

## Board of Supervisors - December 14, 2000 Regular Meeting

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The Wise County Board of Supervisors met in regular session on Thursday, December 14, 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

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### PRAYER

Rev. Jim Collie, Director Baptist Student Union UVA Wise, led the Board in prayer.

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### PLEDGE ALLEGIANCE TO THE FLAG

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### MINUTES

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

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IN RE: APPROVAL OF AGENDA

Virginia Meador asked that a resolution for the Appalachia High School Girls Basketball and the J. J. Kelly High School Girls Basketball be added to the agenda.

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

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IN RE: PUBLIC EXPRESSION

Joe Bolling presented the Board with pictures of illegal dumps in the Rocky Fork area that have never been cleaned up. He said this represents the type of problem the County will have if \$30.00 a ton is charged for dumping at the landfill. He voiced his opposition to the proposed amendment to the Landfill Use Fee Ordinance.

Elmer Phillips, Dave Thomas and Randy Partin voiced their opposition to the proposed amendment and asked that more enforcement be made toward keeping the illegal dumps from being created. This fee, in their opinion, was for a certain few and not for everyone that dumped at the landfill. It should be for all or none at all. It was suggested that this proposed ordinance be taken back to the table for further discussion and to have input during these discussions from those contractors represented.

After further discussion, the public expression period was closed.

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IN RE: ROADS AND HIGHWAYS

Gravel Payment

A motion was made by Donnie Dowell, seconded by Betty Cornett, to approve the gravel payments in the amount of \$18,896.47 for gravel placed on roads throughout Wise County. The motion was unanimously approved.

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RESOLUTION APPROVAL OF SECONDARY ROAD SIX YEAR PLAN

A motion was made by Doug Stallard, seconded by Donnie Dowell, to approve the resolution approving the secondary road six year plan. The motion was unanimously approved.

RESOLUTION # 2000

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

Board members presented several problems in their areas and asked Mr. Branson to review and respond back to them at his earliest convenience.

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#### IN RE: LANDFILL USE FEE ORDINANCE AMENDMENT

A motion was made by Donnie Dowell, seconded by Doug Mullins, to refer the proposed landfill use fee ordinance amendment back to committee for further study and that those contractors present, Joe Bolling, Randy Partin and Dave Thomas be part of that study and further that a public hearing be held on January 4, 2001 at 6:05 p.m. for citizens input on the proposed amendment.

Virginia Meador noted that the language in the section regarding the collection of the fee should be changed to reflect only the day of the month but not the year.

Attorney stated that the language could be modified to state that " on each February 15<sup>th</sup> thereafter" and remove the year.

After discussion, it was noted that January 4, 2001 would not give the Board enough time to study the proposed amendment after it has gone back to committee.

After further comments, Mr. Dowell amended his motion to hold the public hearing on January 11, 2001 at 6:05 p.m. for public input. The motion was unanimously approved.

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#### IN RE: RESOLUTION-ISSUANCE OF BONDS/MEOC EXPANSION

A motion was made by Donnie Dowell, seconded by Jeff Salyers, to adopt the resolution approving the issuance of revenue bonds in an amount not to exceed \$775,000 to assist in the expansion of the MEOC facility located in Big Stone Gap. The motion was unanimously approved.

#### RESOLUTION # 2000

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

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#### IN RE: ANIMAL CONTROL ORDINANCE REVIEW

There was some discussion on the present animal control ordinance and its control over the animal problems in Wise County.

A motion was made by Donnie Dowell, seconded by Virginia Meador, to postpone any action on the County Animal Control Ordinance at this time. The motion was unanimously approved.

The Board directed Attorney Mullins to review the Code Sections regarding animal control and report back to the Board to give them some insight on whether or not the existing ordinance should be updated.

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#### IN RE: BLACKWOOD LANDFILL MOU

A motion was made by Donnie Dowell, seconded by Doug Stallard, to approve MOU #8 from T&L for the installation of Monitoring Well #14 at the Blackwood Landfill site that has been required by DEQ which is

a condition of the permit amendment for construction of the Phase III landfill expansion. The motion was unanimously approved.

