

Board of Supervisors - November 9, 2000 Regular Meeting

The Wise County Board of Supervisors met in regular session on Thursday, November 9, 2000, at 6:00 p.m. in the Board of Supervisors meeting room located in the Wise County courthouse. The following members were present:

Honorable Robert Adkins-Chairman

Honorable Virginia Meador-Vice-Chair

Honorable Douglas Mullins

Honorable Edgar Mullins

Honorable Betty Cornett

Honorable Douglas Stallard

Honorable Jeffrey 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. Ben Murphy, Pastor First Church of God, led the Board in prayer.

PLEDGE OF ALLEGIANCE TO THE FLAG

MINUTES

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

APPROVAL OF AGENDA

Administrator Scott asked that several invoices be added to the agenda as well as the holiday schedule for County employees.

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

Jeff Salyers entered the meeting at this time.

IN RE: PUBLIC EXPRESSION

Mike Dizney asked the Board that he be allowed to use the county's convenience centers and landfill as a non-county resident because he has rental property in Wise County from which he has Wise County refuse that needs to be disposed of. Since he does not have a County decal, he is not allowed to use the county's disposal facilities. Mr. Dizney agreed to pay the \$30.00 user fee and noted that he already pays taxes on his rental property.

There was some discussion on the language of the ordinance pertaining to the use of the disposal facilities with regard to Mr. Dizney's request and the fact that his tenants have not paid their landfill use fee.

After further discussion, Chairman Adkins asked that Administrator Scott and Attorney Mullins work with Mr. Dizney and find a solution to his problem.

Aubrey Dale Sturgill voiced his opposition to the procedure of taking tag numbers at the convenience centers which in his opinion is the invasion of privacy.

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

IN RE: VDOT PAYMENT

A motion was made by Doug Stallard, seconded by Betty Cornett, to approve the VDOT payment in the amount of \$3,907.89 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 PAYMENTS

A motion was made by Jeff Salyers, seconded by Betty Cornett, to approve the gravel payments in the amount of \$2,421.45 for gravel placed on roads throughout the county to be paid from the Coal & Gas Road Fund. The motion was unanimously approved.

IN RE: NEW RURAL ADDITION LIST

T. G. Branson, Highway Resident Engineer, reviewed the rural addition list with the Board and asked for their consideration of approval.

A motion was made by Doug Stallard, seconded by Jeff Salyers, to approve the new rural addition list as presented. The motion was unanimously approved.

IN RE: SIX YEAR PLAN

Mr. Branson stated that a public hearing was held last week for public input on the Six Year Plan. He will present the plan at the December Board meeting for approval.

IN RE: RESOLUTION/CHILDREN AT PLAN SIGN/WEST RIDGE AVENUE/APPALACHIA

A motion was made by Edgar Mullins, seconded by Doug Mullins, to approve the resolution requesting the installation and maintenance of "Watch for Children" signs to be placed on West Ridge Avenue in Appalachia. The motion was unanimously approved.

RESOLUTION # 2000

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

IN RE: WISE COUNTY MASTER TELECOMMUNICATIONS PLAN

Jack Kennedy addressed the Board regarding the Wise County Master Telecommunications Plan stating that in the spring of 2002 the local cable franchise agreements are up for renewal. The cable companies now serving Wise County, Charter Communications and Adelphia, offer cable modem services throughout the nation which is a rapid way of getting high-speed Internet services into the homes of Wise County citizens.

The objective of the plan is to notify Adelphia and Charter that the county is interested in ensuring the availability of cable modems to the customer base by the time the agreement is up for renewal in 2002. He offered the following recommendations:

Customers should have the option to have cable modem services.

Define a rollout plan with the cable companies beginning in the most populated communities to ensure a more rapid ROI to the private firms.

Explore investment incentives with the cable companies.

The County should work with the local municipalities to coordinate a shared "vision" for cable modem access and add to the incentive packages offered for rapid deployment to the cable companies.

Franchise agreements should include provisions for review of digital cellular service and LMDS with Adelphia at "trigger" dates in the franchise agreement instead of a one-time 10 or 15 year blanket agreement. For example, in 2003 the franchise agreement could terminate unless there is a roll-out of

digital cellular services by Adelphia, or terminate in 2005 if there is no wireless LMDS services offered at targeted locations within the county. These issues must be explored with legal counsel and the cable companies.

