

VIRGINIA: County of Lee, to-wit:

At the Regular Meeting of the Lee County Board of Supervisors in the General District Courtroom of the Lee County Courthouse on August 21, 2018 at 6:00 p.m. thereof.

MEMBERS PRESENT: Robert Smith, Chairman
Nathan Cope
D. D. Leonard
Larry Mosley
Charles Slemp, Jr.

MEMBERS ABSENT: None

OTHERS PRESENT: Dane Poe, County Administrator
Jeny Hughes, Administrative Assistant
Stacy Munsey, County Attorney

OTHERS ABSENT: None

INVOCATION

Dane Poe, County Administrator, led in the Invocation.

PLEDGE TO THE FLAG

Mr. Slemp led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 6:05 p.m.

DEPARTMENTAL REPORTS

Written departmental reports for Solid Waste and Litter Control were included in the agenda packet.

CONSTITUTIONAL OFFICERS

TREASURER’S REPORT

The Treasurer’s Report for the month of June 2018 was submitted as follows:

Revenues	\$ 4,049,618.87
Expenditures	\$ 6,235,231.45
General Fund	\$ 5,351,819.67
Total Assets and Liabilities	\$11,112,435.78

PUBLIC EXPRESSION

The Chairman opened the floor for public comment and advised that each speaker would be limited to a three-minute time-period for individuals, and five-minute time-period for a group.

There was no public comment.

The Chairman closed the floor for public comment.

APPROVAL OF MINUTES

It was moved by Mr. Mosley, seconded by Mr. Leonard, to approve the minutes of the July 17, 2018 Regular Meeting. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

APPROVAL OF REFUNDS

It was moved by Mr. Cope, seconded by Mr. Leonard, to approve the following Refund. Upon the question being put the vote was as follows.

Gary Carroll	\$155.40
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VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

PAYROLL

The County Administrator reports that payroll warrants have been issued.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Mosley, seconded by Mr. Slemp, to approve the disbursements for the month of August in the amount of \$339,935.30. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

DELEGATIONS

**LEE COUNTY BOY SCOUTS
EXPLORER PROGRAM
ADAM REUILLE, SCOUT LEADER**

Adam Reuille, Scout Master and District Executive, addressed the Board about starting a Fire and EMS explorer post. The Scouts would pay for the liability insurance so there would no liability on the County for this program. He stated that he has talked with several Fire Department and Rescue Squads and most departments are in favor of the program. This is a career development course and it is available for boys and girls ages 14 to 21.

Mr. Cope stated that low membership is a big issue right now, and some of that could be attributed to the required training time. He feels this would be a great program to get those interested trained and on to becoming members of the local fire or rescue units.

Mr. Reuille stated that along with this program, he brought Josh Flanary with Dryden Fire Department to talk about a resolution for Junior Fire Fighters.

Josh Flanary, Chief of Dryden Fire Department, asked the Board to pass a resolution that would allow junior members on the Fire Departments.

Mr. Poe asked if the Explorers would be on live fire scenes because that could cause issues with the Line of Duty Act.

Mr. Reuille stated that Explorers are not allowed to work on the scene of a live fire.

Mr. Cope asked what the Resolution needs to cover.

Mr. Flanary stated that he would need a Resolution from the County in support of Fire Departments having junior members.

Mr. Poe stated that the need for a Junior Fire Fighter Resolution was not presented prior to the meeting, and he would like to do some research and present a Resolution for the next Board meeting.

FINANCE

SUPPLEMENTAL APPROPRIATIONS

COMMISSIONER OF THE REVENUE

It was moved by Mr. Cope, seconded by Mr. Leonard, to approve the following Supplemental Re-appropriation in the amount of \$2,692.00. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-23030-0015	COR VITA Grant	\$	2,692.00
Expenditure:			
4-001-12310-5885	COR VITA Grant	\$	2,692.00

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

DRUG COURT EXPENDITURES

It was moved by Mr. Cope, seconded by Mr. Leonard, to approve the following Supplemental Re-Appropriation in the amount of \$6,178.06. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-18990-0051	Drug Court Donations & Fees	\$	6,178.06
Expenditure:			
4-001-21120-5899	Drug Court Expenses	\$	6,178.06

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

SHERIFF DEPARTMENT

It was moved by Mr. Cope, seconded by Mr. Leonard, to approve the following Supplemental Re-Appropriation in the amount of \$4,000.00. Upon the question being put the vote was as follows.

