

Board of Supervisors - October 12, 2000 Regular Meeting

The Wise County Board of Supervisors met in regular session on Thursday, October 12, 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 Douglas 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. Joe Ramey, Pastor Grace Covenant Church, Coeburn, VA led the Board in prayer.

PLEDGE OF ALLEGIANCE TO THE FLAG

MINUTES

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

APPROVAL OF AGENDA

A motion was made by Doug Stallard, seconded by Donnie Dowell, to approve the agenda with the addition of a payment to Southwest Virginia Regional Task Force. 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 Donnie Dowell, seconded by Virginia Meador, to approve the VDOT payment in the amount of \$835.52 for construction 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 Donnie Dowell, seconded by Betty Cornett, to approve the gravel payments in the amount of \$2696.99 for gravel placed on roads throughout Wise County to be paid from the Coal & Gas Road Fund. The motion was unanimously approved.

IN RE: W-L CONSTRUCTION & PAVING, INC/TURNING LANE

A motion was made by Doug Stallard, seconded by Donnie Dowell, to approve the payment to W-L Construction & Paving, Inc. for the Stadium Turning Lanes Project to be paid from the Coal & Gas Road Fund. The motion was unanimously approved.

IN RE: PRIORITIZE RURAL ADDITIONS

After discussing the rural addition list, a motion was made by Donnie Dowell, seconded by Doug Stallard, to table this item until next month to give Board members more time to review the priority list. The motion was unanimously approved.

IN RE: SECONDARY ROAD SIX YEAR IMPROVEMENT PLAN

A motion was made by Doug Stallard, seconded by Doug Mullins, to hold a public hearing on November 2, 2000, at 6:05 p.m. to receive citizens' input regarding the proposed revision of the Secondary Roads Six Year Improvement Plan. The motion was unanimously approved.

IN RE: RESOLUTIONS / CHILDREN AT PLAY SIGNS

A motion was made by Donnie Dowell, seconded by Doug Mullins, to approve the resolutions requesting the installation of "Watch For Children" signs at the following locations:

Summit Drive on Gray Hill

Sunset Drive on Gray Hill

Buchanan Street in the Town of St. Paul

Bull Hill Road.

The motion was unanimously approved.

RESOLUTION # 2000

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

IN RE: VDOT REMARKS

Several Board members asked Mr. Branson to check some problems in their districts and get back to them with his findings.

IN RE: SPECIAL USE PERMIT/DAVID ADKINS

A public hearing was held on October 5, 2000, to receive citizens comments regarding a request from David Adkins for a Special Use Permit for a cemetery lot. There was no opposition to this request at the public hearing.

A motion was made by Edgar Mullins, seconded by Doug Stallard, to approve the request from David Adkins for a Special Use Permit for a cemetery lot to be located on Crab Orchard Road in Coeburn, VA. The motion was unanimously approved.

IN RE: CONSUMER UTILITY TAX ORDINANCE AMENDMENT

A public hearing was held on October 5, 2000, to receive citizens' comments regarding a proposed amendment to the Wise County Consumer Utility Tax on Telephone and Electric Energy Services Ordinance #6-1987. There was no opposition to this proposed amendment at the public hearing.

A motion was made by Doug Stallard, seconded by Doug Mullins, to approve the amendment to the Consumer Utility Tax on Telephone and Electric Energy Services Ordinance as presented. The motion was unanimously approved.

(SAID AMENDMENT ON FILE IN THE COUNTY ADMINISTRATOR'S OFFICE)

IN RE: R-O-W EASEMENT THROUGH COUNTY PROPERTY

A public hearing was held on October 5, 2000, to receive citizens' input regarding a R-O-W easement through County property located at the corner of Bear Creek Road NE and State Rt. 646 adjacent to the Social Services Building on Coeburn Mountain . There was no opposition to this R-O-W easement at the public hearing.