After further discussion, a motion was made by Doug Mullins, to allow the County Administrator working with the town managers, to begin the negotiation process with a firm in that particular area of expertise and ascertain whether or not this will be cost effective for the county and whether or not the county wishes to continue. Donnie Dowell seconded the motion. The motion was unanimously approved.

Virginia Meador stated that she has received several complaints from citizens that are not happy with the cost of the digital programming. She asked that Adelphia come before the Board and explain the digital programming to the Board and its customers.

IN RE: TAX MAP PARCEL SPLITS

Jack Kennedy addressed the tax map parcel splits stating that several municipalities and other entities have invested funds to determine a precise estimate of the total costs to up-date the parcel splits (subdividing land) of Wise County. This included the mapping and digitization of 300 splits.

An offer has been made by Anderson and Associates to map an additional 1000 split at \$26 per split. At this point in time, the total of splits to be mapped is uncertain. He noted that the parcel split maps would be the first layer of data for a modern GIS that Wise County has made periodic investments to build over the past several years. This mapping will assist in the redistricting process, flood zoning, etc. Therefore, Mr. Kennedy asked the Board to consider an appropriation of \$26,000 from contingency funds to continue the tax map up-dates and share in the investment costs of mapping the parcel splits.

After further discussion, a motion was made by Doug Mullins, seconded by Doug Stallard, to appropriate \$26,000 to fund the mapping of an additional 1000 splits at \$26 per split. The motion was unanimously approved.

IN RE: DANCE HALL PERMIT/CLARK STALLARD

A public hearing was held on November 2, 2000, to receive citizens comments regarding a request from Clark Stallard for a dance hall permit for the Moose Lodge building located on Highway 58 near Coeburn.

There was no opposition to this request at the public hearing.

A motion was made by Jeff Salyers, seconded by Doug Mullins, to approve the dance hall permit for the Moose Lodge building in Coeburn as requested by Clark Stallard. The motion was unanimously approved.

IN RE: ZONING ORDINANCE AMENDMENT

A public hearing was held on November 2, 2000, to receive citizens comments regarding a proposed amendment to Wise County Zoning Ordinance #2-1991.

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

A motion was made by Doug Stallard, seconded by Jeff Salyers, to approve the amendment to the Wise County Zoning Ordinance as presented. The motion was unanimously approved.

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

IN RE: SPECIAL USE PERMIT RATIFICATION

Attorney Mullins advised the Board that the Board at its meeting in October approved a Special Use Permit for Cynthia Crofoot. This approval was done in error since a public hearing was required prior to Board approval. Therefore, a public hearing was scheduled for November 2, which requires ratification from the Board at this time.

A motion was made by Doug Mullins, seconded by Jeffrey Salyers, to ratify the action taken to advertise for a public hearing on November 2, 2000, regarding the request from Cynthia Crofoot for a Special Use Permit. The motion was unanimously approved.

IN RE: SPECIAL USE PERMIT/CYNTHIA CROFOOT

A public hearing was held on November 2, 2000, to receive citizens' comments regarding a request from Cynthia Crofoot for a Special Use Permit for the purpose of establishing a commercial dog kennel to be located at 8616 Bean Gap Road, Pound, VA.

There being no discussion, a motion was made by Edgar Mullins, seconded by Doug Mullins to approve the Special Use Permit for Cynthia Crofoot as stated above. The motion was unanimously approved.

IN RE: REGIONAL JAIL UPDATE

Bill King gave an update on the status of the regional jail. It has been projected that there will be a need for 774 beds for an 8 county area. After reviewing the number of miles that officers and families would have to travel from the eight different counties, a recommendation of three (3) separate facilities; one in Dickenson County, one in Western Scott County and one in Washington County, now appear to be the most feasible.

The State will participate in 50% of the cost to build the regional jail but would not participate at all in a single county facility. The chance for a regional juvenile detention center is now very feasible which could co-exist with one of the three regional jail facilities.