Revenue Source:			
3-001-18990-0002	Sheriff's Donations	\$	4,000.00
Expenditure:			
4-001-31200-5899	Sheriff's Donations	\$	4,000.00

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

FINES & FORFEITURES

It was moved by Mr. Cope, seconded by Mr. Leonard, to approve the following Supplemental Re-Appropriation in the amount of \$1,382.52. Upon the question being put the vote was as follows.

Revenue Source:			
3-007-14010-0004	State Forfeiture Proceeds	\$	1,382.52

Expenditure:
4-007-94100-5840 State Forfeiture Proceeds \$ 1,382.52

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

FINES & FORFEITURES

It was moved by Mr. Cope, seconded by Mr. Leonard, to approve the following Supplemental Re-Appropriation in the amount of \$78.47. Upon the question being put the vote was as follows.

Revenue Source:
3-007-14010-0016 Unclaimed Evidence Proceeds \$ 78.47

Expenditure:
4-007-94100-5845 CWA Portion LCSO Unclaimed Proceeds \$ 78.47

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

FINES & FORFEITURES

It was moved by Mr. Cope, seconded by Mr. Leonard, to approve the following Supplemental Re-Appropriation in the amount of \$15.69. Upon the question being put the vote was as follows.

Revenue Source:
3-007-14010-0005 Federal Forfeiture Proceeds (SHRF) \$ 15.69

Expenditure:
4-007-94100-5860 Federal Forfeiture Proceeds \$ 15.69

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

FINES & FORFEITURES

It was moved by Mr. Cope, seconded by Mr. Leonard, to approve the following Supplemental Re-Appropriation in the amount of \$353.16. Upon the question being put the vote was as follows.

Revenue Source:
3-007-14010-0015 CWA State Asset Forfeiture \$ 353.16

Expenditure:
4-007-94300-5850 CWA State Asset Forfeiture Proceeds \$ 353.16

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

FINES & FORFEITURES

It was moved by Mr. Cope, seconded by Mr. Leonard, to approve the following Supplemental Re-Appropriation in the amount of \$3,850.00. Upon the question being put the vote was as follows.

Revenue Source:
3-007-14010-0020 Sheriff Surplus Sales \$ 3,850.00

Expenditure:
4-007-94100-5896 LCSO Surplus Sale Proceeds \$ 3,850.00

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

NEW BUSINESS

BOARD APPOINTMENTS

LONESOME PINE OFFICE ON YOUTH

It was moved by Mr. Mosley, seconded by Mr. Cope, to table this appointment. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

SOUTHWEST VIRGINIA COMMUNITY CORRECTIONS

It was moved by Mr. Mosley, seconded by Mr. Cope, to re-appoint Josh Fleenor to a two-year term on the Southwest Virginia Community Corrections Board. Mr. Fleenor's term will expire August 31, 2020. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

MORAL OBLIGATION AND SUPPORT AGREEMENT FOR PSA WATER PROJECT

Mr. Poe reported that the Lee County Public Service Authority (PSA) is currently proposing a waterline replacement project in the service territory of the St. Charles Water & Sewer Authority (SCWSA). Having agreed in principal for the SCWSA to be merged into the PSA, the PSA is undertaking this project prior to completion of the merger/acquisition. As is typical with Virginia Resources Authority or Rural Development funding, VRA is requesting the County provide a Resolution authorizing the execution of a Support Agreement and Moral Obligation to provide the necessary funding for debt service in the event the PSA is unable to do so. The amount of the project loan is \$655,248.00. If acceptable, a motion to adopt the Resolution would be in order.

He added that there would be additional action needed of the Board of Supervisors at a later date to concur in the dissolution of SCWSA.

