

## **Board of Supervisors - August 10, 2000 Regular Meeting**

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The Wise County Board of Supervisors met in regular session on Thursday, August 10, 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 Doug Mullins

Honorable Edgar Mullins

Honorable Betty Cornett

Honorable Doug Stallard

Honorable Donnie Dowell - members of said Board and

Shannon C. Scott-Acting County Administrator

Karen Mullins-County Attorney

Annette Underwood-Executive Secretary

### ABSENT

Honorable Jeffrey Salyers

### PRAYER

Rev. Garrett Shelton, Pastor Nash Chapel Church, led the Board in prayer.

### PLEDGE ALLEGIANCE TO THE FLAG

### MINUTES

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

#### IN RE: APPROVAL OF AGENDA

Chairman Adkins asked for deletions or additions to the agenda.

Administrator Scott informed the Board that an emergency has occurred with the elevators in the courthouse. One elevator is completely out of order with the other one working on a "band aid". Thyssen General Elevator has responded to this emergency with an approximate cost of \$26,882.00 to repair both elevators with an up-front payment of 50% of said payment (\$13,441.00). Mr. Scott asked that this payment be placed on the agenda for approval.

A motion was made by Doug Stallard, seconded by Donnie Dowell, to approve the agenda as presented to include the additions as presented by Administrator Scott. The motion was unanimously approved.

#### 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 Virginia Meador, to approve the VDOT payment in the amount of \$1,396.89 for work done on roads throughout Wise County to be paid from the Coal & Gas Road Improvement Fund. The motion was unanimously approved.

#### IN RE: GRAVEL PAYMENT

A motion was made by Donnie Dowell, seconded by Betty Cornett, to approve the gravel payments in the amount \$8,748.41 for gravel placed on roads throughout Wise County to be taken from the Coal & Gas Road Improvement Fund. The motion was unanimously approved.

#### IN RE: PSA PAYMENT

A motion was made by Doug Mullins, seconded by Virginia Meador, to approve a contribution of \$581,000 to Wise County PSA to be used for water projects in Wise County to be paid from the Coal & Gas Road Improvement Funds. The motion was unanimously approved.

IN RE: RESOLUTION AMENDING ANNUAL PLAN FOR ROADS & BRIDGES/ INDUSTRIAL ACCESS ROAD FUNDS/SYKES BOULEVARD

T. G. Branson, Highway Resident Engineer, informed the Board that the Coal & Gas Road Committee had met this evening at 5:00 p.m. at which time approval was given to amend the Wise County Coal and Gas Road Improvement Plan for July 1, 2000 through June 30, 2001 whereby funds in the amount of \$82,750.00 were made available for improvement of Route 723 for the construction of the Industrial Access Road.

A motion was made by Donnie Dowell, seconded by Doug Mullins, to approve the resolution approving the amendment of the Wise County Coal and Gas Road Improvement whereby funds in the amount of \$82,750.00 were made available for the construction of the Industrial Access Road (Sykes Boulevard). The motion was unanimously approved.

RESOLUTION #      2000

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

IN RE: STADIUM TURNING LANE PROJECT/CHANGE ORDER

A motion was made by Doug Stallard, seconded by Donnie Dowell, to approve change order #1 for the Stadium Turning Lane Project on Dardin Drive. The motion was unanimously approved.

VDOT REMARKS

T. G. Branson, Highway Resident Engineer, gave a brief update on upcoming events in road construction throughout Wise County.

IN RE: RESOLUTION/AMENDMENT TO WISE COUNTY COAL AND GAS ROAD IMPROVEMENT PLAN FOR JULY 1, 2000 - JUNE 30, 2001

A motion was made by Donnie Dowell, seconded by Doug Mullins, to approve the resolution amending the Wise County Coal and Gas Road Improvement Plan whereby \$125,000 is allocated as local matching funding for the ARC grant for the Ramsey-Wise Connector Road. The motion was unanimously approved.