IN RE: CERTIFICATE OF SUBSTANTIAL COMPLETION/PHILLIPS & JORDAN

A motion was made by Doug Stallard, seconded by Jeff Salyers, to approve the Certificate of Substantial Completion/Phillips & Jordan for the construction of the Phase III development of the Blackwood Wise County Landfill site. The motion was unanimously approved.

IN RE: TRANSFER OF FUNDS/WISE COUNTY CLEAN TEAM

A motion was made by Virginia Meador, seconded by Betty Cornett, to approve the transfer of \$4,080 from the Litter Control budget to Wise Clean Team as requested by the Litter Prevention and Recycling Program Manager. The motion was unanimously approved.

IN RE: TRANSFER OF FUNDS/TREASURER'S OFFICE

A motion was made by Doug Stallard, seconded by Betty Cornett, to approve the transfer of \$4,513.00 from the postal services line item to the ADP Equipment line item in the Treasurer's budget. The motion was unanimously approved.

IN RE: TRANSFER OF R.A.I.D. FUNDS

A motion was made by Jeff Salyers, seconded by Virginia Meador, to approve the transfer of funds from the R.A.I.D. Operational Account to the General Fund in the amount of \$1,185.00 as requested. The motion was unanimously approved.

IN RE: MILEAGE INCREASE

A motion was made by Donnie Dowell, seconded by Jeff Salyers, to increase the rate for mileage from 27 cents to 32.5 cents per mile. The motion was unanimously approved.

IN RE: PROCLAMATION/AMERICAN EDUCATION WEEK

A motion was made by Doug Stallard, seconded by Jeff Salyers, to approve the proclamation proclaiming November 12-18, 2000 as American Education Week. The motion was unanimously approved.

IN RE: LANDFILL USE FEE REFUNDS

A motion was made by Jeff Salyers, seconded by Doug Mullins, to approve the landfill use fee refunds as presented. The motion was unanimously approved.

IN RE: PAY INCREASE FOR PART-TIME EMPLOYEES

A motion was made by Doug Stallard, seconded by Jeff Salyers, to give a pay increase to all county employees, either full-time or part-time that are making less than \$7.00 per hour. If the 3.25% increase scheduled for 12/1/00 will accomplish that amount, then fine, if not, those who would not reach the \$7.00 figure, would be raised to \$7.00. Therefore, \$7.00 per hour would be a minimum pay for county employees. The motion was unanimously approved.

IN RE: APPOINTMENT / IDA

A motion was made by Doug Mullins, seconded by Edgar Mullins, to reappoint Roger Mullins to the Wise County IDA for a term of four years. The motion was unanimously approved.

IN RE: LENOWISCO/DISABILITY SERVICES BOARD

A motion was made by Doug Stallard, seconded by Virginia Meador, to table the LENOWISCO Disability Services Board appointment until next month. The motion was unanimously approved.

IN RE: APPOINTMENT/ PLANNING COMMISSION

A motion was made by Edgar Mullins, seconded by Doug Mullins, to reappoint Faye Barker to the Planning Commission for a term of four years. The motion was unanimously approved.

IN RE: APPOINTMENT/ PSA

A motion was made by Betty Cornett, seconded by Virginia Meador, to appoint Larry Blann to the Wise County PSA for a term of four years. The motion was unanimously approved.

IN RE: APPOINTMENT / SOCIAL SERVICES BOARD

Donnie Dowell nominated John Markham for reappointment to the Social Services Board.

Jeff Salyers nominated Robbie Robbins to serve on the Social Services Board.

Chairman Adkins asked for a vote on the reappointment of John Markham to the Social Services Board.

Aye-Donnie Dowell

Edgar Mullins

Doug Mullins

The vote failed.

Chairman Adkins asked for a vote on the nomination for Robbie Robbins to the Social Services Board.

Aye-Betty Cornett

Virginia Meador

Bob Adkins

Doug Stallard

Jeff Salyers

The vote carried.

Chairman Adkins stated that Robbie Robbins is appointed to the Social Services Board for a term of four years.

Virginia Meador made a motion that the Social Services Board appointment for district three be tabled until next month. Betty Cornett seconded the motion. The motion was unanimously approved.