It was moved by Mr. Leonard, seconded by Mr. Slemp, to adopt the following Resolution. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

**RESOLUTION OF THE BOARD OF SUPERVISORS OF LEE COUNTY, VIRGINIA, AUTHORIZING THE EXECUTION OF A SUPPORT AGREEMENT PROVIDING FOR LEE COUNTY'S MORAL OBLIGATION TO MAKE CERTAIN APPROPRIATIONS WITH RESPECT TO A WATER AND SEWER REVENUE BOND OF THE LEE COUNTY PUBLIC SERVICE AUTHORITY
18-017**

The Lee County Public Service Authority (the "Authority") proposes to issue its \$655,248 Water and Sewer Revenue Bond, Series 2018 (the "Bond") to the Virginia Resources Authority, as Administrator of the Virginia Water Supply Revolving Fund (the

“VRA”), to finance improvements to the Authority’s water and sewer system (the “System”) by financing waterline replacements and a water system acquisition for the Authority’s water system (the “Project”).

The Authority has requested the Board of Supervisors of Lee County, Virginia (the “County”) to facilitate the issuance and sale of the Bond by providing for the County’s moral obligation to make certain appropriations to the Authority with respect to the Bond and the System.

As part of its plan for financing the Project, the Authority proposes to execute the following documents, drafts of which have been presented to the Board of Supervisors at this meeting:

- a. Financing Agreement (the “Financing Agreement”) between the Authority and the VRA; and
- b. Support Agreement (the “Support Agreement”), between the Authority, the Board of Supervisors of the County and the VRA,

the forms of which documents have been presented to the Board of Supervisors at this meeting.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF LEE COUNTY, VIRGINIA:

1. The Authority’s plan of financing for the Project, substantially on the terms set forth in the Financing Agreement and which involves the issuance of the Bond, is approved. The Board of Supervisors consents to the issuance of the Bond.

2. The Board of Supervisors agrees, in accordance with the Support Agreement, to pay to the Authority amounts sufficient to pay (i) the debt service under the Bond and any other indebtedness secured by or payable from the revenues of the System, including the Existing Parity Bonds set forth on Exhibit F to the Financing Agreement, (ii) the operation and maintenance expense of the system of which the Project is a part, (iii) additional payments for costs and expenses related to any amendment, waiver, consent, or collection or enforcement proceedings under the Financing Agreement, and (iv) the Reserve Deficiency Amount, as defined in the Support Agreement, all of which shall be subject to annual appropriation by the Board of Supervisors, all on the terms and conditions to be provided in the Support Agreement. The County’s obligations to make payments to the Authority pursuant to this resolution shall be subject to and dependent upon annual appropriations being made from time to time by the Board of Supervisors for such purpose. Nothing in this resolution, the Bond or the Support Agreement shall constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith or credit or the taxing power of the County.

3. The Board of Supervisors acknowledges that (i) the obligations of the Authority to determine, and of the County to pay, the charges for the use of and for services to be furnished by the System (as defined in the Financing Agreement) are crucial to the security for the Bond, (ii) VRA would not purchase the Bond without the security and credit enhancement provided by the Support Agreement, (iii) VRA will be a third party beneficiary of the Support Agreement for so long as the Bond remains outstanding, and (iv) VRA is treating the Support Agreement as a “local obligation” within the meaning of Section 62.1-199 of the Code of Virginia of 1950, as amended (the “Virginia Code”), which in the event of a nonpayment thereunder authorizes VRA to file an affidavit with the Governor that such nonpayment has occurred pursuant to Section 62.1-216.1 of the Virginia Code. Section 62.1-216.1 of the Virginia Code provides that if the Governor is satisfied that such nonpayment has occurred, the Governor will immediately make an order directing the Comptroller to withhold all further payment to the County of all funds, or of any part of them, appropriated and payable by the Commonwealth of Virginia to the County for any and all purposes, and the Governor will, while the nonpayment continues, direct in writing the payment of all sums withheld by the Comptroller, or as much of them as is necessary, to VRA, so as to cure, or cure insofar as possible, such nonpayment.