RESOLUTION #      2000

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

IN RE: BLACKWOOD LANDFILL UPDATE

Administrator Scott reminded the Board that Bill King had verbalized at the workshop several recommendations that he felt the County should do regarding the inclusion of the Blackwood Landfill early closure of 2020. He asked for action from the Board regarding these recommendations that will hopefully exclude the Blackwood facility from those facilities that are being considered for early closure. Mr. Scott

stated that there was no indication from Mr. King that there would be any additional cost for these services from Thompson & Litton.

A motion was made by Doug Stallard, seconded by Donnie Dowell, to authorize T&L to work with DEQ on getting the Blackwood Landfill excluded from those facilities that are being considered for early closure. The motion was unanimously approved.

#### IN RE: APPALACHIA LANDFILL UPDATE

Scott Wilson, representing Dewberry & Davis, reported that bids had been received on July 18<sup>th</sup> for the Appalachia Landfill closure project with negotiations currently being made with the low bidder. Mr. Wilson noted that the Consent Order requires that the County be under construction in August of this year with construction ending in November of this year. He asked the Board to authorize either the chairman or the county administrator to execute a contract as soon as negotiations are completed.

A motion was made by Donnie Dowell to authorize the chairman and/or the County Administrator to execute the Contract to proceed in compliance with the Consent Order subject to the County Attorney's review. Virginia Meador seconded the motion. The motion was unanimously approved.

Mr. Wilson spoke regarding the need for a Construction Quality Assurance (CQA) Consultant for the Appalachia project. For landfill projects, DEQ requires that someone be on site during construction to certify that things have been done correctly and to do further testing. DEQ also requires that the CQA Consultant not be hired by the contractor. The contracts are written in such a manner that the owner, Wise County, could hire the CQA consultant.

Mr. Wilson noted he could do the inspections but not the soil testing. If Dewberry & Davis had to subcontract the soil testing, 15% of the price charged by that agency would be charged by Dewberry & Davis to the County. Rather than have Dewberry & Davis doing the inspections and another agency doing the soil testing, quotes were requested from agencies that could do both jobs. Quotes were received from RLS & Company out of Abingdon and Marshall Miller out of Bluefield with the quote from RLS Company being the lowest.

Mr. Wilson asked that the contract be approved contingent upon the construction contract being awarded.

A motion was made by Donnie Dowell, seconded by Doug Stallard, to approve the contract with RLS & Company contingent upon the construction contract being awarded. The motion was unanimously approved.

#### IN RE: R-O-W EASEMENT/CEMETERY ROAD-POUND AREA

Attorney Mullins reported that she had spoken to a representative of Clinchfield regarding the property that James Mullins has asked for a R-O-W through which is located in the Pound section of Wise County. Seman Kendricks, surveyor for Clinchfield, has also been contacted for a survey of said property. Clinchfield has agreed that if there is any question as to whether or not this is left over land that is to be returned to them, they will sign off on the document too.

A motion was made by Donnie Dowell, seconded by Doug Mullins, to hold a public hearing on September 7, 2000, at 6:05 p.m. for citizens comments regarding a proposed R-O-W through a portion of County

property located in the Pound section of Wise County for the purpose of providing a road to the Cantrell Cemetery. The motion was unanimously approved.

IN RE: BIG STONE GAP PROPOSED ANNEXATION/LEGAL COUNSEL

Administrator Scott reviewed the letters from Dan Siegel, Edward Plunket and Richard Cranwell, regarding their availability as legal counsel for the proposed Big Stone Gap annexation suit.

After discussion, it was the consensus of the Board to await action from Big Stone Gap before retaining legal counsel for the county.

IN RE: WORLD WAR II MEMORIAL

A motion was made by Edgar Mullins, seconded by Doug Stallard, to contribute \$500.00 from the County Wide Discretionary Fund toward the National World War II Memorial. The motion was unanimously approved.

IN RE: E-911 ROAD NAMES

A public hearing was held on August 3, 2000, to receive citizens comments regarding the proposed E-911 road names (previously unnamed).