A motion was made by Doug Stallard, seconded by Donnie Dowell, to approve the R-O-W easement through County property as stated above for the purpose of installing a sewer line to the LP Business Technology Park. The motion was unanimously approved.

IN RE: SEWER LINE/UPTON STREET EAST STONE GAP

Administrator Scott gave the Board an overview of last week's meeting with Health Department representative Emmett Wampler regarding the sewer line on Upton Street in East Stone Gap. Since last meeting, two contractors have given estimates on doing this sewer project which is lower than anticipated. Based on the need and the benefits that will be reaped in getting the sewer out of the river, Administrator Scott recommended that the Board consider an expenditure up to \$12,000 for this project giving consideration that other avenues are being sought for revenue to be given back to the County to reduce its costs.

Virginia Meador stated that the Health Department is willing to set up sewer projects in each district with the Health Department setting the priority for such projects and money could be set aside each year so these sewer projects can be implemented.

A motion was made by Virginia Meador, seconded by Betty Cornett, to approve up to \$12,000 for the sewer project on Upton Street in ESG.

Doug Stallard suggested setting aside a sum of money and partner with the towns on these sewer projects that would be less expensive for the County.

Administrator Scott recommended that consideration be given to setting aside \$50,000 in Capital Outlay from the reserve and appropriated on an "as need" basis.

After further discussion, Doug Stallard made a substitute motion to establish a fund of \$50,000 for sewer projects with the Health Department choosing the project with the revenue from the project to replenish the fund. Edgar Mullins seconded the motion.

There was some discussion on upkeep and maintaining the lines once installed.

Ms. Meador said this motion would make this sewer project for Upton Street dead in the water because the Health Department has already worked out the details with the residents and the town regarding the pay back on this specific project. To change the course of this particular project at this point in time would jeopardize the whole project.

After clarifying Mr. Stallard's motion, it was noted that his motion should be made as a separate motion rather than a substitute motion.

Mr. Stallard withdrew his motion and Mr. Mullins withdrew his second.

Chairman Adkins asked for a vote on the main motion to approve up to \$12,000 for the sewer line on Upton Street in ESG. The motion was unanimously approved.

IN RE: REZONING REQUEST/HUDSON BRANHAM

Doug Mullins made a motion to lay the rezoning request from Hudson Branham on the table for the specified time allowed by ordinance. Doug Stallard seconded the motion.

Chairman Adkins advised that the Planning Commission will be addressing "Conditional Zoning" at its meeting on October 16.

Attorney Mullins said she would check the ordinance to ascertain the time period on this request.

The motion was unanimously approved.

IN RE: RESOLUTION / KITCHEN INCUBATOR

Donnie Dowell made a motion to approve the resolution regarding the kitchen incubator not to include nor identify the source of funding. Doug Mullins seconded the motion. The motion was unanimously approved.

RESOLUTION # 2000

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

IN RE: DANCE HALL PERMIT / CLARK STALLARD

A motion was made by Donnie Dowell, seconded by Doug Mullins, to hold a public hearing on November 2, 2000, at 6:10 p.m. to receive citizens' input regarding a request from Clark Stallard for a dance hall permit. The motion was unanimously approved.

IN RE: ZONING ORDINANCE AMENDMENT

A motion was made by Doug Stallard, seconded by Donnie Dowell, to hold a public hearing on November 2, 2000, at 6:15 p.m. to receive citizens' input on a proposed amendment to Wise County Zoning Ordinance. The motion was unanimously approved.

IN RE: SALE OF COUNTY PROPERTY IN STEPHENS

A letter was received from Cliff Bowman, Pastor of the Stevens Church of God located in the Stephens area of Wise County, requesting the Board to consider selling the County property adjacent to the church for future growth of the church.

Attorney Mullins advised that if the County chose to sell this property there would be a need for a public hearing for public input. However, the Board can make any disposition of the property it chooses whether it be a private or public sale.

