

Board of Supervisors - August 14, 2008 Regular Meeting

The Wise County Board of Supervisors met in a Regular Meeting on August 14, 2008 at 6:00 p.m. in the Board of Supervisors meeting room located in the Wise County courthouse. The following were present:

Honorable Robert R. Adkins – Chairman
Honorable Virginia Meador – Vice-Chair
Honorable Fred Luntsford
Honorable Ronald L. Shortt
Honorable Steve Bates
Honorable Robert E. Robbins
Honorable Dana Kilgore
Honorable J. H. Rivers – members of said Board and
Shannon C. Scott – Interim County Administrator
Karen T. Mullins – County Attorney
Annette Underwood – Executive Secretary

PRAYER

T. G. Branson led in prayer.

PLEDGE

All led in the pledge of allegiance to the flag.

MINUTES

A motion was made by Robby Robbins, seconded by Steve Bates, to approve the minutes as presented. The motion was unanimously approved.

IN RE: AGENDA

Chairman Adkins read the following items to be added/deleted from the agenda:

Under Old Business: Add

- July 10, 2008 meeting--rescind motion approving First Bank & Trust Loan
- July 10, 2008 meeting—rescind motion on PSA appointment

Under New Business: Delete

- Budget amendment #91 for FY 07-08
- Budget amendments #1 thru #5 for FY 08-09

A motion was made by Robby Robbins, seconded by J. H. Rivers, to approve the agenda as presented to include the additions as listed above.

Fred Luntsford made a substitute motion to approve the agenda as presented with the deletion of the motion to rescind the motion on the PSA appointment. Ronnie Shortt seconded the motion.

Chairman Adkins asked for a vote on the substitute motion.

Aye-	Fred Luntsford	Nay-	Virginia Meador
	Ronnie Shortt		Robby Robbins
	Steve Bates		Dana Kilgore
			Bob Adkins
			J. H. Rivers

Motion failed.

Vote on the main motion.

Aye-	Virginia Meador	Nay-	Fred Luntsford
	Robby Robbins		Ronnie Shortt
	J. H. Rivers		Steve Bates
	Dana Kilgore		
	Bob Adkins		

Motion carried.

IN RE: PRESENTATIONS

Charlie McConnell was presented a resolution honoring him for his contributions to Wise County in his efforts to reach out to the needs of our citizens. He was also commended for his artistic accomplishments that will be remembered for years to come.

Mr. McConnell voiced his appreciation for the resolution and the opportunity to serve Wise County citizens. His years of service with the County has been rewarding and a challenge for making life better for our citizens. Memories have been made with friends that will never be forgotten.

Bill and Nancy Jones together with Larry and Janet Mullins received a resolution recognizing Dock Boggs and Kate O'Neil Peters Sturgill for their song writings and their unique mountain music sound that has been enjoyed throughout the years.

IN RE: PUBLIC EXPRESSION

Danny Stallard, a resident of the Hurricane section, voiced his support of the proposed sewer ordinance. He said this would improve property value and bring more jobs to this area.

Harold Greear, a resident of Pound, stated that the proposed sewer ordinance needed to include security language. People, he said, distrust their representatives and they want everything in writing.

Mr. Greear voiced his opposition to restoring the Wise Inn. This money, he said could be used for schools, etc. He spoke briefly regarding school consolidation.

James Begley, a resident of the Powell Valley area, voiced his opposition to the proposed mandatory sewer ordinance in that it is not fair that since he has a working septic system that he would have to hook up to the sewer. He is on social security and disability and not able to pay any fees.

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

IN RE: ROADS AND HIGHWAYS

Residency Administrator T. G. Branson stated that bridge work in various areas is ongoing and is ahead of schedule.

IN RE: RESOLUTION – ROUTE 633

Mr. Branson commented that the changes made on Rt. 633 were due to road construction.

A motion was made by Fred Luntsford, seconded by Ronnie Shortt, to approve the resolution on the abandonment of a portion of Rt. 633 as presented. The motion was unanimously approved.