4. Any one of the Chairman or Vice-Chairman of the Board of Supervisors or the County Administrator is authorized and directed to execute and deliver the Support Agreement on behalf of the County, the form of which is approved. The Support Agreement shall be in substantially the form as presented to this meeting, with such changes, insertions and deletions as may be approved by the officer executing it, his execution to constitute conclusive evidence of his approval of any such changes, insertions or deletions; provided, however, that the terms of the Bond are substantially as stated in this resolution. The County Administrator is authorized and directed to take such actions and give such notices as may be required of him under the Support Agreement

5. This resolution shall take effect immediately upon its adoption. Unless otherwise defined, each capitalized term used in this Resolution shall have the meaning given in the Financing Agreement.

NO-COST RURAL ADDITION

Mr. Poe presented the Board with a Resolution and sketch detailing a proposed no-cost Rural Addition to add a portion of roadway at Cumberland Gap back to the Secondary System of Highways for state maintenance. This .21 mile section of roadway is located in front of the Daniel Boone Visitors Center in Cumberland Gap National Park and serves as an access road to the Town of Cumberland Gap which was discontinued on recommendation of VDOT several years ago when U.S. 58 was four-laned in that area.

After further consideration, the Wise Residency office has determined that the roadway meets their current standards and can be taken into the Secondary System at no cost.

It was moved by Mr. Leonard, seconded by Mr. Mosley, to adopt the following Resolution. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

**RESOLUTION
STATUTORY (NO-COST) RURAL ADDITION
18-020**

WHEREAS, the Wise Residency Office of the Virginia Department of Transportation recommends that the street(s) referenced in this Board's resolution be added to the secondary system of state highways as a no-cost rural addition pursuant to Section 33.2-705 and Commonwealth Transportation Board policy, because the street(s) meets current minimum standards, the condition of the existing hard surface is serviceable, the street(s) has provided continuous public service since its establishment in 1966 and currently serves the Daniel Boone Visitors Center in the Cumberland Gap National Historical Park and provides a connecting link between the Town of Cumberland Gap, TN and US Route 58; and

WHEREAS, the Wise Residency Office of the Virginia Department of Transportation confirms that no Department funds are required to improve the street(s) described on the attached addition sketch and Form AM-4.3 to meet current minimum design or maintenance standards of the Department;

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of supervisors requests the Virginia Department of Transportation to add the street(s) described on the attached sketch and form AM-4.3 to the secondary system of state highways, pursuant to Section 33.2-705, Code of Virginia and the Rural Addition Policy of the Commonwealth Transportation Board of the Virginia Department of Transportation;

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right of way, as described on the attached form AM-4.3, and any necessary easements for cuts, fills and drainage;

BE IT FINALLY RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

PLANNING DISTRICT ONE BEHAVIORAL HEALTH FUNDING REQUEST

Mr. Poe reported that Planning District One Behavioral Health has advised that the budget adopted by the Virginia General Assembly provided more funding to that agency than was initially expected when the budget request was sent to the County in February of this year. This has resulted in the County's appropriation for Fiscal Year 2018-19 being short of the 10% local match required by state law. The shortfall in local funding is \$9,590 which they are requesting be provided by an additional appropriation.

It was moved by Mr. Cope, seconded by Mr. Leonard, to approve the following supplemental appropriation in the amount of \$9,590.00. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-41050-0099	Budget Supplement from Reserves	\$9,590.00
Expenditure:		
4-001-52200-5620	Community Services Appropriation	\$9,590.00

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

VICTIM WITNESS ADVOCATE PROGRAM

Mr. Poe presented the Board with a copy of the Department of Criminal Justice Services notification of renewal for the Victim Witness Advocate program grant in the amount of \$102,033.00. This grant funds the full cost of the program with office space being the only thing provided by the County. The grant runs from July 1, 2018 to June 30, 2019 and is already included in the adopted budget. A motion to accept the grant would be required.

