

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 October 17, 2017 at 6:00 p.m. thereof.

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

MEMBERS ABSENT: None

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

OTHERS ABSENT: None

INVOCATION

Kyle Burnette, Pastor of First United Methodist Church of Pennington Gap, led the invocation.

PLEDGE TO THE FLAG

Charles Slemp led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 6:03 p.m.

PUBLIC HEARING

PROPOSED ORDINANCE

The Lee County Board of Supervisors held a Public Hearing on Tuesday, October 17, 2017 at 6:00 p.m. in the General District Courtroom of the Lee County Courthouse in Jonesville, Virginia. The purpose of the Public Hearing is to receive public comment on a proposed ordinance to establish a Regional Industrial Facilities Authority in cooperation with the Counties of Dickenson, Scott and Wise and the City of Norton.

Mr. Poe reported that this is an effort on a regional basis to give the localities in this area some options in forming a Regional Authority. This would allow localities to partner together on various projects, but does not require the localities to participate. This ordinance creates the authority which will be called the Lonesome Pine Regional Industrial Facility Authority and would have two members for each locality.

The chairman opened the floor for public comment.

There was no public comment.

The chairman closed the floor.

Mr. Slempp stated that he does not see any negatives and thinks the County should participate.

Mr. Cope stated that this idea has been discussed for a long time, and it could increase the chances of getting industry into the area.

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

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

AN ORDINANCE TO CREATE
A REGIONAL INDUSTRIAL FACILITIES AUTHORITY
PURSUANT TO SECTION 15.2-6400 ET SEQ. OF THE CODE OF VIRGINIA

WHEREAS, the Lee County Board of Supervisors (the “Board”) finds that economic growth and development of the County and the comfort, convenience, and welfare of its citizens require the development of facilities and that joint action through a regional industrial facility authority by the Counties of Lee, Scott, Wise, and Dickenson and the City of Norton will facilitate the development of the needed facilities;

WHEREAS, the Board recognizes that economic development of the County of Lee is dependent in large measure on the economic development of the Region as a whole;

WHEREAS, to promote and encourage economic activity, including but not limited to investment and employment of county residents, the Board desires to work in cooperation with neighboring Counties Scott, Wise, and Dickenson and the City of Norton (“Member Localities”), to facilitate the development of Industrial Facilities in the four County Region;

NOW THEREFORE, the Board of Supervisors for the County of Lee, Virginia does hereby ordain and establish a Regional Industrial Facilities Authority for Lee, Scott, Wise, and Dickenson Counties and the City of Norton pursuant to the Virginia Regional Industrial Facilities Act, Chapter 64, Title 15.2 of the Code of Virginia (1950), as amended, (the “Act”) and further resolves as follows:

1. The name of the Authority shall be the "Lonesome Pine Regional Industrial Facility Authority" (the “Authority”).
2. The member localities shall be the Counties of Lee, Scott, Wise, and Dickenson and the City of Norton. Each locality's participation shall become effective as of the date their respective governing body enacts an ordinance substantially similar to this ordinance authorizing creation of the Authority.
3. The Authority shall be governed by a board of ten (10) members with two members being selected from each Member Locality as provided by the Act.
4. The Authority may adopt such rules and by-laws as are consistent with the Code of Virginia and this ordinance and may exercise all powers granted to such authorities under Virginia Law.
5. The Board authorizes approval, by future resolution of this Board and execution by the Chair or Vice Chair of the Board, an agreement among the Member Localities establishing the respective rights and obligations of the Member Localities with respect to the Authority, consistent with the provisions of Chapter 64, Title 15.2 of the Code of Virginia (1950), as amended, and establishing the mutual terms for participation in projects to fund Authority Facilities. The Board's authorization includes, but is not

limited to, authority for the Board to approve, by resolution, agreements with the Member Localities to fund Authority projects by committing future tax revenue derived from Authority Facilities to the Authority pursuant to Section 15.2-6406 of the Code of Virginia (1950), as amended.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

The Treasurer's Report for the month of September 2017 was submitted as follows:

Revenues	\$ 5,303,083.09
Expenditures	\$ 5,263,954.78
General Fund	\$ 3,093,658.05
Total Assets and Liabilities	\$ 7,606,448.46

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. Smith, to approve the minutes of the September 19, 2017 Regular Meeting and September 27, 2017 Recessed Meeting. Upon the question being put the vote was as follows.

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

PAYROLL

The County Administrator reports that payroll warrants have been issued.

DELEGATIONS

**SUNSET DIGITAL
JOSEPH PUCKETT
CABLE FRANCHISE**

Joseph Puckett, Representative of Sunset Digital, introduced himself to the Board and gave an update on the BVU Sunset Digital merger. He stated that the company is working on a cable franchise agreement for this area, and once that is completed, it would be sent to the Board for approval.

Mr. Cope asked if expansion is high on the priority list.

Mr. Puckett stated that expansion is a high priority and Lee County will probably see more of an immediate benefit because the fiber is already in place.