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IN RE: ATS PROPOSAL APPALACHIA SEWER FLOW MONITORING/DERBY

Paul Maggard, representing ATS, informed the Board that he had spoken to the Town of Big Stone Gap regarding the Town of Appalachia's sewer capacity. At the present time, the Town of Appalachia has 400,000 gallons per day capacity at the Big Stone Gap plant.

After Mr. Maggard had spoken with Elaine Stinson with Virginia Rural Water Association, it was noted that VRWA could fund the remaining cost for the Derby/Stonega Project and the sewer capacity is sufficient for both.

Doug Mullins made a motion that ATS proceed with the monitoring/study for the Derby and Stonega sewer project contingent upon funding being in place. Donnie Dowell seconded the motion. The motion was unanimously approved.

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IN RE: CONDITIONAL SEWER PERMIT ORDINANCE

Jack Kennedy came before the Board requesting an ordinance be drafted that would require the placement of the Geographical Position System (GPS) coordinates by the County Health Department on the Conditional Sewer Permit and further be recorded with the Clerk of the Circuit Court and placed among the Land Records. A Conditional Sewer Permit is required prior to the issuance of a building permit for residents. Mr. Kennedy reviewed the benefits of the ordinance and asked the Board to consider holding a public hearing for public input.

Administrator Scott stated that he had met with the Health Department and reviewed the proposed ordinance. There was concern from the Health Department that only future sewer permits be considered and not past permits.

Attorney Mullins reviewed the language in the proposed ordinance that was questioned by the Health Department and noted that those changes could be made without changing the context of the ordinance

A motion was made by Doug Mullins, seconded by Donnie Dowell, to hold a public hearing on January 4, 2001, at 6:05 p.m. to receive citizens' comments and input regarding the proposed Conditional Sewer Permit Ordinance subject to the review of the Health Department. The motion was unanimously approved.

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IN RE: APPOINTMENT/LENOWISCO DISABILITY SERVICES BOARD

A motion was made by Doug Stallard, seconded by Jeffrey Salyers, to appoint Tom Borp to the LENOWISCO Disability Services Board for a term of three years. The motion was unanimously approved.

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IN RE: APPOINTMENT/SOCIAL SERVICES BOARD

A motion was made by Betty Cornett, seconded by Virginia Meador, to appoint Richard Cornett to the Social Services Board for a term of four years. The motion was unanimously approved.

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IN RE: APPOINTMENT-BUILDING CODE & APPEALS BOARD

A motion was made by Doug Mullins, seconded by Edgar Mullins, to reappoint Jay Blevins to the Building Code & Appeals Board for a term of five years. The motion was unanimously approved.

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IN RE: APPOINTMENT -PLANNING COMMISSION

A motion was made by Jeffrey Salyers, seconded by Donnie Dowell, to appoint Joe Slemp to the Wise County Planning Commission for a term of four years. The motion was unanimously approved.

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IN RE: APPOINTMENT - SOUTHWEST VIRGINIA EMERGENCY MEDICAL SERVICES COUNCIL

A motion was made by Doug Stallard, seconded by Jeffrey Salyers, to reappoint Alex Knox to the Southwest Virginia Emergency Medical Services Council for a term of three years. The motion was unanimously approved.

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IN RE: ORDINANCE AMENDMENTS

Attorney Mullins advised that she would have a draft of the proposed amendment for the Building Code Ordinance at the next meeting for Board review.

There was some discussion on the proposed amendments to the Motor Vehicle License Tax Ordinance and the Zoning Ordinance.

Attorney Mullins advised that the Board does not have the statutory authority to make any changes to the Motor Vehicle License Tax Ordinance and the Zoning Ordinance but would have to be changed through the legislature.

After further discussion, a motion was made by Doug Mullins, seconded by Donnie Dowell, to have the County Attorney to prepare the proper wording and submit to the legislators for their workshop agenda. The motion was unanimously approved.

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IN RE: LANDFILL EQUIPMENT PURCHASE

Administrator Scott advised that the excavator now being used at the landfill has been leased for the past year. He recommended that the Board authorize going out to bid for an excavator not to exceed \$150,000.

A motion was made by Doug Stallard, seconded by Doug Mullins, to authorize the County Administrator to go out to bid for an excavator not to exceed \$150,000. The motion was unanimously approved.