It was moved by Mr. Cope, seconded by Mr. Leonard, to accept the Victim Witness Advocate Program Grant in the amount of \$102,033.00. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

CO-LOCATION AGREEMENT FOR SUNSET FIBER EQUIPMENT

Mr. Poe reported that in 2007, a grant to extend fiber optic internet service to Rose Hill included funding to construct the addition to the Rose Hill Library that provided computers and internet access to the community. As part of the project, the County provided verbal approval to allow Sunset Digital to install part of the control equipment in the basement of the library. This equipment provides internet service to the Rose Hill community. Sunset Fiber, LLC is now requesting approval of a formal agreement to allow this arrangement to continue. The agreement provides for an initial term of ten years with the option to extend for additional one-year periods indefinitely. There are no fees currently paid and none proposed in the agreement.

It was moved by Mr. Smith, seconded by Mr. Slempp, to approve the Co-Location Agreement with Sunset Fiber, LLC for the Rose Hill Library. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slempp, Mr. Smith

HEART OF APPALACHIA TOURISM AUTHORITY APPOINTMENT

Mr. Poe reported that due to changes adopted by the 2018 Virginia General Assembly, the Board would need to appoint a representative to the Heart of Appalachia Tourism Authority with specific guidelines for the appointment provided by State Code.

As Tourism Director, Aaron Fee will serve on the Authority with the Tourism Committee to make recommendations for the second appointment. The Tourism Committee was scheduled to meeting on August 16, but they did not have a quorum. Mr. Poe asked that this matter be tabled until the Tourism Committee can meet and make recommendations.

It was moved by Mr. Smith, seconded by Mr. Cope, to table this appointment. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slempp, Mr. Smith

JANITORIAL CONTRACT AMENDMENT PROPOSAL

Mr. Poe reported that with the Registrar and Electoral Board offices moving to the former Adult Education Center beside the old School Board offices, janitorial services would be needed at this location. When the Virginia Cooperative Extension offices moved to their new location in Pennington Gap, the County reduced the Janitorial Contract Agreement by \$200 per month since the Extension staff said they would do the cleaning at their facility. Mr. Poe recommends adding this amount back to the Janitorial contract since the space occupied by these offices is similar to that of the old Extension office building. This would be effective August 1, 2018.

It was moved by Mr. Smith, seconded by Mr. Mosley, to amend the Janitorial Contract by \$200 per month and to make the following Supplemental Appropriation in the amount of \$2,200. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-41050-0099	Budget Supplement from Reserves	\$2,200
Expenditure:		
4-001-43200-3170	Contract Cleaning Services	\$2,200

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slempp, Mr. Smith

RESIGNATION OF CIRCUIT COURT LEGAL SECRETARY

Mr. Poe reported that he has received the letter of resignation of the Circuit Court Legal Secretary. Since this is a budgeted position, he has already submitted an advertisement for the position to the local newspaper in an effort to shorten the vacancy period. When this position was first created, the Board authorized the Circuit Court Judge to conduct the interviews and submit a recommendation to the Board of Supervisors for hiring.

It was the consensus of the Board to authorize the Circuit Court Judge to conduct the interviews for Legal Secretary.

IDA REQUEST FOR ECONOMIC DEVELOPMENT FUNDS

Mr. Poe reported that Aaron Fee, IDA Director, has submitted a request for the Shell Building at the Constitutional Oaks Industrial Park, which is in need of a ventilation system in the unfurnished portion of the building. The Lee County IDA received bids for the fan installation and electrical repairs, but rejected the bids received due to the price being much higher than anticipated. However, the IDA approved an amended quoted that was received earlier this year from H.S. Williams Company in the amount of \$20,995.00.

The IDA approved an appropriation of up to \$21,000.00 from the Economic Development Fund for this project. If approved, the electrical repairs will be billed at a rate of \$75.00 per hour, which will require an additional appropriation. The IDA has fully explored all possibilities and feels this is the best option moving forward. Although this is not ideal, this is an issue that must be addressed. The IDA respectfully requests this appropriation be approved from the Economic Development Fund to cover the cost of this project.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to approve a loan to the IDA up to \$21,000 from the Economic Development Fund for electrical repairs at the Shell Building. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

REQUEST FOR TIPPING FEE CHANGE FOR BRUSH

Mr. Poe reported that Gary Collingsworth is requesting a change in the tipping fee rate and applicability for brush brought into the Transfer Station. Under this proposal, the fee would be lowered from \$37.50 per ton to \$15.00 per ton but would apply to all brush brought into the facility whether by contractors or private citizens. The fee would only apply to brush and not to shrub clippings and leaves which is no charge.