There was no opposition to the proposed names at the public hearing.

A motion was made by Donnie Dowell, seconded by Doug Mullins, to approve the E-911 road names as presented. The motion was unanimously approved. (Said names on file in the County Administrator's Office)

IN RE: STONEGA COMPREHENSIVE COMMUNITY PLANNING PROJECT

A motion was made by Doug Stallard, seconded by Donnie Dowell, to authorize the County Administrator to execute the contract for the Stonega Comprehensive Community Planning Project. The motion was unanimously approved.

IN RE: LANDFILL USE FEE REFUND

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

IN RE: REZONING/SPORTSMAN DRIVE & HURRICANE ROAD/RON STIDHAM

Chairman Adkins advised that Ron Stidham had submitted a letter withdrawing his request for rezoning of the property on Sportsman Drive and the property located on Hurricane Road.

IN RE: RESOLUTION COYOTE PROBLEM

A motion was made by Donnie Dowell, seconded by Doug Stallard, to adopt the resolution requesting Virginia's Congressional Delegation to seek assistance in obtaining additional federal funding for the Virginia Cooperative Coyote Damage Control Program. The motion was unanimously approved.

RESOLUTION #      2000

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

IN RE: BUILDING REFUND

A motion was made by Donnie Dowell, seconded by Betty Cornett, to approve the Building Refund in the amount of \$35.35 to Clint & Tammy Flanary. The motion was unanimously approved.

IN RE: COMMISSIONER OF REVENUE REQUEST FOR REFUND

A motion was made by Doug Stallard, seconded by Virginia Meador, to approve the Commissioner of Revenue's request for a refund as presented. The motion was unanimously approved.

IN RE: APPOINTMENT BUILDING CODE AND APPEALS BOARD

It was the consensus of the Board to table the appointment to the Building Code and Appeals Board.

IN RE: APPOINTMENT GROUP HOME FOR BOYS & GIRLS/29<sup>TH</sup> JUDICIAL DISTRICT

It was the consensus of the Board to table the appointment to the Group Home for Boys & Girls 29<sup>th</sup> Judicial District.

IN RE: APPOINTMENT INDUSTRIAL DEVELOPMENT AUTHORITY

A motion was made by Virginia Meador, seconded by Betty Cornett, to reappoint Ben Allen to the Wise County IDA for a term of four (4) years. The motion was unanimously approved.

IN RE: APPOINTMENT LONESOME PINE OFFICE ON YOUTH

It was the consensus of the Board to table the appointment to the Lonesome Pine Office on Youth.

IN RE: APPOINTMENT PSA

A motion was made by Doug Stallard, seconded by Doug Mullins, to reappoint Kenneth Hillman, to the Wise County PSA.

Aye-Doug Mullins    Nay-None    Abstain - Donnie Dowell

Edgar Mullins

Betty Cornett

Virginia Meador

Bob Adkins

Doug Stallard

IN RE: APPOINTMENT WISE COUNTY TOURISM COMMITTEE

A motion was made by Betty Cornett, seconded by Virginia Meador, to appoint Stan Botts, Jr. to fill the unexpired term of J. F. Tate on the Wise County Tourism Committee. The motion was unanimously approved. \_

IN RE: WISE COUNTY HAZ-MAT AGREEMENT

A motion was made by Doug Stallard, seconded by Betty Cornett, to authorize the Chairman to execute the Wise County Level II-E Haz-mat Emergency Response Agreement. The motion was unanimously approved.