RESOLUTION # _____ 2008

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

IN RE: CONSENT AGENDA

A motion was made by Steve Bates, seconded by Ronnie Shortt, to approve the consent agenda as follows:

IN RE: RESOLUTION DESIGNATION OF APPLICANT'S AGENT

Approval was given to the resolution authorizing the County Administrator to execute on behalf of Wise County any documentation regarding Federal financial assistance under the OJP, National Domestic Preparedness Office Grant Program(s) administered by the Commonwealth of Virginia.

RESOLUTION # _____ 2008

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

IN RE: RESOLUTION BEHAVIORAL HEALTH SERVICES

The Board adopted the resolution approving the Planning District One Behavioral Health Services FY 2009 Performance Contract.

RESOLUTION # _____ 2008

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

IN RE: PROCLAMATION VOLUNTEER APPRECIATION WEEK

The Board adopted the proclamation proclaiming the week of August 18-24, 2008 as Volunteer Appreciation Week.

Administrator Scott read the Proclamation for Volunteer Appreciation Week.

Margaret Bradley, member of First Baptist Church in Greenville, stated that her group was asked by the Virginia Baptist Mission Board to come to Big Stone Gap to head up a rebuild project. They have been in Big Stone Gap since the end of May helping to rebuild homes of those who lost their homes during the

recent tornado. She thanked the Board for recognizing volunteers and their sacrifice of time and family to meet the needs of those that are in distress.

Sister Beth Jaspers, representing the Advocate Center, thanked the Board for its continued support of the Advocate Center in its efforts to assist low-income families.

Edward Shupe, member of the Appalachia Rescue Squad, thanked the Board for recognizing the rescue squads as volunteers. This position is sometimes taken for granted and the men and women that serve in this capacity appreciate these words of encouragement.

Chairman Adkins thanked all the volunteers for coming to the meeting.

IN RE: PUBLIC HEARINGS

The Board agreed to set the following public hearings:

- September 4, 2008 @ 6:00 p.m. on a proposed ordinance regulating safety equipment for mopeds
- September 4, 2008 @ 6:00 p.m. on a proposed amendment to Ordinance #9-1987 Administrative Fee for Delinquent Taxes

The motion to approve the consent agenda was unanimously approved.

IN RE: ORDINANCE #2-2006 – SERVICE AVAILABILITY (SEWER)

A public hearing was held on July 1, 2008 for public comments on the proposed amendment to the Service Availability Ordinance.

There were several citizens that were opposed to the mandatory sewer hook up especially for the elderly and those on fixed income. There were comments that the sewer is needed but the “mandatory” hook-up language was disturbing to some citizens.

A motion was made by Dana Kilgore, seconded by Steve Bates, to approve the amendment to the Service Availability Ordinance with the changing of the word “adjacent” to “adjoining” and to insert the word “not” be required to discontinue the use of such water. The motion was unanimously approved.

ORDINANCE #2-2006 AMENDMENT

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

Supervisor Shortt stated that there have been a lot of concerns regarding this ordinance. He cautioned the PSA and others to take these concerns of the citizens into consideration.

IN RE: CONDITIONAL CHANGE OF ZONING

A public hearing was held on August 7, 2008 to receive citizens’ comments regarding a conditional change of zoning as requested by Alpha Land & Reserves, LLC for property located on 11117 Old Norton Coeburn Road to be used for offices for a surveying and mapping business.

There was no opposition to the conditional change of zoning at the public hearing.

A motion was made by Fred Luntsford, seconded by Steve Bates, to approve the request from Alpha Land & Reserves, LLC for a conditional change of zoning for property located on 11117 Old Norton Coeburn Road. The motion was unanimously approved.

IN RE: REZONING REQUEST

A public hearing was held on August 7, 2008 to receive citizens' comments regarding a request from Realty Income Corporation for a Change of Zoning for an existing station/store located at 502 Powell Valley Road in Big Stone Gap, for the purpose of bringing the property into compliance with the zoning regulations for possible future expansion.

There was no public comment regarding the propose change of zoning at the public hearing.

A motion was made by Fred Luntsford, seconded by Steve Bates, to approve the request from Realty Income Corporation for a Change of Zoning for property located at 502 Powell Valley Road in Big Stone Gap. The motion was unanimously approved.