It was moved by Mr. Cope, seconded by Mr. Leonard, to adopt the following Resolution. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

RESOLUTION AMENDING THE DISPOSAL FEE FOR CERTAIN WASTES

**AT THE LEE COUNTY WASTE TRANSFER STATION
18-018**

WHEREAS, the Lee County Board of Supervisors has previously adopted a Resolution setting disposal fees for certain wastes at the Lee County Waste Transfer Station; and

WHEREAS, brush is currently charged to businesses only at the same rate as Solid Waste; and

WHEREAS, Board wishes to amend the policy and rate on brush;

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors hereby amends the disposal fee schedule as follows:

Solid Wastes: \$37.50 per ton

Waste Tires: \$60.00 per ton

Brush: \$15.00 per ton Commercial and Private (leaves, shrubbery and grass clippings exempt)

BE IT FURTHER RESOLVED, this amended fee schedule shall be effective beginning the 1st day of September, 2018.

ISSUES REGARDING OPEN SOLID WASTE SITES

Mr. Poe presented comments, detail and pictures from Gary Collingsworth of dumping issues at three of the remaining four open waste collection sites in the County. The Olinger site is by far the worst with similar issues at Hurricane Bridge and Hunters Gap. He has recently been advised that the site the County has been trying to acquire from Old Dominion Power Company at the Pocket should be transferred to the County in the very near future.

Mr. Poe is not offering solutions to these problems but wanted to make the Board aware of them and for the Board to be considering what action can be taken to reduce or eliminate these issues. Fenced sites are the ultimate solution but the County has been unsuccessful at each of these locations in obtaining suitable property to locate a fenced collection site.

Mr. Mosley stated that the Olinger site is one of the worst sites because of the location.

Mr. Leonard asked about the property next to the Olinger site.

Mr. Poe stated that the property behind the site is a federally protected area. The County was looking into the property across the road from the site but has not been successful in reaching an agreement with the property owner.

Mr. Leonard asked about eliminating the site and letting the State take it over.

Mr. Poe stated the County worked with the State on closing sites in the past, and the State created a ditch around the old site. The issue with the Olinger site being closed is that Dryden is the next closest site.

Mr. Mosley stated that closing the Olinger site could lead to illegal dumping in that area.

PERSONAL PROPERTY TAX RELIEF FOR 2018

Mr. Poe reported that the Personal Property Tax Relief Act provides for State reimbursement of a portion of the tax on personal automobiles. This reimbursement is a fixed amount so the percentage of relief must be re-calculated each year in order to account for changes in the total number and value of vehicles eligible for relief. The Commissioner of the Revenue's office has collected the data to calculate the appropriate percentage of personal property tax relief for personal automobiles for 2018 as follows:

Personal use vehicles valued at \$100 to \$20,000 will be eligible for 60.64% tax relief;

Personal use vehicles valued at \$20,001 or more shall only receive 60.64%

It was moved by Mr. Mosley, seconded by Mr. Leonard, to adopt the following Resolution. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

**RESOLUTION
18-019**

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code 58.1-3523 et seq. (“PPTRA”), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2005-06 Appropriations Act, hereinafter cited as the “2005 Appropriations Act”); and

WHEREAS, these legislative enactments require the County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, these legislative enactments provide for the appropriation to the County of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax on such vehicles;

NOW, THEREFORE, BE IT RESOLVED, by the Lee County Board of Supervisors that qualifying vehicles obtaining situs within the County during tax year 2016, shall receive personal property tax relief in the following manner:

- Personal use vehicles valued at \$100 to \$20,000 will be eligible for 60.64% tax relief;
 - Personal use vehicles valued at \$20,001 or more shall only receive 60.64% tax relief on the first \$20,000 of value; and
 - All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.
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**SCHOOL BOARD REQUEST FOR SCHOOL RESOURCE OFFICER GRANT
APPLICATIONS**

Mr. Poe reported that Brian Austin, School Superintendent, has advised that the School Board would like the County to apply for a School Resource Officer grant position from the Department of Criminal Justice Services. The State has provided an additional \$1.3 million statewide for additional one-year funding grants for this purpose.