Administrator Scott advised that the county property has a 2.54 acreage. He recommended that this request be tabled to allow the attorney to review the language in the deed and to follow up on questions that were asked at the Workshop meeting.

After further discussion, a motion was made by Doug Mullins, seconded by Edgar Mullins, to lay the request to purchase the Stephens property on the table for further study. The motion was unanimously approved.

IN RE: APPROPRIATIONS/SECOND QUARTER

A motion was made by Donnie Dowell, seconded by Virginia Meador, to approve the second quarter appropriations as presented. The motion was unanimously approved.

IN RE: TRANSFER OF FUNDS/ BUILDING DEPARTMENT

A motion was made by Donnie Dowell, seconded by Doug Mullins, to approve the transfer of \$3500 from line item 1003 to line item 5401 in the Building Department budget as requested by Building Official Robert Mullins. The motion was unanimously approved.

IN RE: BUILDING REFUND

A motion was made by Doug Mullins, seconded by Betty Cornett, to approve the building refund in the amount of \$35.43 payable to Jeffrey Fields as presented by the Building Official Robert Mullins. The motion was unanimously approved.

IN RE: APPOINTMENT / BUILDING CODE AND APPEALS BOARD

A motion was made by Betty Cornett, seconded by Virginia Meador, to appoint Robert Boggs to the Building Code and Appeals Board for a term of five years. The motion was unanimously approved.

IN RE: APPOINTMENT/ GROUP HOME FOR BOYS & GIRLS-29TH DISTRICT

A motion was made by Doug Stallard, seconded by Donnie Dowell, to appoint Robert E. Robbins to the Group Home for Boys & Girls-29th District for a term of four (4) years. The motion was unanimously approved.

IN RE: APPOINTMENT/LONESOME PINE OFFICE ON YOUTH

A motion was made by Doug Stallard, seconded by Donnie Dowell, to reappoint Sheila Cox Combs to the Lonesome Pine Office on Youth Board for a term of four (4) years. The motion was unanimously approved.

IN RE: SPECIAL USE PERMIT/CYNTHIA CROFOOT

A motion was made by Doug Stallard, seconded by Betty Cornett, to approve the request from Cynthia Crofoot for a Special Use Permit for the purpose of establishing a dog kennel to be located on Bean Gap as recommended by the Planning Commission.

Aye-Doug Mullins Nay-None Abstain - Edgar Mullins

Betty Cornett

Virginia Meador

Bob Adkins

Doug Stallard

Donnie Dowell

IN RE: CONNECTOR ROAD/PURPOSE & NEEDS AGREEMENT

A motion was made by Donnie Dowell, seconded by Betty Cornett, to approve the Connector Road Purpose & Needs Agreement as presented. The motion was unanimously approved.

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

IN RE: COMMITTEE/REVIEW /UPDATE PERSONNEL POLICY MANUAL

Chairman Adkins appointed the following people to serve on the committee to update/review the County's Personnel Policy Manual:

Doug Stallard

Donnie Dowell

Betty Cornett

Bob Adkins

Shannon Scott

Karen Mullins-Attorney

IN RE: MANDATORY SEWER HOOK-UP ORDINANCE

Administrator Scott discussed with the Board the importance of having a mandatory sewer hook-up ordinance for Wise County. He noted that grant dollars are tied to the County having such an ordinance in place.

After further discussion, the County attorney was directed to draft said ordinance for the Board to review at its next meeting.

IN RE: RIGHT OF ENTRY FOR CEMETERY/BOGGS AVENUE - APPALACHIA

Administrator Scott stated that he had spoken to Robert Burton, a representative of Meg-Lynn Land Company, regarding the request for financial assistance of \$1,000 to help in the construction of gates on Boggs Avenue that will allow continuous access to the cemeteries as well as the mining operations

located within the proximity to the landfill located on Boggs Avenue. At least three (3) gates need to be constructed since there are three cemeteries. With 4-wheelers entering onto the surface mine property and the cemeteries, these gates will provide security for the mining operations as well as the cemeteries. However, Mr. Burton has asked that this request be tabled to allow him to address the Board with topo maps of the area and further explain the details.