IN RE: ORDINANCE – TAX EXEMPT STATUS—HIS MINISTRIES

A public hearing was held on August 7, 2008 to receive citizens' comments regarding a proposed ordinance exempting HIS Ministries located in Big Stone Gap from taxation.

There were no public comments regarding the proposed ordinance at the public hearing.

A motion was made by Virginia Meador, seconded by Steve Bates, to adopt the Ordinance approving the exemption of HIS Ministries from Taxation. The motion was unanimously approved.

ORDINANCE # 2008

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

IN RE: FIRST BANK & TRUST LOAN APPROVAL

A motion was made by J. H. Rivers, seconded by Dana Kilgore, to rescind the motion to approve the First Bank & Trust Loan that was made at the July 10, 2008 meeting. The motion was unanimously approved.

IN RE: APPOINTMENT – PSA

A motion was made by J. H. Rivers, seconded by Dana Kilgore, to rescind the action taken at the July 10, 2008 meeting appointing Fred Luntsford to the PSA .

Supervisor Robbins: An appointment has been made and he felt that it should stand. He said this is dangerous. The reason being is that the Board is setting a precedent. If this appointment can be rescinded, then other appointments can also be rescinded.

Supervisor Rivers explained the misunderstanding of the district appointment as he understood it to be.

Supervisor Shortt noted that Cathy Roberson was appointed by district one on her original appointment. District One representative elected to step outside its district and appoint her. When that appointment ended, it was an oversight of the Board, and assumed by everyone else, that this was a district two appointment but really belonged to district one. Ms. Roberson's residence was close to the

district one line and at that time she was involved in the efforts to get water in that area which was the purpose for appointing her to the PSA Board.

Supervisor Kilgore stated that in January they were told that these were not district appointments.

Attorney Mullins advised that the Board does not have any statutory or written policy that there be equal representation. Throughout the last eight years there have been different discussions at different times that the Board wanted equal representation. However, there has not been a policy adopted by the Board requiring that. Equal representation has been the focus of the Board but it is not mandatory and would be at the discretion of the Board.

Supervisors Bates agreed with Supervisor Robbins that this would be setting a precedent for future boards which could cause confusion on the boards. When the districts become unequal, it should be made equal at that point in time.

Aye	J. H. Rivers	Nay-	Fred Luntsford
	Virginia Meador		Ronnie Shortt
	Dana Kilgore		Steve Bates
	Bob Adkins		Robby Robbins

Motion failed.

IN RE: BUDGET AMENDMENTS FY 07-08 AND FY 08-09

The budget amendments for FY 07-09 and FY 08-09 were deleted from the agenda.

IN RE: RESOLUTION VRS PICK-UP PLANS

A motion was made by Fred Luntsford, seconded by Dana Kilgore, to adopt the resolution Affirmation of Authorization To Pick-Up the Employee's Contribution to VRS for Wise County as presented. The motion was unanimously approved.

RESOLUTION # _____ 2008

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

IN RE: RESOLUTION HONORING CHARLIE McCONNELL

A motion was made by Virginia Meador, seconded by Robby Robbins, to adopt the resolution recognizing the service of Charlie McConnell on the occasion of his retirement from the Wise County Redevelopment and Housing Authority. The motion was unanimously approved.

RESOLUTION # _____ 2008

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

IN RE: RESOLUTION RECOGNIZING DOCK BOGGS MUSIC FESTIVAL

A motion was made by Ronnie Shortt, seconded by Robby Robbins, to adopt the resolution honoring the Dock Boggs – Kate Peters Sturgill Music Festival on the Occasion of its 40th anniversary. The motion was unanimously approved.

RESOLUTION # 2008

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

IN RE: MILEAGE INCREASE

A motion was made by Steve Bates, seconded by Robby Robbins, to adopt the IRS plan on mileage rate for County employees.

Supervisor Rivers: He felt this was a part of the State Travel Guidelines. He asked the Board to consider adopting the entire set of State Travel Guidelines which include reimbursement for travel expenses and mileage.

Supervisor Rivers made a substitute motion that this item be tabled until such time that the County Attorney has reviewed the State Travel Guidelines and makes a presentation to the Board.

