

**WISE TOWN COUNCIL MEETING
TUESDAY, MARCH 3, 2020; 7:00 P.M.
WISE MUNICIPAL BUILDING COUNCIL CHAMBERS
501 WEST MAIN STREET - WISE, VIRGINIA 24293**

Minutes

Members Present:

Jeffery Dotson, Mayor
Teresa Adkins, Vice-Mayor
Laura Taylor-Baugh
Caynor Smith, Jr.

Members Absent:

Billy Bartlett, Jr.

Pledge of Allegiance / Invocation:

Mayor Dotson led the Pledge of Allegiance. Reverend Jim Collie provided the invocation.

Consent Calendar:

Laura Taylor-Baugh made a motion to approve the consent calendar, which included the minutes of the January 28, 2020 regular meeting, the Treasurer's Financial Report for the months of December 2019 and January 2020, and the January 2020 Police, Water Plant, and Fire Department Reports. Teresa Adkins seconded the motion that passed 4-0.

Public Expression:

Councilman Caynor Smith, Jr. thanked Reverend Jim Collie for the beautiful prayer, which he added was the best invocation he had heard during his time on Council.

Creative Communities Partnership Grant:

Pro-Art Association Executive Director Jan Zentmeyer thanked Council for their continued support of Pro-Art. She stated that under the Creative Communities Partnership Grant (formerly Local Government Challenge Grant) the Virginia Commission for the Arts would match contributions up to \$4,500. Ms. Zentmeyer requested that the Town of Wise apply for VCA matching funds and maintain the same level of contribution as last year. She added that funding would be divided with the Library Gallery at the same level (80/20) as the last several years. She noted that the deadline for applying was April 1st.

Following the presentation, Laura Taylor-Baugh moved that the Town of Wise apply for matching grant funds under the Creative Communities Partnership Grant in the same amount as last fiscal year. Teresa Adkins seconded the motion, which was recorded by roll call:

Jeffery Dotson, Mayor	"Aye"
Teresa Adkins, Vice-Mayor	"Aye"
Laura Taylor-Baugh	"Aye"
Caynor Smith, Jr.	"Aye"

Request for Permission to Hang Health Wagon Signage:

Rachel Helton, Health Wagon Director of Development, requested permission to hang signage in Gateway Gardens and a banner across Norton Road, to advertise health outreach events sponsored by the Health Wagon. She discussed the changes to the annual free health event at the Wise County Fairgrounds. Ms. Helton explained that the Rural Area Medical (RAM) was no longer involved in the event. She noted that the Health Wagon would be continuing with the event, which was scheduled for July 10th – 12th. Following the discussion, Caynor Smith, Jr. made a motion to approve the request to place signage at Big Glades and Norton Road and to promote the free health events on the Town of Wise and Wise Police Department event and web pages. Laura Taylor-Baugh seconded the motion, which carried 4-0.

Public Hearing – Resolution #3, 2020:

Mayor Dotson opened the floor for the public hearing on “A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA, DENYING THE CONDITIONAL USE PERMIT APPLICATION SUBMITTED BY RON HALE FOR USE OF AN EXISTING STRUCTURE AS A PROFESSIONAL OFFICE TO BE LOCATED AT 407 HURRICANE ROAD, NE IN AN R-B MEDIUM DENSITY ZONING DISTRICT”. There being no one from the public audience wishing to comment, the floor was closed. Town Planner Laura Craft briefly summarized the Planning Commission review and recommendation that the conditional use permit application be denied. She stated that the applicant wished to market the property for sell as a residential or professional office, without identifying a specific professional office use of the property. Laura Taylor-Baugh moved to adopt Resolution #2, 2020 to deny the conditional use permit application. Teresa Adkins seconded the motion that was recorded by roll call:

Jeffery Dotson, Mayor	“Aye”
Teresa Adkins, Vice-Mayor	“Aye”
Laura Taylor-Baugh	“Aye”
Caynor Smith, Jr.	“Aye”

Discussion of Planning Commission Review of Ordinance #2, 2019 on Mobile Food Units:

Town Planner Laura Craft informed that at the request of the Town Council at their January 28, 2020 meeting, the Town of Wise Planning Commission reviewed Ordinance #2, 2019, which provided regulations for allowing mobile food units in certain zoning districts. Craft further noted that Commissioners felt the ordinance, as written, achieved the goal of allowing mobile food trucks to safely operate within the corporation limits, while protecting the brick and mortar restaurants. In addition, Craft stated there was discussion of the additional safety hazards that would be created by allowing Mobile Food Units on Main Street without closing the street. She advised that the Planning Commission voted to recommend to Council that no changes be made to the ordinance.

