay-Edgar Mullins

Betty Cornett

Doug Mullins

Robert Adkins

Donnie Dowell

Jeff Salyers

Virginia Meador

IN RE: JUDICIAL SALE/ALLOCATION

A motion was made by Doug Stallard, seconded by Donnie Dowell, to approve the allocation of \$20,000 payable to Daniel Fast to be used for the remaining part of the cost of title searches for the Judicial Sale.

Aye-Doug Mullins                      Nay-Edgar Mullins

Betty Cornett

Robert Adkins

Doug Stallard

Donnie Dowell

Jeff Salyers

Virginia Meador

IN RE: RESOLUTION-BEARING OF FIREARMS

A motion was made by Jeff Salyers, seconded by Betty Cornett, to adopt a resolution supporting the constitutional right of all law-abiding citizens in the United States of America to keep and bear firearms. The motion was unanimously approved.

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IN RE: E-911 ROAD NAMES

A motion was made by Jeff Salyers to set a public hearing on August 3, 2000, at 6:05 p.m. to receive citizens comments regarding a list of new proposed E-911 road names. Donnie Dowell seconded the motion. The motion was unanimously approved.

IN RE: WATER SERVICE DUE TO DROUGHT CONDITIONS

Chairman Adkins appointed the following committee to study the water problems throughout the county associated with drought conditions:

Donnie Dowell-Representing PSA

Alex Knox - Representing EOC

Bob Adkins-Director of EOC

Shannon Scott-County Administrator

IN RE: RESOLUTION - AMTRAK RAIL SERVICE

A motion was made by Virginia Meador, seconded by Donnie Dowell, to approve the resolution supporting the proposed "Trans-Dominions Express" and Amtrak railway service linking Bristol with Washington, D.C., and Richmond, VA. The motion was unanimously approved.

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IN RE: APPROPRIATIONS/FIRST QUARTER

A motion was made by Doug Stallard, seconded by Jeff Salyers, to approve the first quarter appropriations as presented. The motion was unanimously approved.

IN RE: LEGAL COUNSEL/POTENTIAL ANNEXATION SUITE

Chairman Adkins stated that the county has received two letters from potential legal firms that would be available to represent the county as counsel in the event the Town of Big Stone Gap pursues its proposed boundary adjustment/annexation suite.

Betty Cornett stated that the vast majority of the people affected by the proposed boundary adjustment/annexation have spoken against it. Therefore, she in agreement to hire the best attorney possible to represent the County. She asked that a background check be done on those firms that have submitted a proposal to represent the county with a count on how many annexation cases they have been involved in to include wins and losses.

Virginia Meador voiced her support of Ms. Cornett's request.

#### IN RE: COUNTY PROPERTY / R-O-W EASEMENT

Attorney Mullins advised that James "Joe" Mullins a resident of the Pound area has approached the County concerning a possible easement through a portion of county property for the purpose of constructing a road to the Cantrell Cemetery. Attorney Mullins noted that a public hearing must be held on the R-O-W easement and to date she has not received a description of the county property from Mr. Mullins.

After discussion, a motion was made by Doug Mullins, seconded by Doug Stallard, to table this request for thirty days for further information.

Edgar Mullins made a substitute motion to hold the public hearing.

Administrator Scott stated that the Board has agreed that no public hearings will be held without full documentation regarding the purpose of the public hearing is available for review by the Board.

Edgar Mullins withdrew his motion.

The main motion to table the request for thirty days was unanimously approved.

#### IN RE: APPROPRIATIONS / SOCIAL SERVICES

A motion was made by Donnie Dowell, seconded by Jeff Salyers, to approve an appropriation of \$54,550.00 to the Wise County Social Services Budget for FY 2000-2001 to be reimbursed by the State in the amount of \$40,913.00 and the LP Office on Youth in the amount of \$13,637.00. The motion was unanimously approved.

#### IN RE: PAYMENT OF ACCOUNTS

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

#### IN RE: E-911 PAYMENTS

A motion was made by Jeff Salyers, seconded by Donnie Dowell, to approve the E-911 payments as presented. The motion was unanimously approved.

IN RE: BLACKWOOD LANDFILL ENTERPRISE PAYMENTS

A motion was made by Jeff Salyers, seconded by Doug Stallard, to approve the Blackwood Landfill Enterprise payments as presented. The motion was unanimously approved.

IN RE: ENTERPRISE FUND PAYMENTS

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

IN RE: BIDS/SHERIFF'S DEPARTMENT VEHICLES

Administrator Scott stated that he had been approached by the Sheriff's Department for authorization to advertise for bids for police vehicles for the Sheriff's Department. Mr. Scott said that in the past this type of bidding has been done by the County Administrator on behalf of the Board of Supervisors for the Sheriff's Department vehicles. He further asked that a committee be appointed to review the bids; three appointed from the Sheriff's Office, two from the Board and the County Administrator.

Jeff Salyers made a motion to authorize the County Administrator to advertise for bids on vehicles for the Sheriff's Department. Doug Mullins seconded the motion.

There was some discussion whether or not the Sheriff's Department could advertise for bids on the vehicles without the County Administrator's Office being involved.

Attorney Mullins explained that in the past, bidding on the police cars have always been bid through the County Administrator's Office in coordination with the Sheriff's Department. However, she could check the code to ascertain whether or not there would be any reason the Sheriff could not do his own bidding and advertisement

After further discussion, and with several unanswered questions, it was the consensus of the Board to have Attorney Mullins do some research for further information on this bidding process and bring the information back to the Board after the closed session.

Jeff Salyers withdrew his motion.

Doug Mullins withdrew his second.

IN RE: BOARD COMMENTS

There were comments from several Board members.

#### RECESS

There was a brief recess taken at 7:50 p.m.

The meeting reconvened at 8:10 p.m.

Edgar Mullins left the meeting at this time.

#### IN RE: CLOSED SESSION

A motion was made by Doug Stallard, seconded by Jeff Salyers, to go into closed session to discuss the position of County Administrator. The motion was unanimously approved.

After a lengthy closed session, a motion was made by Donnie Dowell, seconded by Doug Stallard, to reconvene the regular meeting. The motion was unanimously approved.

#### IN RE: RESOLUTION / CLOSED SESSION

A motion was made by Donnie Dowell, seconded by Jeff Salyers, to approve the resolution verifying matters discussed while in closed session. The motion was unanimously approved by roll call vote.

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#### IN RE: SHERIFF'S DEPARTMENT VEHICLE

Attorney Mullins reported that the Board has the option of doing the advertising for the Sheriff's Department for the police cars or the process can be done by the Sheriff's Department.

After discussion, a motion was made by Jeff Salyers to delegate all responsibilities for purchasing the Sheriff's Department vehicles to the Sheriff's Department. Betty Cornett seconded the motion. The motion was unanimously approved.

It was noted that the County Administrator would be available to assist in the bidding process if needed.

#### ADJOURN

A motion was made by Doug Stallard, seconded by Jeff Salyers, to adjourn the meeting. The motion was unanimously approved.