Mr. Smith asked about the people in the western end of the County that have been signed up to get the service for three years.

Mr. Puckett stated that those on the current list would have priority over those that have just signed up.

Mr. Cope asked if there is a projected percentage that will be connected.

Mr. Puckett stated that Sunset Digital is focused on rural broadband and has committed to adding 130,000 new connections in the Cumberland Plateau.

Mr. Mosley stated that there is pole 400 yards from his house and he is still not connected.

Mr. Puckett stated that he would look into that.

APPROVAL OF DISBURSEMENTS

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the disbursements for the month of October in the amount of \$746,273.35. Upon the question being put the vote was as follows.

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

Prior to the vote Mr. Cope asked about the payment to Lane Engineering.

Mr. Poe stated that it was for the fees incurred for preparing the plan on the old Extension Office.

OLD BUSINESS

ALARM SYSTEM FOR TRANSFER STATION PROPERTY

Mr. Poe reported that this matter was discussed last month, but action was not taken because the Board wanted to think about it until the next meeting.

Gary Collingsworth stated that with the theft at the Transfer Station and Garage he believes an alarm system would help long term. The Bus Shop was the only building on the property to have an alarm system and was not broken into. He added that there are cameras at the Transfer Station, and the person that broke in was caught on video, but could not be identified because that person was wearing a mask. With an alarm system, someone would be notified when the alarm is tripped and the person could be caught before any property is lost.

Mr. Cope asked which buildings this system would cover.

Mr. Poe stated that it would cover the Transfer Station, Equipment Shed, Scale house, Garage and the Pound.

Mr. Collingsworth stated that the Garage has a lower bay and an upper bay and this system would cover both locations and have a motion detector as well.

Mr. Mosley asked where Fleenor Security is located.

Mr. Collingsworth stated it is located in Johnson City with another location in Knoxville.

Mr. Poe stated that he could gather references on Fleenor Security.

Mr. Slempp asked for references to be obtained on both companies.

NEW BUSINESS

BOARD APPOINTMENTS

LONESOME PINE OFFICE ON YOUTH

It was moved by Mr. Mosley, seconded by Mr. Slempp, to appoint Jeny Hughes to a four-year term on the Lonesome Pine Office On Youth. Ms. Hughes' term will expire September 30, 2021. Upon the question being put the vote was as follows.

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

LONESOME PINE OFFICE ON YOUTH

There was no action taken on the youth appointments.

REDEVELOPMENT AND HOUSING AUTHORITY

It was moved by Mr. Cope, seconded by Mr. Mosley, to re-appoint Mary Ruth Davidson to a four-year term on the Redevelopment and Housing Authority. Ms. Davidson's term will expire on October 31, 2021. Upon the question being put the vote was as follows.

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

ST. CHARLES WATER AUTHORITY

There was no action taken on this appointment.

PUBLIC SERVICE AUTHORITY

Mr. Smith stated that Mike Brindle has resigned from the Public Service Authority.

It was moved by Mr. Smith, seconded by Mr. Cope, to appoint Aaron Stacy to the un-expired term on the Public Service Authority. Mr. Stacy's term will expire on November 30, 2019. Upon the question being put the vote was as follows.

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

RESOLUTION IN SUPPORT OF REGIONAL JAIL FUNDING

Mr. Poe reported that the Southwest Virginia Regional Jail Authority has requested that all participating localities adopt a resolution supporting their position in requesting the Virginia General Assembly adopt legislation to reinstate funding for state responsible inmates to pre-2010 levels. The 2010 General Assembly reduced funding for

these inmates and increased the sentencing time for inmates to be considered state responsible. Both of these actions have negatively impacted localities as they have been forced to pick up the difference in funding to maintain their jails. Mr. Poe presented the Board with a Resolution for the Board's consideration.

Mr. Leonard asked if this would allow refunds of any overpayments made by the County.

Mr. Poe stated that if approved by the General Assembly, this would not go into effect until next fiscal year and would not be retroactive.

It was moved by Mr. Mosley, seconded by Mr. Slemp, to adopt Resolution 17-016. Upon the question being put the vote was as follows.

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

RESOLUTION 17-016

WHEREAS, the Counties of Buchanan, Dickenson, Lee, Russell, Scott, Smyth, Tazewell, Washington, and Wise, and the City of Norton, Virginia, created by concurrent Resolutions the Southwest Virginia Regional Jail Authority, pursuant to the provisions of 53.1-95.2, the Code of Virginia, 1950; and

WHEREAS, the Southwest Virginia Regional Jail Authority members studied and considered the advantages of an Authority, including, but not limited to, economies of scale and consolidation of services and resources; and

WHEREAS, the Southwest Virginia Regional Jail Authority maintains the highest daily jail population in the Commonwealth of Virginia; and

WHEREAS, the 2010 General Assembly changed the definition of state responsible inmates from inmates with sentences of one (1) year or more to inmates with sentences of two (2) years or more; and