Authorization to Advertise a Request for Proposals for Engineering Services for the Town Maintenance Facility Project:

Town Manager Beverly Owens advised that in the current fiscal year budget, Council appropriated funding for site studies necessary to develop plans and specifications for a new public works facility. She informed that the Town was able to take advantage of an EPA Brownfield Grant Program wherein consultants would be retained to conduct the geotechnical study, the site survey and environmental assessments needed. She added that consultants planned on being in the field as early as April 10th to complete these first steps of the project. Owens stated that if Council intended to move forward with the new maintenance facility project, the Town needed to secure architectural and engineering services to actually design the buildings, which was the purpose of the request under discussion. Councilman Smith questioned whether the Town was financially able to move forward with the construction of the Public Works facility. He emphasized that he would like for the Town to secure other funding sources to assist with the construction of the facility. Mayor Dotson reminded that the Town had been unsuccessful on a number of attempts at obtaining funding from other sources. He stated that it was time to move forward with the project if the Town ever wanted a new public works facility. Caynor Smith, Jr. made a motion authorizing the issuance of a Request for Proposal (RFP) for Engineering Services for the Town Maintenance Facility Project. Teresa Adkins seconded the motion and the vote was recorded by roll call:

Jeffery Dotson, Mayor	“Aye”
Teresa Adkins, Vice-Mayor	“Aye”
Laura Taylor-Baugh	“Aye”
Caynor Smith, Jr.	“Aye”

Resolution #4, 2020:

Town Manager Beverly Owens provided information on a recent bid opening for completion of the town's paving schedule for fiscal year 2019-20 with Bizzack Construction, LLC being the lowest bid. Owens noted that Bizzack Construction, LLC bought out Rogers Group and have their own asphalt plant. Following a brief discussion, Laura Taylor-Baugh moved to adopt "A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA AWARDDING A CONTRACT TO BIZZACK CONSTRUCTION, LLC FOR COMPLETION OF THE TOWN'S FISCAL YEAR 2019-2020 PAVING SCHEDULE". Teresa Adkins seconded the motion and the vote was recorded by roll call:

Jeffery Dotson, Mayor	"Aye"
Teresa Adkins, Vice-Mayor	"Aye"
Laura Taylor-Baugh	"Aye"
Caynor Smith, Jr.	"Aye"

Resolution #5, 2020:

Town Manager Beverly Owens provided a written summary of information on a recent bid opening for completion of the town's pavement striping for fiscal year 2019-20 with Clatterbuck Pavement Markings, Inc., being the only bid. Owens noted that there were seven additive bid items, including one new item for 44 parking spaces in the central business district. She advised that the bid estimate would exceed budgeted figures by \$6,400, which could be covered by the excess funds expected from the underbid paving contract. Following a brief discussion, Laura Taylor-Baugh moved to adopt "A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA, AWARDDING A CONTRACT TO CLATTERBUCK PAVEMENT MARKINGS, INC. FOR THE FY 2019-20 PAVEMENT STRIPING." Teresa Adkins seconded the motion and the vote was recorded by roll call:

Jeffery Dotson, Mayor	"Aye"
Teresa Adkins, Vice-Mayor	"Aye"
Laura Taylor-Baugh	"Aye"
Caynor Smith, Jr.	"Aye"

Discussion of Employee Group Health Insurance Renewal for FY 2020-2021:

Beverly Owens provided information regarding the town's employee health insurance for fiscal year 2020-21, which indicated that premiums would increase an average of 4.8%, or approximately \$37,000 based on current enrollment, for the new fiscal year. Following a brief discussion, Mayor Dotson made a motion that the Town of Wise approve health insurance as described in a written memorandum from the Town Manager dated 2/28/20 as follows:

- 1) Offer Key Advantage 250 Plan and Key Advantage Expanded Plan.
- 2) Fund 90% of the cost of the Key Advantage 250 Plan with comprehensive dental coverage. Provide employee option to buy up to the Key Advantage Expanded Plan and option to elect either comprehensive dental coverage or less expensive preventive and diagnostic dental coverage under the Expanded Plan.
- 3) Designate eligible enrollees as:
 - i. Full Time Employees – persons regularly scheduled to work at least 30 hours per week, year-round, for a definite term.
 - ii. Part Time Elected Officials – Town to pay 50% of the amount contributed for full time employee at all membership levels.
 - iii. Part Time Employees – persons regularly scheduled to work at least 20 and not more than 29 hours per week, year-round, for no definite term with the Town to pay 50% of the amount contributed for the full time employee at all membership levels.
 - iv. COBRA Qualified Beneficiaries
 - v. Early Retirees not Eligible for Medicare

Laura Taylor Baugh seconded the motion and the vote was recorded by roll call:

Jeffery Dotson, Mayor	“Aye”
Teresa Adkins, Vice-Mayor	“Aye”
Laura Taylor-Baugh	“Aye”
Caynor Smith, Jr.	“Aye”

Public Utilities Committee Meeting Report:

Laura Taylor-Baugh presented the Public Utilities Committee report on a request for a street light near 608 Falin Street, NE. She reported that following an on-site assessment of the area, it was the committee’s opinion that additional lighting was not needed at said location to adequately light the street. The committee recommended the request be denied. Caynor Smith, Jr. moved to accept the Public Utilities Committee report as presented. Teresa Adkins seconded the motion, which passed 4-0.

Recreation Committee Meeting Report:

- Old Business from January, 2020 Concerning Dotson Park – Caynor Smith, Jr., Chair, briefly reviewed the development of additional fields, fencing, and parking at Dotson Park due to increased tournament play.
- Projects in Dotson Park –
 - 1) Caynor Smith, Jr. reported that the Recreation Committee felt that with the increased utilization of Dotson Park and the number of tournaments scheduled for the 2020 season, there would be a need for increased parking. He stated that the committee recommended the development of three different parking areas adding 100 parking spaces.
 - 2) Smith further reported that the Travel Ball League had a need for their own storage facility to store maintenance equipment. He added that the committee recommended Council approve a project to construct a 10’x16’ storage building to include a garage door, a steel walk through door, wood siding, and shingles to match other roofs in the park. Smith stated that a local business owner had indicated that materials would be made available at cost and a contractor had indicated he would be willing to construct the building at a reasonable cost.
 - 3) He requested that Council also approve a project to add dugouts, fencing, and netting for Field #1.
 - 4) Smith further reported that pursuant to the Recreation Committee Report dated January 21, 2020, it was recommended that the following terms and conditions be utilized by the Town Attorney to develop a legally enforceable agreement that outlines rules for use of Dotson Park:
 1. In scheduling field use, first priority should be given to tournaments and then to organized sports programs primarily serving Wise area residents.
 2. Approved schedules for team use of facilities will establish a starting and ending time. When a time slot has expired, that party must vacate the field immediately. Schedules will be posted on an outdoor message board at the park and will be available on the Town’s website at www.townofwise.net.
 3. When a tournament is approved by the Town, all of Dotson Park will be reserved for that use. No other activities (practices, games) will be allowed at the park during scheduled tournaments.
 4. Wise Little League will operate the concession stand for all approved tournaments and for all Little League games. This includes all tournaments sponsored by Little League and all

tournaments sponsored by others. The proposed schedule of known tournaments at this time is as follows but is subject to change upon approval by the Town of Wise:

April 11	Girls Softball Tournament
April 18 & 19	Travel Ball Tournament
April 23-26	Little League District Tournament
April 30-May 3	Little League District Tournament
May 9	Travel Ball Tournament
May 14-18	Little League Tournament of Champions
May 23	Little League (all ages) Pre-All-Star Tournament
June 6 & 7	Little League (Coach Pitch Plus, 9-12) Tournament
July 11	Girls Softball Tournament
August 8	Travel Ball Tournament
September 12	Girls Softball Tournament
October 3	Travel Ball (11-12) Tournament