IN RE: SCHOOL RESOURCE OFFICER/BIG STONE GAP

Administrator Scott informed the Board that Suzanne Lawson attended the Big Stone Gap Town Council meeting regarding the School Resource Officer position at the Powell Valley High School. Big Stone Gap was the only town that did not submit a grant request for a Resource Officer position and therefore is the only school without a Resource Officer. A letter was received from Ms. Lawson stating that the School Board was willing to pay 25% of any cost the Town of Big Stone Gap may incur in providing an officer to the Powell Valley High School. The Council gave approval for the Town of Big Stone Gap Police Department to provide a Resource Officer to Powell Valley High School through the first semester. After

that decision was made, Mayor Kirk asked that a meeting be held to include the two representatives for the Big Stone Gap area from the Board of Supervisors, a representative from the School Board, the Town Manager of Big Stone Gap, Acting County Administrator Shannon Scott, Chairman Adkins, and two members of the Big Stone Gap Town Council. Mr. Scott stated that he would be talking with the Sheriff prior to this meeting for his input and guidance. Mayor Kirk has voiced his desire for the County to furnish and pay for the Resource Office in its entirety for a full year since the other schools have resource officers that are paid for without local dollars. However, Mr. Scott noted that grant dollars could not be requested for the Town of Big Stone Gap because they contain federal money and the federal portion of that grant states that federal money cannot supplant local dollars. That is the reason the School Board did not apply for a grant on behalf of the Town of Big Stone Gap.

Ms. Meador was concerned that the Town of Big Stone Gap was being penalized for acting on its own last year by funding the resource officer with local dollars. She asked for some direction from Board members.

Donnie Dowell stated that this matter is specifically between the School Board and the Town of Big Stone Gap and the Board of Supervisors should not get involved in School Board business. He recommended that a dialogue be kept for future expense and made part of the School Board Budget each year.

Ms. Meador was in agreement with Mr. Dowell but said the County became a part after signing off on the resource officer grant.

Mr. Dowell noted that the County acts only as a fiscal agent for grants but does not participate in the actual funding.

There were several comments from different Board members regarding possible avenues that could possibly be taken to overcome the lack of funding for the resource officer.

#### IN RE: PAYMENT OF ACCOUNTS

Administrator Scott asked that the payment to Thyssen Elevator in the amount of \$13,441.00 (50% of the total cost for repair of the two (2) elevators in the courthouse) be added to the payments. He asked that he also be authorized to prepare a supplement to pay the final payment in the event the repairs took place prior to the next Board meeting.

A motion was made by Doug Stallard, seconded by Doug Mullins, to approve the payment of accounts as presented to include the payment to Thyssen Elevator in the amount of \$13,441.00, and to authorize the County Administrator to do a supplement to pay the final payment if needed prior to the next Board meeting. The motion was unanimously approved.

#### IN RE: E-911 PAYMENTS

A motion was made by Doug Stallard, seconded by Betty Cornett, to approve the E-911 payments as presented.

The motion was unanimously approved.

IN RE: BLACKWOOD LANDFILL ENTERPRISE FUND

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

IN RE: ENTERPRISE FUND PAYMENTS

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

IN RE: BOARD COMMENTS

There was some discussion on part-time employees pay, the structure of the Personnel Policy Manual and the Fair Labor Act.

BREAK

The Board took a break at 7:25 p.m.

The Board reconvened its meeting at 7:35 p.m.

Edgar Mullins left the meeting at this time.

IN RE: CLOSED SESSION

A motion was made by Donnie Dowell, seconded by Doug Mullins, to go into closed session as per the following code sections:

1. 2.1-344A7: Consultation with legal counsel regarding probable litigation
2. 2.1-344A6: The investing of public funds where competition or bargaining is involved
3. 2.1-344A1: To Discuss the position of County Administrator

Shannon Scott and Annette Underwood left the closed session after discussion on items #1 and #2 were completed.

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 Doug Stallard, to approve the resolution verifying matters discussed while in closed session. The motion was unanimously approved by roll call vote.

RESOLUTION # 2000

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

IN RE: RFP ENGINEERING SERVICES RAMSEY/WISE CONNECTOR ROAD

A motion was made by Doug Stallard, seconded by Betty Cornett, to accept the recommendation of the Connector Road Committee to rank Thompson & Litton, Inc and Group as the #1 applicant on the engineering services for the Ramsey-Wise Connector Road Project. The motion was unanimously approved.

ADJOURN

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