Attorney Mullins noted that she has reviewed the State Travel Guidelines for vehicle use, travel reimbursement, etc. She and Administrator Scott were scheduling this item for the October meeting for the Board's consideration. At this time, the request is to approve the mileage rate change for which the State is tied to the IRS guidelines. She further noted that some of the items in the State Guidelines are already addressed in the County's Personnel Policy.

With this being said, Supervisor Rivers withdrew his substitute motion.

Supervisor Meador asked that the State requirements for vehicle use be reviewed also.

The motion to approve the mileage increase per the IRS Plan was unanimously approved.

IN RE: BLACKWOOD LANDFILL ENGINEERING SERVICES – RFP

A motion was made by Robby Robbins, seconded by Ronnie Shortt, authorize the County Administrator to advertise for RFP's for engineering services for the Blackwood landfill. The motion was unanimously approved.

IN RE: APPOINTMENT – VIRGINIA CIVIL WAR SESQUICENTENNIAL COMMITTEE

Supervisor Robbins asked that Lars Dorton be added to the list as a Son of the Confederacy.

It was also noted that there should be an individual to represent the Union.

A motion was made by Robby Robbins, seconded by Fred Luntsford, to appoint the following individuals to the Virginia Civil War Sesquicentennial Committee to include Lars Dorton with one vacancy for a Union representative:

- Brian Wills – UVA-Wise and Civil War Author
- H. William (Bill) Smith – Civil War Re-enactor
- Mike Strouth – MECC Chair of History Department
- Sharon Ewing – Southwest Virginia Museum Director
- Shannon C. Scott – Interim County Administrator
- Sheriff Ronnie Oakes – Law Enforcement and Special Interest
- Lars Dorton – Sons of the Confederacy

- One vacancy

The motion was unanimously approved.

IN RE: FIRST BANK & TRUST –CAPITAL FINANCING FY 2007-08

Administrator Scott asked the Board that he be given authorization to do financing for 2008-2009 Capital items in the amount of \$978,000 and the \$475,700 for FY 2007-08 be addressed after the public hearing has been held.

A motion was made by J. H. Rivers, seconded by Virginia Meador, to authorize the County Administrator to complete the financing arrangements for a loan with First Bank & Trust Company in the amount of \$978,000 for FY 2008-09 capital item expenditures. The motion was unanimously approved.

IN RE: BUDGET REVISION – SET PUBLIC HEARING

A motion was made by Ronnie Shortt, seconded by Steve Bates, to set a public hearing on September 4, 2008 @ 6:00 p.m. on a proposed budget revision for FY 2008-2009. The motion was unanimously approved.

IN RE: LANDFILL COMMITTEE -DISSOLVED

A motion was made by Fred Luntsford, seconded by Steve Bates, to dissolve the existing Landfill Committee. The motion was unanimously approved.

IN RE: RICHMOND LEGISLATIVE AGENDA

Administrator Scott: Wise County participates each year during January or February in a joint effort trip to Richmond at which time meetings are held with legislators and agency heads to discuss legislative needs for Wise County. In the past, these needs have gotten to the General Assembly to late to be considered. He asked that Board members consider needs within the County and their districts that need attention which can be compiled as a final list for consideration.

IN RE: APPOINTMENT – HIGHWAY SAFETY COMMISSION

Fred Luntsford made a motion to table the Highway Safety Commission appointment until next month. Ronnie Shortt seconded the motion. The motion was unanimously approved.

IN RE: APPOINTMENT – LONESOME PINE YOUTH SERVICES BOARD

A motion was made by Fred Luntsford, seconded by Ronnie Shortt, to table this appointment until next month. The motion was unanimously approved.

IN RE: APPOINTMENT – RECREATIONAL AUTHORITY

A motion was made by Fred Luntsford, seconded by Ronnie Shortt, to re-appoint Angela Honeycutt to the Recreational Authority. The motion was unanimously approved.

RECESS

The Board took a brief recess at 7:50 p.m.

The meeting reconvened at 7:55 p.m.

IN RE: CLOSED SESSION

A motion was made by Ronnie Shortt, seconded by Steve Bates, to go into closed session to discuss personnel as permitted by Section 2.2-3711(A)(1) of the Code of Virginia. The motion was unanimously approved.

