

Board of Supervisors - January 9, 2020 Regular Meeting

The Wise County Board of Supervisors met in a Regular Meeting on Thursday, January 9, 2020 @ 6:00 p.m. in the School Board Education Center located at 628 Lake Street in Wise. The following members were present:

Honorable John Schoolcraft – Chairman
Honorable Steve Bates – Vice-Chairman
Honorable Fred Luntsford
Honorable Bobby Cassell
Honorable Robert R. Adkins
Honorable J. H. Rivers
Honorable Robert E. Robbins, Jr.
Honorable James R. Lawson – members of said Board and
Michael W. Hatfield – County Administrator
Karen T. Mullins – County Attorney
Annette Underwood -Executive Secretary

PRAYER

Bob Adkins led in prayer.

PLEDGE

All led in the pledge.

MINUTES

A motion was made by Robby Robbins, seconded by Bob Adkins, to approve the minutes of December 12, 2019 as presented. The motion was unanimously approved.

AGENDA

A motion was made by Robby Robbins, seconded by Steve Bates, to approve the agenda with the removal of Roads and Highway. The motion was unanimously approved.

IN RE: PUBLIC HEARING – FREE WILL BAPTIST FAMILY MINISTRIES, INC – TAX EXEMPT ORDINANCE

A public hearing was duly advertised for this date to receive citizens' comments regarding a proposed Tax-Exempt Ordinance for The Free Will Baptist Family Ministries facility (FWBFM) known as The Laurels Retirement & Assisted Living located at 5635 BSG Drive, Norton, VA.

David Gibbs, Legal Counsel for FWBFM, explained that FWBFM is petitioning the Board for real and personal property tax exemption for property located at 5635 BSG Drive, Norton, VA, known as The Laurels Retirement & Assisted Living. This property was recorded in the clerk's office on September 1, 2005, and it was during that time that Richmond was in the process of changing the law on tax exemption. Since FWBFM registered in the midst of Richmond changing the law, FWBFM was registered tax exempt the old way. Therefore, no taxes have been paid. This discrepancy was found during the audit at which time FWBFM was told they must go before the Board of Supervisors requesting to be tax exempt in Wise County.

Sheryl Henry, Executive Director for The Laurels, provided an overview of services rendered by FWBFM. Services include attending to elderly citizens in need, community services for different needs, working with MEOC, MECC, and UVA-Wise Nursing to mention a few. Local vendors are used for supplies, construction needs, etc. At present, there are 44 employees employed by the Ministry.

George Turner, CFO for FWBFM, noted that taxes have not been paid on this property since they thought they were tax exempt. He talked with Commissioner of Revenue Doug Mullins, at which time Mr. Mullins told him to petition the Board of Supervisors for tax exemption. On the deed that was registered for the facility, it says it was tax exempt. Right after that, or during this process of placing the facility on record, the law was changed, and no notification was received by FWBFW stating the facility was not tax exempt.

There was no opposition to the proposed ordinance.

There being no further comments, the public hearing was closed.

IN RE: INTER MOUNTAIN CABLE FRANCHISE RENEWAL

James Campbell, CPA, CEO for Inter Mountain Cable, came before the Board requesting Inter Mountain Cable's (IMC) Franchise with Wise County be renewed. He noted that IMC provides cable services, along with high speed internet access and Volp services to Wise County residents. He further asked that the County negotiate with Inter Mountain Cable Franchise the same terms and conditions of a cable franchise pursuant to Virginia Code Section 15.2-2108.20 and applicable provisions of Virginia Code Sections 15.2.2108.21 -.30, as had been done for other cable providers. At the present time, IMC has no plans to expand its services but will consider that at some point.

PUBLIC EXPRESSION

Rusty Peters, a resident of Wise, and Travis Anderson, a resident of Appalachia, addressed the Board with a request for the Board to consider adopting a resolution supporting the creation of an organization of the "unorganized militia" subject to muster and command by local government under Title 44, Sections 1 and 4 of the Code of Virginia.

Mr. Peters noted that the supporters of Second Amendment gun rights sanctuary will be meeting at the former Appalachia High School to prepare for a bus trip in January to lobby the state legislators against gun control legislation. A copy of the militia resolution recently adopted by the City of Norton was provided to the Board for its review and consideration for adoption.

Mr. Anderson stated that the County has a responsibility under the U.S. and Virginia constitution to maintain an unorganized militia, and the people has the right and obligation to train as part of the militia. He asked the Board to stay true to its oath and move forward on this issue.

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

IN RE: CONSENT AGENDA

A motion was made by Bob Adkins, seconded by Robby Robbins, to approve the consent agenda as follows:

IN RE: INTER MOUNTAIN CABLE FRANCHISE

Set public hearing (2-13-2020 @ 6:00 p.m.) on a proposed renewal of Inter Mountain Cable Franchise Agreement with Wise County

IN RE: MOU #21 T&L RETAINER AGREEMENT

Authorize execution of MOU #21 to T&L Retainer Agreement for Annual Groundwater Report

The motion to approve the consent agenda was unanimously approved.

IN RE: ORDINANCE – TAX-EXEMPT FOR FREE WILL BAPTIST FAMILY MINISTRIES

A public hearing was held on 1-09-2020 to receive citizens' comments regarding the proposed Tax-Exempt Ordinance for the Free Will Baptist Family Ministries located in Wise County. There was no public opposition regarding the proposed ordinance.

A motion was made by Bobby Cassell, seconded by Bob Adkins, to table the request from the Free Will Baptist Family Ministries for a tax-exempt status in Wise County. The motion was unanimously approved.