5. Wise Little League will keep all proceeds from concessions and will pay all utility bills for the concession stand/press box building and field 3 lighting. Tournament sponsors may also bring in food trucks and other vendors and may sell t-shirts, souvenirs, programs, parking permits, etc.) during tournaments. Tournament sponsors will be responsible for stocking restroom supplies and for cleaning the restrooms at the concession stand during tournaments. Because multiple parties will be utilizing the concession stand and press boxes, the Town of Wise will insure these buildings. The Town will post signage at the press boxes limiting access to authorized personnel only – no children allowed.
6. Every team, league, organized group, and tournament sponsor utilizing Dotson Park facilities shall obtain liability insurance of at least \$1,000,000 coverage and provide the Town with a certificate of insurance naming the Town as “additional insured”, prior to any use of the facility.
7. Each baseball/softball team scheduling use of Dotson Park fields shall pay to the Town of Wise, a yearly user fee of \$100 prior to any use of the facility. Wise Little League will be exempted from this fee. Wise County Youth Soccer Association will pay, a yearly user fee of \$100 prior to any use of the facility. If a team reserves a field for a specified date and is a “no show” for reasons other than inclement weather, the team will be assessed a penalty fee of \$20 per occurrence for tying up the facility. This penalty fee is payable before resuming use of the facility.
8. Wise Little League will maintain fields 3, 4, 5, and 6 year-round. Travel teams will maintain fields 1 and 2 year-round. Wise County Youth Soccer Association will maintain fields 7 – 15 year-round. Field lights will be utilized only for official games and for tournaments. Use of field lights during practice is strictly prohibited. The Town of Wise will be responsible for power billings for field 2 lighting.
9. Every team, league, organized group, and tournament sponsor utilizing Dotson Park will provide trash removal after each use of the facility. All trash shall be bagged and placed in dumpsters on site for pick up by municipal personnel.
10. Only persons approved by the Town of Wise will be entitled to keys. The deposit for each key will be \$10.00. The key(s) is/are to be returned to the Town Manager’s Office each year upon completion of the sports season and upon a person’s withdrawal from a sports program. Upon return of the key(s), one-half of the deposit will be refunded. Keyholders are responsible to the key(s) issued to them and must report loss/theft of a key immediately. Key(s) issued by the Town may not be reproduced except by the Town of Wise.
11. All personal property placed in Dotson Park or inside a building in Dotson Park shall be done so at the risk of the personal property owner. The Town of Wise assumes no liability or responsibility for any personal property placed in Dotson Park. No records with sensitive or personally identifiable information shall be kept anywhere in Dotson Park. Likewise, no hazardous materials may be stored in Dotson Park.
12. The batting practice building in Dotson Park will be operated by the Wise Little League. As such, it will be insured by the League and the League will be responsible for utility costs. The League may charge a fee to outside organizations for use of the batting practice facilities.
13. Failure to abide by any of these terms and conditions shall be grounds for termination of rights to use any fields and facilities in Dotson Park.

14. User agreements (to be drafted by Town Attorney) incorporating all of these rules as well as hold harmless and indemnification clauses shall be signed by every team, league, organized group, and tournament sponsor prior to any scheduling of use of the facilities at Dotson Park.

Caynor Smith, Jr. requested that Town Attorney Leonard Rogers include the fourteen rules and regulations “word for word” in its entirety, in the official document. Rogers questioned if every participant should sign a waiver of liability or have each organization sign a waiver. He noted that the sponsor of the tournament was required to have one million dollar of insurance coverage and could be required to sign the waiver. The sponsor could, if they desired, require a waiver from each team, or require they have insurance. There was discussion regarding the wording of item number 6 in the list of terms and conditions. Leonard Rogers suggested changing the wording to “Every team, *not in an organized league*, every league, organized group, and tournament sponsor...”. Leonard Rogers, as an advocate of youth soccer, stated that not allowing the use of other fields while a tournament was being played, would end the youth soccer league since their teams played on Saturdays from April - May. Caynor Smith, Jr. stressed that if the additional parking lots could be developed, other fields could be utilized during tournament play. Smith emphasized that the rules and regulations could be amended as issues or needs changed. Rogers suggested the wording of item number 3, be changed from “No other activities (practices, games) will be allowed at the park during scheduled tournaments” to “No other activities (practices, games) will be allowed at the baseball/softball fields being utilized during scheduled tournaments”. Caynor Smith, Jr. agreed with the suggested change in wording. Rogers also asked if Council was more inclined to the simplified one-page application form with the rules attached. Council members concurred with the attorney’s suggestion.