After discussion, a motion was made by Doug Mullins, seconded by Donnie Dowell, to table this request for further information. The motion was unanimously approved.

IN RE: LONESOME PINE OFFICE ON YOUTH ROOF REPAIR

Administrator Scott reviewed the roof problem on the county-owned building now being occupied by the Lonesome Pine Office On Youth. He asked that the Board consider authorizing the Chairman, the County Administrator, and the Building Official to meet with BSG Town Manager George Polly and Building Inspector Charles Miller to make a determination as to the drainage problem and the party being responsible for correcting the problem.

After discussion, a motion was made by Doug Mullins, seconded by Donnie Dowell, to allow the Chairman, County Administrator, and Building Official to meet with the BSG representatives to make an assessment of the roof and drainage problem on the county-owned building now being occupied by the LP Office on Youth. The motion was unanimously approved.

IN RE: IMBODGEN SUBCONTRACT/WEST VIRGINIA UNIVERSITY

A motion was made by Virginia Meador, seconded by Donnie Dowell, to ratify the Subcontract between the West Virginia University Research Corporation on behalf of West Virginia University and the Wise County Board of Supervisors for the Imboden project. The motion was unanimously approved.

IN RE: MOU CONTRACT BETWEEN THE WC HEALTH DEPT & THE BOARD OF SUPERVISORS

Attorney Mullins informed the Board that there is also a Memorandum of Understanding Contract between the Wise County Health Department and the Board of Supervisors regarding the Imboden Project that incorporates the language that the Health Department will operate this program and the County will be the funding administrator.

A motion was made by Doug Mullins that the Board approve the MOU as presented by the County Attorney. Donnie Dowell seconded the motion. The motion was unanimously approved.

IN RE: INTERNET HOME PAGE AGREEMENT

Commissioner of Revenue Delmer Wilson reviewed and explained the Internet Home Page Agreement and the benefits it will provide for the county and its citizens. The funding for the inception of the Internet Home Page will be taken from the Commissioner of Revenue's budget with unused funds for this fiscal year. The Data Processing Department will be trained to make changes and to do the updating as well

as employees in other offices. However, training and website maintenance will be done on a yearly basis. The cost would be approximately \$900.00 per year that includes a server and training with the payment being taken from the County Administrator's budget.

A motion was made by Doug Stallard to execute the Internet Home Page Agreement as presented. Doug Mullins seconded the motion.

Aye-Doug Mullins Nay-None Abstain - Edgar Mullins

Betty Cornett

Virginia Meador

Bob Adkins

Doug Stallard

Donnie Dowell

IN RE: ANDOVER CAN SITE

Doug Mullins stated that he and Mr. Mullins will look at the Andover area for a possible location for a second manned can site.

IN RE: LANDFILL USE FEE/ ELDERLY EXEMPTION

Since there has been some confusion as to the tax exemption for the elderly and disabled regarding the Landfill Use Fee, Commissioner of Revenue Delmer Wilson reviewed the existing ordinance and explained the mechanics of said ordinance.

IN RE: PAYMENT OF ACCOUNTS

A motion was made by Donnie Dowell, seconded by Doug Stallard, to approve the payment of accounts as presented. 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 PAYMENTS

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

IN RE: VRA REVENUE BONDS PAYMENT RATIFICATION

A motion was made by Doug Stallard, seconded by Doug Mullins, to ratify the payment to First Union National Bank as the first payment on the VRA bonded indebtedness. The motion was unanimously approved.

IN RE: LANDFILL ENTERPRISE PAYMENTS

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

BOARD COMMENTS

There was some discussion on the newly incorporated Attendant's Record that has been used at the convenience centers and its purpose.

ADJOURN

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