

**WISE TOWN COUNCIL MEETING
TUESDAY, JUNE 22, 2021; 7:00 P.M.
WISE MUNICIPAL BUILDING COUNCIL CHAMBERS
501 WEST MAIN STREET - WISE, VIRGINIA 24293**

MINUTES

Members Present:

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

Members Absent:

None

Pledge of Allegiance / Invocation:

Councilman Smith led the Pledge of Allegiance. Adrian Dale, Acting Street Superintendent, provided the invocation.

Consent Calendar:

Caynor Smith, Jr. made a motion to approve the consent calendar, which included the minutes of the May 25, 2021 regular Council Meeting, minutes of the June 8, 2021 Special-Called Meeting, the May 2021, Police, Water Plant, and Fire Department Reports, and the June 2021 Planning Department Report. Laura Taylor-Baugh seconded the motion that passed 5-0.

Public Expression:

There being no one in the public audience wishing to comment, public expression was closed.

Resolution #22, 2021:

Laura Taylor-Baugh moved to adopt "A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA COMMENDING THE CENTRAL HIGH SCHOOL FORENSICS TEAM AND COACHES." Jeff Dotson seconded the motion and the vote was recorded by roll call:

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

Mayor Adkins presented a plaque to the Forensic Team Coach Jan Thompson commending her and each team member for their hard work and making their community proud.

Resolution #23, 2021:

Laura Taylor-Baugh moved to adopt "A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA COMMENDING THE CENTRAL HIGH SCHOOL ONE-ACT DRAMA AND COACHES." Ben Conway seconded the motion and the vote was recorded by roll call:

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

Mayor Adkins presented Coach Thompson and the One-Act Drama Team a plaque commending each member for their excellent representation of their school and community.

Ordinance #3, 2021 (Public Hearing):

Town Planner Laura Roberts advised that during the May 25, 2021 Council meeting action on the proposed Zoning Ordinance amendment relating to blasting was tabled in order to allow Council members an opportunity to thoroughly review the amendment. She stated that Council had directed her to ask Planning Commissioner Mike Clisso to attend the June meeting to address technical questions related to the amendment and also to advertise a second public hearing for the meeting. Roberts provided a brief history as to why the Planning Commission developed the proposed ordinance amendment, noting that in the absence of a local ordinance, the State Fire Marshall's office would oversee blasting in localities, which would eliminate Council's ability to provide any additional layer of protection for the general public and adjacent property owners. Roberts noted that the proposed ordinance provided for notice to adjacent property owners, required public hearing, pre-blast surveys, maximum shot/second, and final approval by Town Council. She added that it required compliance with all Federal, State and Local laws regarding blasting. Planning Commissioner Mike Clisso stated that he was classified as a blasting expert and provided testimony in lawsuits regarding blasting. He stated the proposed amendment offered more protection to the Town's citizens and more control by the local government. He stressed that the proposal would not hinder construction.

Mayor Adkins opened the floor for the public hearing. There being no one from the public audience wishing to speak, the public hearing was closed. Following the discussion, Councilman Jeff Dotson made a motion to adopt "AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA AMENDING THE TOWN OF WISE ZONING ORDINANCE AND SUBDIVISION REGULATIONS TO ADD ARTICLE 8B TO PROVIDE FOR REGULATIONS RELATED TO BLASTING WITHIN THE CORPORATION LIMITS OF THE TOWN OF WISE, VIRGINIA". Vice-Mayor Laura Taylor-Baugh seconded the motion and the vote was recorded by roll call:

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

Ordinance #4, 2021:

Laura Taylor-Baugh moved to adopt "AN ORDINANCE OF THE TOWN OF WISE, VIRGINIA ADOPTING AND REIMPOSING (AT THE PREVIOUSLY ESTABLISHED RATES), THE TAX RATE FOR REAL PROPERTY AND TANGIBLE PERSONAL PROPERTY, SETTING THE PERCENTAGE OF PERSONAL PROPERTY TAX RELIEF AT A LEVEL ANTICIPATED TO FULLY EXHAUST FUNDS PROVIDED BY THE COMMONWEALTH FOR THE PROGRAM, AND RE-IMPOSING, RE-ESTABLISHING, AND LEVYING (AT THE PREVIOUSLY ESTABLISHED RATES) A TAX LEVY FOR BUSINESS LICENSES, BANK STOCK, UTILITIES, WATER & SEWER CHARGES, AND ALL OTHER TAXES, LEVIES, FEES, AND CHARGES AT THE SAME RATE AS PREVIOUSLY IMPOSED BY THE TOWN". Caynor Smith, Jr. seconded the motion, which was recorded by roll call:

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

Ordinance #5, 2021:

There being no comments or discussion, Caynor Smith, Jr. moved to adopt “AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA ADOPTING THE BUDGET FOR THE TOWN OF WISE FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022 AND PROVIDING FOR EMPLOYEE BONUSES FOR SAID MUNICIPALITY”. Ben Conway seconded the motion. The vote was recorded by roll call:

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

Ordinance #6, 2021:

There being no comments or discussion, Caynor Smith, Jr. moved to adopt “AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA APPROPRIATING FUNDS FOR ALL CONTEMPLATED EXPENSES FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022”. Laura Taylor-Baugh seconded the motion and the vote was recorded by roll call:

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

Resolution #24, 2021:

Beverly Owens, Town Manager, explained that in order to receive funding from the Department of Criminal Justice Services (DCJS), localities were required to complete an eligibility process. She added that adoption of the resolution presented was merely a part of that process. She noted that authorization by the governing body was a new requirement. There being no additional discussion, Laura Taylor-Baugh made a motion to adopt “A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA AUTHORIZING SUBMISSION OF ELIGIBILITY CERTIFICATIONS FOR STATE AID (599 FUNDS) TO LOCALITIES WITH POLICE DEPARTMENTS”. Jeff Dotson seconded the motion that was recorded by roll call:

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

Public Works Committee Meeting:

- **VDOT Transportation Alternative Grant Application – Sidewalk Improvements** – Laura Roberts informed that the Public Works Committee met Wednesday, June 16, 2021 to discuss the proposed pedestrian improvements project along West Main Street from Norton Road/Birchfield Road to D Avenue, which was selected by Council in February. She explained that in February, the committee recommended that in the event the detailed cost estimate exceeded the expected grant funding that the Town would consider self-funding any remaining portion of the West Main Project. Roberts advised that the estimated project cost of \$855,490 would be funded with the 80% grant of \$684,392; however, VDOT typically funded projects

with a grant amount request in the \$500,000 range, making the Town's matching funds \$355,490. Caynor Smith, Jr. stressed that by exceeding the town's required 20% match would increase the likelihood of the project being funded. Roberts reported that the Public Works Committee recommended that the Town pursue VDOT's Transportation Alternative Grant funding and increase the town's match from the required 20% (\$171,098) to a total of \$355,490, to provide a more balanced streetscape for downtown and increase the VDOT evaluation scoring for funding the application.

Laura Taylor-Baugh made a motion that in regard to the VDOT Transportation Alternative Grant Application, that the Town commit to increase the Town's matching grant amount up to \$355,490. Caynor Smith, Jr. seconded the motion. The vote was recorded by roll call:

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

Public Safety Committee Meeting:

- **Complaints of Speeding/Unsafe Driving on Masonic Avenue** – Jeff Dotson, Chair, informed that the Public Safety Committee met with VDOT Wise Residency Officials, Paul Matticks and Joey Mullins to discuss complaints of speeding and unsafe driving on Masonic Avenue. Matticks and Mullins said that given the data collected by the police department automated radar and counter, it was recommended that no traffic calming device be installed and the street not be changed to a one-way street. The officials felt such measures would create additional hazards and could exacerbate the problems. Councilman Dotson reported that after reviewing the traffic data collected, which showed the average speed of motorists at 21 miles per hour, the committee made the following recommendations:

1. That "Children Playing" signage be installed at both ends of Masonic Avenue to increase driver awareness
2. That extra patrol be assigned to the area, especially during school high volume times and during the lunch hour (Noon – 1 pm)
3. The Police Chief contact Wise County Schools to request that bus drivers be reminded not to use Masonic Avenue unless picking up or dropping off children
4. That a letter explaining Council's decision, once made, be sent to each of the complainants to inform them of the decision

Police Chief French stated that he would compose the letter to send to the resident's who brought their complaints to Council in May.

Laura Taylor-Baugh made a motion to accept the Public Safety Committee report as presented. Ben Conway seconded the motion that passed 5-0.

Discussion of the American Rescue Plan Act Funds:

Town Planner Laura Roberts reviewed the criteria involved in the American Rescue Plan Act (ARPA) that was signed into law by President Biden on March 11, 2021. She noted that the first ARPA installment was estimated to be \$1,507,512. She added that capital projects would be presented to Council after funds were received in order to decide what projects to undertake.

Discussion of Rules for Posting at Dotson Park:

Beverly Owens presented a draft document "Dotson Park Rules", which had been circulated to the Recreation Committee members for their review and input. Caynor Smith, Jr. added that the draft

document was a good starting point. Following a lengthy discussion, Laura Taylor-Baugh moved to adopt the Dotson Park Rules as presented. Caynor Smith, Jr. seconded the motion that passed 5-0.

Closed Session:

On a motion made by Jeff Dotson and seconded by Caynor Smith, Jr., the Wise Town Council moved to convene into closed meeting for the purpose of and including:

***Personnel** – Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body as permitted by Virginia Code §2.2-3711(A) (1).*

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).*

Open Session:

Laura Taylor-Baugh made a motion to reconvene in open session. Ben Conway seconded the motion and the vote carried 5-0.

Certification of Closed Session – CM Resolution #7, 2021:

Town Clerk/Treasurer Robin Meade, read Closed Meeting Resolution #7, 2021, “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:

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

Laura Taylor-Baugh made a motion to approve the reclassification of the Purchasing Agent position from Grade 7 to Grade 6. Ben Conway seconded the motion and the vote was recorded by roll call:

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

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

Caynor Smith, Jr. made a motion acknowledging receipt of the Cumberland Airport Commission from May 21, 2021. Laura Taylor-Baugh seconded the motion that carried 5-0.

Council Comment:

Caynor Smith, Jr. remembered Steven Blankenbecler, a local businessman and former Council member, who lost his life in a vehicle accident one year ago today. Smith stated that MEOC Executive Director Mitch Elliott had advised that Mountain Empire Transit (MET) would be launching a new on-demand transportation service in and around the Town of Wise and City of Norton on Monday, June 28. This

service would be in addition to Mountain Empire Transit's current service. Smith added that Mr. Elliott had requested use of the Town of Wise Municipal Building parking lot to host a ribbon cutting event for the new transit service on Thursday, June 24th at 10:00 a.m.

Mayor Adkins stated that there were record numbers of attendees at the Wise Fair. She reminded Council members of the Chillin' and Grillin' breakfast event scheduled for July 17th. She commended the Town employees for all the work they do.

Staff / Manager Comment:

Leonard Rogers announced that he needed to meet with the Public Works committee to discuss the mowing ordinance. He mentioned the revised ordinance drafted by Lieutenant Chris Kent, was not allowed by Virginia Code. He reminded that the Town's current mowing ordinance was still in effect.

Beverly Owens, Town Manager, advised that the Town would be opening the last cell of the Wise Cemetery property. She noted that once the remaining 258 lots in the final cell were sold, the cemetery would be officially full. She stated that historically each time a new cemetery lot cell was opened, Council would review the cost being charged for each plot. Owens stated that the last increase was in 2013 and the cost was increased to \$500. Councilman Smith pondered on the possibility of purchasing the rental property owned by Bonnie Aker, located at the cemetery. He suggested the matter be referred to the Cemetery Committee for further review. Owens reminded that the cost of perpetual care of the cemetery could never be recovered.

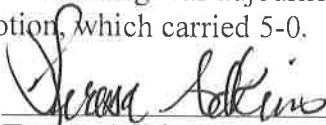
Owens advised that the Town had experienced a high turnover in employees recently and considering the number of new employees there had been discussion regarding the possibility of the Town sponsoring a pool party for employees and their families. Council members supported the event, including providing food.

Owens further advised that the Virginia Overtime Wage Act adopted by the Virginia General Assembly became effective July 1st. She explained that the Act essentially prohibited public and private employers from providing employees compensatory time in lieu of paid overtime. She stated that given the enactment of this new law meant that the fiscal year 2021-22 budget would have to be amended with additional overtime wages.

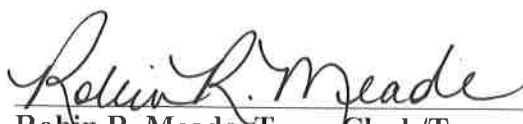
Town Planner Laura Roberts advised that the new Cricket Wireless store in the Ridgeview Shopping Center would hold a ribbon cutting ceremony on Wednesday, June 23rd, at noon.

Adjournment:

There being no additional business to come before the governing body, the meeting was adjourned on a motion made by Mayor Adkins. Councilman Dotson seconded the motion, which carried 5-0.



Teresa Adkins, Mayor



Robin R. Meade, Town Clerk/Treasurer