Following the discussion, Caynor Smith, Jr. made a motion to approve the Recreation Committee’s report, with the changes to item numbers 3 and 6 of the rules, as discussed. Laura Taylor-Baugh seconded the motion that was recorded by roll call vote:

Jeffery Dotson, Mayor	“Aye”
Teresa Adkins, Vice-Mayor	“Aye”
Laura Taylor-Baugh	“Aye”
Caynor Smith, Jr.	“Aye”

Caynor Smith, Jr. moved to transfer up to \$40,000 from the Council Contingency line item for the development of two dugouts, fencing, and netting for Field #1, at an estimated cost of \$10,000; the development of three additional parking areas as soon as weather permitted, at an estimated cost of \$22,000; and the construction of a 10’x16’ storage building at an estimated cost of \$3,200. Teresa Adkins seconded the motion. The vote was recorded by roll call:

Jeffery Dotson, Mayor	“Aye”
Teresa Adkins, Vice-Mayor	“Aye”
Laura Taylor-Baugh	“Aye”
Caynor Smith, Jr.	“Aye”

Closed Meeting:

Caynor Smith, Jr. moved to convene into a closed meeting for the purpose of and including:

Acquisition or Disposition of Real Property – Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, as permitted by Virginia Code §2.2-3711(A)(3);

AND

Legal Matters – Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel as permitted by Virginia Code §2.2-3711(A)(8).

Teresa Adkins seconded the motion that passed 4-0.

Regular Session:

Caynor Smith, Jr. moved to reconvene into the regular session. Laura Taylor-Baugh seconded the motion that carried 4-0.

Certification of Closed Meeting – CM Resolution #2, 2020:

Town Clerk/Treasurer Robin Meade, read Closed Meeting Resolution #2, 2020, “Resolving and certifying that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applied, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the Town Council of the Town of Wise,” and the vote was recorded by roll call:

Jeffery Dotson, Mayor	“Aye”
Teresa Adkins, Vice-Mayor	“Aye”
Laura Taylor-Baugh	“Aye”
Caynor Smith, Jr.	“Aye”

Appointee Reports (Informational Purposes Only) – Acknowledgement of Receipt:

Caynor Smith, Jr., appointee to the C-N-W Board, summarized the meeting by informing there had been three employees recently promoted in order to prepare for Mark Hollyfield’s retirement. He reported that the C-N-W Board approved a 3% cost of living adjustment, except for Mark Hollyfield. Smith also reported that new monthly user charges were approved for the fiscal year 2020-2021 for each entity served by the C-N-W. He noted that the Town of Wise monthly user fee would increase to \$49,356. There being no additional discussion, Laura Taylor-Baugh made a motion acknowledging receipt of the Cumberland Airport Commission report from the regular meeting held February 20, 2020 and the C-N-W Board Meeting report from the February 2, 2020 meeting. Teresa Adkins seconded the motion that carried 4-0.

Council Comment:

Mayor Dotson referred to a report from Lieutenant Chris Kent of the Wise Police Department in regard to parking on East Main Street. Council had instructed the Department to monitor parking in the downtown area at their January 28, 2020 regular meeting. Dotson stated that the report indicated that the parking issues had been resolved.

Laura Taylor-Baugh congratulated the Town’s Water Treatment Plant employees on being presented a 2019 Excellence in Waterworks Operations/Performance Award.

Staff/Manager Comment:

Beverly Owens requested Council’s direction on archiving social media postings, which are considered public documents. She suggested that one solution would be to share content on the social media sites, but not receive comments or instant messaging. Laura Taylor-Baugh supported the suggestion, noting that the contact information for the Town was included on the social media sites; therefore, anyone wishing to comment could do so by contacting the telephone number. Other members of Council concurred.


Laura Craft, Planner, informed that Wise Little League had applied for a special event application requesting the Town co-sponsor a parade scheduled for April 4th. Mayor Dotson moved to approve the request for the Town of Wise to co-sponsor a parade with the Wise Little League on April 4, 2020. Laura Taylor-Baugh seconded the motion, which carried 4-0.

Laura Craft presented a request from the Health Wagon to place a public service announcement on the Town's electronic message board in regard to the upcoming free health screening to be held on March 11, 2020. She mentioned a request for the Town to forward a social media post from Tax Time Allies, which provides free tax preparation resources to the public. Council members indicated they supported both requests.

Adjournment:

There being no additional business to come before the governing body, the meeting was adjourned on a motion made by Caynor Smith, Jr. Teresa Adkins seconded the motion that passed 4-0.


Robin R. Meade, Clerk of Council


Jeffery W. Dotson, Mayor