IN RE: RESOLUTION – SUPPORT INCREASE IN FUNDING FOR SMALL & RURAL SCHOOL DIVISIONS

A motion was made by Robby Robbins, seconded by James Lawson, to approve the resolution in support of an increase in state funding for small and rural school divisions. The motion was unanimously approved.

RESOLUTION #1 – 2020

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

IN RE: RESOLUTION – SUPPORT FOR EQUAL TAXING AUTHORITY FOR VIRGINIA COUNTIES

A motion was made by J. H. Rivers, seconded by Steve Bates, to approve the resolution supporting equal taxing authority for Virginia counties. The motion was unanimously approved.

RESOLUTION #2 – 2020

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

IN RE: BUDGET AMENDMENT

A motion was made by Fred Luntsford, seconded by Bobby Cassell, to approve budgets amendments #17 thru #21 as presented. The motion was unanimously approved.

IN RE: APPOINTMENT – HEART OF APPALACHIA TOURISM AUTHORITY BOARD OF DIRECTORS

J. H. Rivers nominated Robert Bloomer for re-appointment to the Heart of Appalachia Tourism Authority Board of Directors. Robby Robbins made a motion that nominations cease, and Robert Bloomer be re-appointed by acclamation. Fred Luntsford seconded the motion. The motion was unanimously approved.

IN RE: APPOINTMENT – NINTH DISTRICT DEVELOPMENT FINANCING BOARD OF DIRECTORS

Bobby Cassell nomination Robert E. Robbins for re-appointment to the Ninth District Development Financing Board of Directors. J. H. Rivers made a motion that nominations cease, and Robert E.

Robbins be re-appointed by acclamation. Fred Luntsford seconded the motion. The motion was unanimously approved.

IN RE: APPOINTMENT – PLANNING DISTRICT 1 BEHAVIORAL HEALTH SERVICES BOARD

Robby Robbins nominated Bobby Cassell for re-appointment to the Planning District 1 Behavioral Health Services Board. Fred Luntsford made a motion that nominations cease, and Bobby Cassell be re-appointed by acclamation. J. H. Rivers seconded the motion. The motion was unanimously approved.

Robby Robbins nominated Michael O'Donnell for re-appointment to the Planning District 1 Behavioral Health Services Board. Bobby Cassell made a motion that nominations cease, and Michael O'Donnell be re-appointed by acclamation. James Lawson seconded the motion. The motion was unanimously approved.

IN RE: APPOINTMENT – PSA

John Schoolcraft made a motion to re-appoint J. H. Rivers to the PSA. Bobby Cassell seconded the motion. The motion was unanimously approved.

Bobby Cassell made a motion to re-appointment Fred Luntsford to the PSA. J. H. Rivers seconded the motion. The motion was unanimously approved.

James Lawson made a motion to appoint Robby Robbins to the PSA. J. H. Rivers seconded the motion. The motion was unanimously approved.

Fred Luntsford made a motion that Hibert Tackett, Jr. be re-appointed to the PSA. Bobby Cassell seconded the motion. The motion was unanimously approved.

IN RE: APPOINTMENT – SOCIAL SERVICES BOARD

A motion was made by Bobby Cassell, seconded by Bob Adkins, to re-appoint Steve Bates to the Social Services Board. The motion was unanimously approved.

A motion was made by Robby Robbins, seconded by James Lawson, to appoint James T. Boardwine to fill the unexpired term of John D. Cassell on the Social Services Board. The motion was unanimously approved.

IN RE: APPOINTMENT – SOUTHWEST VIRGINIA HEALTH AUTHORITY

Robby Robbins nominated Ron Prewitt for re-appointment to the Southwest Virginia Health Authority. J. H. Rivers made a motion that nominations cease, and Ron Prewitt be re-appointed by acclamation. Steve Bates seconded the motion. The motion was unanimously approved.

IN RE: APPOINTMENT – VIRGINIA COALFIELD ECONOMIC DEVELOPMENT AUTHORITY (VCEDA)

Steve Bates nominated Bobby Cassell to fill the unexpired term of Dana Kilgore on the Virginia Coalfield Economic Development Authority. Robby Robbins made a motion that nominations cease, and Bobby Cassell be appointed by acclamation. Bob Adkins seconded the motion. The motion was unanimously approved.

IN RE: CLOSE SESSION

A motion was made by Robby Robbins, seconded by Bob Adkins, to go into close session as permitted by the Code of Virginia per the following Code Sections:

- Section 2.2-3711(A)(6) Investing of public funds
- (A)(7) Consultation with legal counsel
- (A)(1) Personnel

The motion was unanimously approved.

Following close session, a motion was made by Fred Luntsford, seconded by Robby Robbins, to reconvene the regular meeting. The motion was unanimously approved.

IN RE: RESOLUTION – CERTIFICATION FOR CLOSE MEETING

A motion was made by Fred Luntsford, seconded by Robby Robbins, to approve the resolution certifying that only public business matters lawfully exempted from open meeting requirements as were identified in the motion convening the meeting were heard or discussed by the Board of Supervisors. The motion was unanimously approved by roll call vote.

RESOLUTION #3 – 2020

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

ADMINISTRATOR'S REPORT

Administrator Hatfield gave the Board a report on the speed limit for Rt 23 & Rt 58.

BOARD COMMENTS

There was some discussion on the status of the county audit and the lease purchase of county vehicles.

ADJOURN

A motion was made by Robby Robbins, seconded by Bob Adkins, to adjourn the meeting at 8:40 p.m. The motion was unanimously approved.

ATTEST:

WISE COUNTY BOARD OF SUPERVISORS

Michael W. Hatfield, Clerk

John Schoolcraft, Chairman