IN RE: DERBY COMMITTEE APPOINTMENT

Chairman Adkins appointed the following individuals to serve on the Derby Committee with only one serving on an "as need" basis:

Melvin Eads

Cathy Kennedy

Bob Grant

IN RE: LANDFILL USE FEE ORDINANCE AMENDMENT

Attorney Mullins reviewed and explained the proposed amendments to the landfill use fee ordinance that have been recommended by the Landfill Use Fee Committee. She stated that these amendments require a public hearing for public input.

There was a lengthy discussion on the extra money that would have to be paid by the household regarding the disposal of trash other than household garbage and the language of some of the other ordinances that are proposed to be amended. It was noted that perhaps further study and discussion is needed since there is some unrest with the proposed language.

Donnie Dowell suggested that since the Board was not willing to accept the Landfill Use Fee Committee's recommendation, then a new committee should be appointed for further recommendations.

After further comments, a motion was made by Doug Mullins, seconded by Virginia Meador, to set a public hearing on December 7, 2000, at 6:05 p.m. for public input regarding the proposed changes to the ordinance as submitted by the committee.

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

The motion failed.

There was further discussion on alternate avenues that could possibly be taken to repay the landfill expansion loan.

Doug Stallard said he could go along with the changes recommended by the committee if the " by household" language was removed.

After further discussion, a motion was made by Doug Stallard, seconded by Donnie Dowell, to delete " by household" in the amendments of the ordinance and hold a public hearing on December 7, 2000, at 6:05 p.m. to receive citizens input on the proposed amendments to the Assessment of Fee for Disposal of Solid Waste.

Aye-Doug Mullins	Nay-None	Abstain-Virginia Meador
Edgar Mullins		
Bob Adkins		
Doug Stallard		
Betty Cornett		
Jeff Salyers		
Donnie Dowell		

IN RE: R-O-W EASEMENT FOR CEMETERY/BOGGS AVENUE/APPALACHIA

A motion was made by Doug Stallard, seconded by Donnie Dowell, to approve \$1,000 toward the expense of placing gates on Boggs Avenue in Appalachia to secure the mining operations and to give access to the cemeteries in that vicinity. The motion was unanimously approved.

IN RE: LONESOME PINE OFFICE ON YOUTH/ROOF REPAIR

A motion was made by Doug Stallard, seconded by Betty Cornett, to approve an amount not to exceed \$11,000 for the roof repair on the county-owned building now occupied by the Lonesome Pine Office on Youth. The motion was unanimously approved.

IN RE: TRAIL AND RECREATIONAL EASEMENT/SUGAR HILL

Donnie Dowell reported that the Sugar Hill Trail is a part of the Appalachian Bike Trail and the maintenance of the trail would be limited to funds available. There is a \$30,000 grant for this trail for which the County is being asked to act as the "flow through" agent.

Administrator Scott asked that the easement also contain the language that the width of the trail be 36" and the easement be for a period of 20 years.

Mr. Dowell made a motion to approve the Trail and Recreational Easement for Sugar Hill with the legal counsel making the added addendum as stated above to be attached to said easement. Jeff Salyers seconded the motion. The motion was unanimously approved.

Virginia Meador made a motion that the chairman be authorized to sign the Sugar Trail Easement. Donnie Dowell seconded the motion. The motion was unanimously approved.

IN RE: RESOLUTION/BAN ON OPENING BURNING

A motion was made by Doug Stallard that the Board not act on the resolution regarding placing a ban on opening burning since there has been some rain, but authorize the County Administrator to use his discretion for enacting this resolution if it becomes necessary. Betty Cornett seconded the motion. The motion was unanimously approved.

IN RE: PAYMENT OF ACCOUNTS

A motion was made by Donnie Dowell, seconded by Doug Stallard, to approve the payment of accounts to include those payments added by the County Administrator. The motion was unanimously approved.

IN RE: RESOLUTION/HOUSING AUTHORITY/MULTI-FAMILY RENTAL PROJECT

A motion was made by Doug Stallard, seconded by Donnie Dowell, to approve the resolution to insure further funding and construction of an 88 unit multi-family residential rental project for low income individuals and families known as Inman Village Development. The motion was unanimously approved.

RESOLUTION # 2000