Administrator Scott explained that the funds for the excavator would be taken from the VRA funds that were borrowed for the landfill expansion and to close Appalachia. At the present time, it is showing that there seems to be an unanticipated balance remaining unspent of \$395,000 from which these funds could be taken. Since this piece of equipment is badly needed and the funds are available, it would be to the Board's advantage to purchase the equipment rather than rent. The stipulation on the use of these funds is that the equipment must be for the landfill.

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#### IN RE: SOCIAL SERVICES ADDITIONAL FUNDING

A motion was made by Virginia Meador, seconded by Jeff Salyers, to approve the additional funding to the Social Services in the amount of \$95,648.00 for which no local match is required. The motion was unanimously approved.

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#### IN RE: RESOLUTION SUPPORT REGIONAL FARMER'S MARKET

A motion was made by Jeff Salyers, seconded by Betty Cornett, to adopt the resolution giving the Board's full endorsement and support to the proposed new and expanded regional Farmer's Market Project. The motion was unanimously approved.

#### RESOLUTION # 2000

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

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#### IN RE: JUDICIAL SALE/ATTORNEY FEES

A motion was made by Doug Stallard, seconded by Jeff Salyers, to approve the issuance of a check to Dan Fast for attorney fees collected on the Judicial Sale. The motion was unanimously approved.

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#### IN RE: LANDFILL USE FEE REFUNDS

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

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IN RE: PLAQUE OF APPRECIATION/(BENNETT ADKINS)

A motion was made by Edgar Mullins, seconded by Doug Stallard, to authorize the County Administrator to place a plaque of appreciation on the fountain outside the courthouse in honor of Bennett Adkins for construction of said fountain. The motion was unanimously approved.

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IN RE: PAYMENT OF ACCOUNTS

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

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IN RE: E911 PAYMENTS

A motion was made by Betty Cornett, seconded by Jeff Salyers, to approve the 911 payments as presented. The motion was unanimously approved.

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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.

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IN RE: LANDFILL ENTERPRISE PAYMENTS

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

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IN RE: EMPLOYEE CHRISTMAS

A motion was made by Doug Stallard, seconded by Donnie Dowell, to approve gift certificates for the employee Christmas. The motion was unanimously approved.

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IN RE: RICHMOND TRIP SCHEDULE

Chairman Adkins asked that all Board members review the Richmond trip schedule and advise the County Administrator whether or not they plan to go.

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IN RE: ORGANIZATION MEETING TIME/DATE

A motion was made by Jeff Salyers, seconded by Doug Stallard, to hold the Organizational Meeting on Thursday, January 4, 2001 @ 4:00 p.m. The motion was unanimously approved.

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IN RE: RESOLUTIONS / APPALACHIA/J.J. KELLY HIGH SCHOOL GIRLS BASKETBALL

A motion was made by Virginia Meador, seconded by Jeff Salyers, to adopt a resolution recognizing the accomplishments of the Appalachia High School and the J. J. Kelly High School Girls Basketball Teams. The motion was unanimously approved.

RESOLUTION # 2000

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

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BOARD COMMENTS

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RECESS

The Board took a brief recess at 7:45 p.m.

The meeting reconvened at 8:00 p.m.

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IN RE: CLOSED SESSION

A motion was made by Donnie Dowell, seconded by Jeff Salyers, to go into closed session to discuss the position of County Administrator as permitted by section 2.1-344A.1 and for the acquisition of property as permitted by section 2.1-344A.3 of the Code of Virginia. The motion was unanimously approved.

After a short closed session, a motion was made by Donnie Dowell, seconded by Jeff Salyers, to reconvene the regular meeting. The motion was unanimously approved.

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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.

RESOLUTION # 2000

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

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IN RE: TEMPORARY ADMINISTRATIVE ASSISTANCE

A motion was made by Donnie Dowell, seconded by Jeff Salyers, to authorize the County Administrator to hire or contract for the services of an assistant on a temporary basis during the budget process at a reasonable rate. The motion was unanimously approved.

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IN RE: ADJOURN

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

ATTEST:                    WISE COUNTY BOARD OF SUPERVISORS

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Clerk

Chairman