After a lengthy closed 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 ON CLOSED MEETING

Administrator Scott read the certification for closed meeting.

A motion was made by Fred Luntsford, seconded by Robby Robbins, to adopt the resolution certifying matters discussed while in closed session. The motion was unanimously approved by roll call vote.

RESOLUTION # 2008

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

IN RE: TOURISM/MARKETING DIRECTOR

Fred Luntsford made a motion to authorize the County Administrator to offer the Tourism/Marketing position that has been budgeted for to H. William Smith for an annual salary of \$40,000 with fringes with the stipulation that he will be evaluated after a six month trial period and will be working under the direction of the County Administrator Shannon Scott and Economic Development Director Carl Snodgrass. Robby Robbins seconded the motion.

Supervisor Rivers: After the discussion in closed session it would not behoove him to make a substitute motion to table this but his sincere thoughts are that within days the Board could be acting on a County Administrator. Mr. Rivers said he feels that the first priority should be to hire a County Administrator before any decisions are made on the positions that have been advertised. Therefore, he has reservations based on this information

Supervisor Kilgore agreed with Mr. Rivers in that the County Administrator should be hired first.

Supervisor Bates: This position is very important and there is a County Administrator in place with business being carried on as usual. Whereas the County does not have a Tourism/Marketing person and the tourism opportunities are passing the County by with other counties taking the lead. Wise County has the opportunity to take the lead and should get on board as soon as possible.

Aye-	Ronnie Shortt	Nay-	Virginia Meador	Abstained:	Dana Kilgore
	Steve Bates		J. H. Rivers		
	Fred Luntsford				
	Bob Adkins				
	Robby Robbins				

Supervisor Luntsford: There is an event that is very important that will take place at the Breaks Interstate Park on August 21st and 22nd and the County should have a representative to attend that meeting. In the event that Mr. Smith accepts the position being offered, he asked the Board's support in allowing him

to attend that meeting with expenses being paid even though he will not be on the payroll until September 1.

Supervisor Robbins explained the agenda for that meeting noting the informational tools for tourism, sewer and other interesting topics of County interest.

COUNTY ADMINISTRATOR'S REPORT

Administrator Scott reported on the following:

- Upcoming Veterans Tribute that will take place at the November Board meeting
- Participation in local events

BOARD COMMENTS

Supervisor Robbins commented on:

- Wise County and Dickenson County's joint venture in disposal of pesticides
- Dominion Ground Breaking

Supervisor Rivers commented on:

- Dominion Ground Breaking
- Approximately two months ago Skip was asked to set up a meeting with VDOT, any interested school bd members, Virginia & himself to look at an additional access road to Powell Valley Primary and Middle School. This meeting did not occur due to conflict of meetings. He asked Administrator Scott to arrange for this meeting after the new superintendent is hired for the School Board which will allow he or she to become more knowledgeable on the needs in that area. From this meeting, if there be any need for funding, it can be added to the list of items for the upcoming legislative session. He encouraged Board members to invite the elected State officials to tour our area to ascertain our needs and concerns.

Supervisor Meador commented on:

- Dominion Ground Breaking

Supervisor Luntsford commented on:

- Dominion Ground Breaking

Supervisor Shortt commented on:

- Dominion Ground Breaking
- Mandatory Hook-up Ordinance – this will not affect any project ongoing at this time or that is already in the pipeline. The people will have to want the sewer in their area before it becomes a reality. The mandatory sewer language is necessary before the County can receive any grant funds for infrastructure. There are provisions built into this that takes into consideration the elderly and those on low income.

Supervisor Bates commented on:

- Dominion Ground Breaking

- Beginning of a new school year

Chairman Adkins commented on:

- Support from the people on the Dominion Power Plant

RECESS

A motion was made by Robby Robbins, seconded by Steve Bates, to recess this meeting until Tuesday, August 19, 2008 at 5:00 p.m. in the Conference room located in the County Administrator's Office. The motion was unanimously approved.

ATTEST:

WISE COUNTY BOARD OF SUPERVISORS

Shannon C. Scott, Clerk

Robert R. Adkins, Chairman