Priority will be given to middle and high school officers and this is a onetime grant good for one year. The School Board's grant applications would be for an officer at Elydale Middle School, Flatwoods Elementary School and St. Charles Elementary School. The local match for each grant would be around \$10,000 per grant and the School System will reimburse the County for the local match.

It was moved by Mr. Leonard, seconded by Mr. Mosley, to apply for the School Resource Office Grant. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

CLASS ACTION LAWSUIT FOR PAYMENT IN LIEU OF TAXES

Mr. Poe reported that he was advised last month there is a class action lawsuit underway for federal shortfalls of Payments in Lieu of Taxes of eligible localities in fiscal years 2015, 2016, and 2017. To participate in the lawsuit, the County must notify the United States Court of Federal Claims of intent no later than September 14, 2018. If the County does not opt-in to the suit, it would not be eligible to receive any portion of the monies recovered by the suit. There is no expected cost to participate in the suit, as the fees would be paid from the proceeds recovered. Mr. Poe recommends the Board authorize signing of the Opt-In Notice Form to participate in this class action suit.

It was moved by Mr. Cope, seconded by Mr. Leonard, to Opt-in to the class action lawsuit for payments in lieu of taxes. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

CONSTITUTIONAL OFFICER AND NON-COUNTY EMPLOYEE LEAVE ACCRUAL

Mr. Poe reported that County employee vacation leave time is currently allowed to accrue to a maximum of twice the annual leave the employee is allowed to receive, based on the number of years of service. Employees with 1-5 years of service receive 10 days (80 hours) per year; employees with 6-10 years of service receive 15 days (120 hours) per year; and employees with 11+ years of service receive 18 days (144 hours) per year. On a monthly basis, any leave time in excess of the employee's maximum allowed accrual is lost. Simply put, it is a use-it or lose-it policy. Several years ago, one of the

Constitutional Offices was allowing employees to accrue more than the maximum allowed as long as it was under the maximum by June 20 of each year. After questioning this practice, that office submitted it to the Board of Supervisors and they approved it. This is not a consistent policy, as they did not approve it for all County employees. Since accrued vacation leave must be paid upon an employee's resignation (with proper notice), dismissal or retirement, this creates additional financial liability to the County.

In order to have a consistent, fair policy for all affected employees, Mr. Poe is requesting the Board set the policy for all employees as it currently applies to County employees. In other words, on a monthly basis, any accrued time in excess of the employee's allowed maximum will be lost if not taken in that month.

Constitutional Officers are only required to give their employees 10 days of leave per year but all have opted to use the County's provision of leave time as their policy as well. Mr. Poe feels it is only fair they abide by the same policy effective for all other County employees.

Mr. Smith asked if vacation time started over at the beginning of every year.

Mr. Poe stated that time is allowed to be carried over, but is lost if the employee is maxed out.

Mr. Cope stated that the State has a max payout on leave time.

Mr. Poe stated that all this would do is standardize all offices to the County's policy.

Mr. Cope stated he does not have a problem with going over the max as long as it is used before the end of the fiscal year, but have a max payout.

Mr. Poe stated the problem with that could be an employee built up to 400 hours vacation time but maxes out at 288, the employee could take vacation time until hours are used up and quits or retires.

Mr. Cope stated that if that is the normal procedure for county employee's, everybody needs to have the same rules.

It was moved by Mr. Mosley, seconded by Mr. Cope, to set the policy for all employees as it currently applies to County employees. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

SHERIFF'S OFFICE REQUEST TO ADVANCE FUND PURCHASE

Mr. Poe reported that the Lee County Sheriff's Office is scheduled to receive \$24,924 in Federal Asset Forfeiture funds later this year. They currently have a quote for 24 Body Camera for use by officers in the field at a total of \$7,961.96 for cameras and docking stations. Due to the fact the quote will soon expire, Sheriff Parsons is requesting the Board of Supervisors advance the funding of this purchase and his office will then refund the cost when the Federal Asset Forfeiture funds are received.