WHEREAS, the 2010 General Assembly made significant changes to the per diem rates for local responsible inmates (from \$8.00 to \$4.00), state responsible inmates (from \$14.00 to \$12.00), and discontinued the Jail Contract Bed Program, which provided an additional \$14.00 per day for state responsible inmates; and

WHEREAS, the two (2) actions of the 2010 General Assembly have created a significant economic burden on the participating jurisdictions of the Southwest Virginia Regional Jail Authority equivalent to \$2.4 million per year, or a total of \$16.7 million, accumulative since 2011;

NOW, THEREFORE, BE IT RESOLVED, the Lee County Board of Supervisors requests that the 2018 General Assembly recognize the increased economic burden placed on the localities as a result of the 2010 General Assembly's action and that the 2018 General Assembly enact legislation either to restore per diems to 2009 levels or increase the per diems paid to the localities for housed inmates.

STOLEN PROPERTY RECOVERED

Mr. Poe reported that on September 26, he was notified that the Scag mower and trailer that were stolen from the Transfer Station on June 16 had been recovered in Sneedville, Tennessee. These items have been picked up and returned to the Transfer Station. The insurance company is now requesting reimbursement for a portion of their claims loss payment for these items in the amount of \$6,700.00. Also, both items have already been replaced. After discussing this with the Transfer Station Superintendent Gary Collingsworth, we believe both recovered items would be of benefit to keep. The trailer could be converted to use for litter clean-ups and the mower could either be left at the airport for use there or kept for a second or spare unit for Transfer Station related mowing use.

Mr. Smith stated that the County needs to keep the items and reimburse the insurance company.

Mr. Leonard asked what the cost would be to convert the trailer for litter pick-ups.

Mr. Collingsworth stated that it would cost \$100 to \$150 and the work could be done at the shop.

It was moved by Mr. Cope, seconded by Mr. Leonard, to refund the money to the insurance company. Upon the question being put the vote was as follows.

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

SUPPLEMENTAL APPROPRIATION

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

Revenue Source			
3-001-18990-0013	VACO Insurance Claims	\$	6,700.00
Expenditure			
4-050-42300-8109	Transfer Station New Equipment	\$	6,700.00

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

COMMUNITY POLICY AND MANAGEMENT TEAM

Mr. Poe stated that the attorney for Social Services had advised that the Board appointment to the Community Policy Management Team needs to be in place by November in order for them to be in compliance with Federal and State requirements. The appointee should be either a Board Member or their designee.

Mr. Cope stated that he had served on the Board for a year and a half but they changed the meeting times from 3:00 p.m. to 9:00 a.m. and he was unable to attend the meetings due to his work schedule.

It was moved by Mr. Cope, seconded by Mr. Leonard, to appoint Robert Smith to the Community Policy and Management Team. Mr. Smith's term will expire December 31, 2019. Upon the question being put the vote was as follows.

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

DISPATCH STANDARD OPERATING PROCEDURE

Mr. Poe reported that a Committee consisting of the Sheriff's Office, County Staff, Mr. Cope and members of fire and rescue organizations had been working on the Dispatch Standard Operating Procedure for the past several months. Mr. Poe presented a copy to the Board for their review and recommended adoption.

It was moved by Mr. Cope, seconded by Mr. Mosley, to adopt the Dispatch Standard Operating Procedure Manual. Upon the question being put the vote was as follows.

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

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

IBM MAINFRAME COMPUTER UPGRADE

Mr. Poe reported that the County's mainframe IBM AS400 computer operating system will reach end of life in March 2018 and will no longer be supported by IBM. In order to keep the system under maintenance, the County needs an equipment upgrade. This is a budgeted expense at a cost of \$29,203.00 for all equipment and 5 years of warranty coverage. The software company has just sent notification that several updates need to be installed on the system prior to the March date and they cannot do that until the new equipment is installed. The only other cost associated with the equipment upgrade is the migration services to move from the old to the new system. There was \$35,000.00 budgeted for this upgrade which should be sufficient for all equipment and migration costs.

It was moved by Mr. Mosley, seconded by Mr. Slemph, to purchase the new IBM mainframe computer upgrade in the amount of \$29,203.00. Upon the question being put the vote was as follows.

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

UPCOMING BIDS

Mr. Poe reported that over the next few months there would be several bids coming before the Board for a grant for 911, Sheriff's Department vehicles, a truck at the Transfer Station and a truck for Litter Control.

UNITED WAY BUSINESS TOURS

Mr. Poe reported that the United Way recently held the Ignite Program for 7th graders to be able to explore what job possibilities are available in the area, and one of the components of this training is allowing teachers to have a better understanding of the application of jobs skill. United Way will be taking teachers on a tour of businesses to help them make the connection between what is being taught in the classroom and how the students will apply those skills in the future. The tour for the Lee, Norton, Scott and Wise area will on November 1, and will leave Mountain Empire Community College at 8:00 a.m. Board members are welcome to participate.

REPORTS AND RECOMMENDATIONS OF THE BOARD

None.

It was moved by Mr. Cope, seconded by Mr. Smith, 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