It was moved by Mr. Leonard, seconded by Mr. Smith, to purchase 24 Body Cameras for the Sheriff's Department until the Federal Forfeiture Funds are received. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

OLD HAZMAT TRAILER

Mr. Poe stated that there have been questions about the trailer that was purchased for Emergency Services several years ago. Last year, Gary Collingsworth asked if he could use the trailer for the Transfer Station, and he was given permission, with the reason being the trailer had sat for 10 years and had not been used. The trailer was purchased in 2004 with the intention that the Emergency Services Coordinator at the time was going to pull it with his private vehicle. Some hazmat supplies were being stored in the trailer, but a building was purchased to house those items.

Mr. Cope stated that he believes the reason for the questioning was in the event a hazmat spill or accident and the trailer was needed to haul materials to the scene.

Mr. Poe stated that it is in the budget this year to purchase a truck for 911 / Emergency Management that will have a cover over it and most of the supplies will be able to be put into the back of the truck.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

REQUEST FOR CLOSED SESSION

Mr. Poe stated he has a request for closed session under Personnel and Investment of Public Funds and Legal Counsel.

REPORTS AND RECOMMENDATIONS OF THE BOARD

GRANT WRITER APPLICATIONS

Mr. Leonard asked if there were additional applications for the Grant Writer position.

Mr. Poe stated that there were two additional applications.

Mr. Cope asked if the interviews for the Grant Writer position should be done by a committee of Board of Supervisors and School Board members.

Mr. Poe stated that it might be better to have both boards involved in the hiring.

CLOSED SESSION

It was moved by Mr. Slemph, seconded by Mr. Mosley, to enter Closed Session pursuant to Section 2.2-3711 A.1 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, Section 2.2-3711 A.6. The investing of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, and Section 2.2-3711 A.7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigation posture of the public body; and consultation with legal counsel employed or retaining by a public body regarding specific legal matters requiring the provision of legal advise by such counsel. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

It was moved by Mr. Mosley, seconded by Mr. Cope, to exit Closed Session. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemph, Mr. Smith

CERTIFICATE OF CLOSED SESSION

It was unanimously agreed as follows.

WHEREAS, the Lee County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a Certification by this Lee County Board of Supervisors that such Closed Meeting was conducted within Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Lee County Board of Supervisors hereby certified that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from Closed Meeting in which this Certification

Resolution applies and (ii) only such public business matters as were identified in the Motion convening the Closed Meeting were heard, discussed or considered by the Lee County Board of Supervisors.

OPIOID LAWSUIT

It was moved by Mr. Cope, seconded by Mr. Mosley, to engage the firm of Kaufman and Canoles for the Opioid Lawsuit. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

PLASTIC BAGS

Mr. Mosley stated that he was driving down the road and there were several plastic bags along the road and hanging in the trees. There have been several counties to ban plastic bags. He asked the Board to think about the ban to help preserve the County and keep it as clean as possible.

Mr. Leonard stated that the paper bags probably cost a lot more than the plastic.

BUILDING CODE OFFICIAL

It was moved by Mr. Cope, seconded by Mr. Mosley, to approve a salary increase in the amount of \$5,000 to the Building Code Official for successfully completing 2/3 of the testing requirements effective September 1, 2018. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

EXCAVATOR PURCHASE

It was moved by Mr. Cope, seconded by Mr. Mosley, to approve the purchase of a mid-sized excavator up to 10% above \$65,000. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

VACO CONFERENCE

Mr. Poe reported that the VACO Conference is coming up November 11, 12 and 13. He stated that he would need to know soon if anyone would like to go so reservations can be made.

It was moved by Mr. Cope, seconded by Mr. Mosley, to adjourn. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Cope, Mr. Leonard, Mr. Mosley, Mr. Slemp, Mr. Smith

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD