

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 April 16, 2019 at 6:00 p.m. thereof.

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

MEMBERS ABSENT: None

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

OTHERS ABSENT: None

INVOCATION

Josh Leonard, Pastor of Beech Grove Baptist Church, led the invocation.

PLEDGE TO THE FLAG

D. D. Leonard led the Pledge to the Flag.

MEETING CALLED TO ORDER

The meeting was called to order at 6:04 p.m.

DEPARTMENT REPORTS

Written departmental reports for Building Inspector, E-911 and Extension Office were included in the packet.

Alan Bailey, E-911 Director, addressed the Board about issues with the CAD and Records Management system. Servers for the CAD system, which are located in Wise County are obsolete and in need of replacement. The quote for replacement hardware is \$74,326.00. Every County in the Southwest Group has become very dissatisfied with Spillman/Motorola. Dickenson County has already moved to another vendor, SOMA, and as of April 11, 2019 Wise County voted to move to SOMA as well. With all the connections coming from Wise County and Wise County voting to change systems, it is unknown how long they will leave the current servers in place. Mr. Bailey asked how the Board would like to proceed.

Mr. Poe stated that he thought the original price quote from SOMA was higher than what is being presented.

Mr. Bailey stated that this is the original quote from SOMA, Southern's quote was higher.

Mr. Poe stated that if his figures are correct, the first years cost for SOMA, with the licensing and the reduced cost from GEOCOMM the total would be about \$66,000.00 and the second year would be estimated at around \$30,000.00.

It was moved by Mr. Leonard, seconded by Mr. Cope, to select SOMA as the vendor for the new CAD system. Upon the question being put the vote was as follows.

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

Mr. Bailey stated there are also internet connectivity issues in E-911 and the Sheriff's Office, the internet traffic has increased so much that one connection could not handle it, so a second connection had to be added. While that did help with the connectivity issues, it has not helped with the slow upload speeds. He obtained pricing for a new internet connection.

Mr. Cope asked what plan the County has now.

Mr. Bailey stated that it is 100-megabyte download by 5-megabyte upload.

Mr. Poe asked if that had been adjusted.

Mr. Bailey stated that it was adjusted from 3 megabyte to 5 megabyte in December, but it still is not enough.

Mr. Cope asked what options were being considered.

Mr. Bailey stated he is looking at the 200x20 or the 300x50 with Sunset Digital.

Mr. Poe stated that with the higher speeds Comcast is cheaper.

Mr. Bailey stated that the only problem was Comcast would go down for hours without warning.

Mr. Cope asked for more research to be done before a decision is made.

CONSTITUTIONAL OFFICERS

TREASURER'S REPORT

The Treasurer's Report for the month of March 2019 was submitted as follows:

Revenues	\$ 5,657,978.55
Expenditures	\$ 5,012,443.76
General Fund	\$ 7,031,277.33
Total Assets and Liabilities	\$11,778,981.89

Mr. Smith asked about the negative balance in the School Operating Fund.

Mr. Poe stated that there is not enough money in that line item to cover expenses, and the Superintendent can better address the issue.

Dr. Brian Austin, School Superintendent, stated that the School Board has enough money, there are occasions when this will happen. The reimbursements from the Federal Government that come through Richmond, and because of the Federal shutdown a couple months ago, the School Board is still receiving delayed reimbursements.

Mr. Poe stated that he would be handing out a budget tonight and asked Dr. Austin to highlight the School Board's request.

Dr. Austin stated that the School Board has adopted a budget with a request of level funding to match this years, which is an increase of \$78,000 of the required local effort. That would help with the 5% raises for teachers, 3% for support staff and Administration and adjustments to the teacher's salary scale. The School Board is also requesting a lump sum appropriation instead of the appropriations being quarterly.

Mr. Cope asked if the \$78,000 decrease is because of enrollment.

Dr. Austin stated that enrollment has dropped, so the Required Local Effort will drop as well. The compensation supplement for the raises has no Required Local Effort.

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 March 19, 2019 Regular Meeting. Upon the question being put the vote was as follows.

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

APPROVAL OF REFUNDS

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

Robert and Stephanie Enriquez	\$362.01
Charles and Margaret Long	\$ 55.68

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. Smith, seconded by Mr. Slemp, to approve the disbursements for the month of April in the amount of \$854,050.84. Upon the question being put the vote was as follows.

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

DELEGATIONS

**FY 17 – 18 AUDIT REPORT
ROBINSON, FARMER, COX ASSOCIATES
SCOTT WICKHAM**

Scott Wickham presented the audit report, stating that the General Fund balance is up at a comfortable level from a low point in 2010. The debt per capita ratio is below the state average, which is good. Local Revenues decreased at a rate of .21%, Expenditures for the period have shown an increase of 1.07%. The ending fund balance has grown by 11.44% over the past 10 years, which is very impressive. Overall, the audit went well and the County is in good financial shape.

**SPEARHEAD TRAILS UPDATE
SHAWN LINDSEY, EXECUTIVE DIRECTOR**

Shawn Lindsey, Executive Director, stated that Spearhead Trails continue to improve and create economies in Lee County through water, hiking, biking, equestrian and ATV trails. There has been an additional two miles of single-track trail added to the trail system. Spearhead Trails has signed an agreement with US Forestry Department to open Cave Springs Recreational Area and is working to make needed repairs in the park. There has also been work on the Keokee Lake site, the loop around the lake has been cleared and the decks are going to be replaced, the service roads are being groomed for horses. Last year, Spearhead Trails applied for, and received a grant for kayaking sites on the Powell River. Work will start near the Tennessee line and will work back up through the County, with sites being about four hours apart. There is also work to develop an on-road trail system using the gravel roads in the County.

Mr. Lindsey added that there will a new board created to help create and promote events called the Trailblazers Board, and there will need to be an appointment made to that Board. This group will be hiring an executive director, which will be tasked with having events, rallies and programs in every County throughout the year, and promoting these events.

Mr. Cope asked if there are already spots for the kayak sites.

Mr. Lindsey stated that they do have some sites because they are government spots, but there are two or three on private property.

Mr. Slempp asked if there would be any sites between Dryden and Big Stone.

Mr. Lindsey stated that there could some in the future, but it will start at the Tennessee line and work its way up the County.

Mr. Mosley asked if there would be kayak rentals.

Mr. Lindsey stated that they will just do parking lots with access points, but there is someone that has contacted them about a kayak business in Lee County.

FINANCE

SUPPLEMENTAL APPROPRIATIONS

SHERIFF'S DEPARTMENT

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$2,440.00. Upon the question being put the vote was as follows.

Revenue Source:		
3-001-18990-0002	Sheriff Donations	\$ 2,440.00

Expenditure:		
4-001-31200-5899	Donation Expense	\$ 2,440.00

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

SHERIFF'S DEPARTMENT

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$7,293.50. Upon the question being put the vote was as follows.

Revenue Source:
3-001-23020-0009 Sheriff's Miscellaneous Grants \$ 7,293.50

Expenditure:
4-001-31200-3145 Miscellaneous Grants \$ 7,293.50

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

JAIL OPERATIONS

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$24,337.54. Upon the question being put the vote was as follows.

Revenue Source:
3-001-41050-0099 Budget Supplement from Reserve \$ 24,337.54

Expenditure:
4-001-33100-3160 True-Up for Previous FY \$ 24,337.54

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

FINES & FORFEITURES

It was moved by Mr. Mosley, seconded by Mr. Smith, to approve the following Supplemental Appropriation in the amount of \$590.89. Upon the question being put the vote was as follows.

Revenue Source:
3-007-14010-0004 LSCO State Forfeiture Proceeds \$ 590.89

Expenditure:
4-007-94100-5840 LCSO State Forfeiture Proceeds \$ 590.89

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

NEW BUSINESS

BOARD APPOINTMENTS

INDUSTRIAL DEVELOPMENT AUTHORITY

It was moved by Mr. Smith, seconded by Mr. Mosley, to re-appoint Roger Sumpter to a four-year term on the Industrial Development Authority. Mr. Sumpter's term will expire April 30, 2023. Upon the question being put the vote was as follows.

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

PLANNING COMMISSION

It was moved by Mr. Leonard, seconded by Mr. Smith, to re-appoint Joyce Williams to a four-year term on the Planning Commission Board. Ms. Williams' term will expire April 30, 2023. Upon the question being put the vote was as follows.

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

TITLE I YOUTH SERVICES RELATED TO WORKFORCE DEVELOPMENT

Mr. Poe reported that each local Workforce Development Area is obligated by grant requirements to provide Title I Youth Services to their service area. The Southwest Virginia Workforce Development Board is requesting approval from Lee County, who serves as the grant recipient, to provide these services. All services required are proposed to be provided by the Southwest Virginia Workforce Development Board.

In addition to this matter, as the grant recipient, the County will be advertising for proposals for a Workforce Center Operator (One-Stop Center) for Lee County. These services must be under contract by July 1, 2019.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to approve the Title I Youth Program Waiver. Upon the question being put the vote was as follows.

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

IDA REQUEST FOR ECONOMIC DEVELOPMENT FUNDS

Aaron Fee, Industrial Development Director, reported that on March 18, 2019, the IDA advertised for proposals for a roofing project at the Dryden Industrial Building. The IDA only received one proposal, from LaFerney Commercial Roofing. The IDA Board approved the proposal in the amount of up to \$128,840.00 to furnish and install a 50-mil PVC roofing membrane with a 20-year manufacturer's contractor warranty, contingent on funding approval from the Economic Development Fund. The IDA approved this appropriation from the Economic Development Fund and asked the Board to approve this funding request.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to approve funds from the Economic Development Fund in the amount of up to \$128,840.00 for a roofing project at the Dryden Industrial Building. Upon the question being put the vote was as follows.

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

LEGISLATION AFFECTING COMMONWEALTH'S ATTORNEY STAFFING

Mr. Poe reported that legislation passed by the 2019 General Assembly, which stipulates that any locality where law enforcement used body worn cameras are used, will be required by state law to provide additional local funding to the Commonwealth Attorney's Office to offset the time involved in reviewing those tapes for court cases. The stipulation in state law is that the locality provides one entry-level position for each 75-body cameras. The legislation gives the locality and the Commonwealth Attorney the option of submitting a plan to the Comp Board that is a negotiated agreement. Mr. Cridlin is proposing to supplement the salaries of existing staff members for the time involved. He has provided an estimate in the time needed to review the tapes. He is proposing a \$35,000.00 supplement to his office, which is considerably less than hiring an entry-level attorney at \$56,697.00, plus benefits. Mr. Cridlin proposed the salary supplements to be broken down between four employees. Two of those employees are exempt employees under the Fair Labor Standards Act, so overtime is not an issue. The other two are not exempt and would earn overtime. The County's policy is that comp time is given instead of paying overtime. To provide comp time to these employees would be counterproductive. Mr. Poe believes a policy exemption granted by the Board of Supervisors for this office only could allow cash payment of the overtime hours worked for compliance with this legislation only.

Mr. Cope asked how many cameras were in use by the Sheriff's Department.

Mr. Poe stated that it was around 20.

Mr. Cope stated it would be good to supplement the employees, rather than hire a new attorney.

Mr. Slemph asked what action the Board needs to take.

Mr. Poe stated that if there is an agreement to the supplement, the Board would just need to work out payroll numbers for the overtime payment during budget workshops.

It was moved by Mr. Cope, seconded by Mr. Leonard, to proceed with the supplement with the understanding that it is 182 additional hours for the two non-exempt employees. Upon the question being put the vote was as follows.

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

LITTER CONTROL INTERVIEWS

It was consensus of the Board to conduct Litter Control interviews on Tuesday April 30, 2019 at 5:00 p.m. with each Supervisor selecting no more than two candidates.

REQUEST FOR CLOSED SESSION

Mr. Poe stated that he has a request for closed session under Acquisition or Disposition of Real Property.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY

None.

REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR

EWING ROAD ABANDONMENT

Mr. Poe reported that last month the Board voted to proceed with potential abandonment of the secondary road in front of the old Ewing School property. VDOT requires adopting of a resolution of notice of intent to abandon a route.

It was moved by Mr. Smith, 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. Slemph, Mr. Smith

**RESOLUTION OF INTENT TO ABANDON ROUTE 9225 FROM THE
SECONDARY SYSTEM OF STATE HIGHWAYS
19-005**

WHEREAS, it appears to this Board that Secondary Route 9225 from Business US Route 58 to Business US Route 58 a distance of 0.16 miles, serves no public necessity and is no longer necessary as a part of the Secondary System of State Highways;

NOW, THEREFORE, BE IT RESOLVED, The Clerk of the Board is directed to post and publish notice of the Board's intent to abandon the aforesaid section of Route 9225, pursuant to §33.2-909 of the Code of Virginia, as amended.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Commissioner of the Virginia Department of Transportation.

HERITAGE TV

Mr. Poe reported that Heritage TV has asked if the Board would consider sponsoring the graduation ceremonies for Thomas Walker High School and Lee High School on their network at a cost of \$200.00.

It was moved by Mr. Mosley, seconded by Mr. Leonard, to approve sponsoring Thomas Walker High School and Lee High School graduation ceremonies to air on Heritage TV. 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 BOARD

TOWER UPDATES

Mr. Leonard asked about tower updates.

Mr. Poe stated that because of the high cost of proposed foundation of the Keesee tower site, there was an on-site meeting to look for alternate locations that might yield a better foundation plan at a lower cost. The property owners researched their mining maps on how the property had been mined and there are not any other areas that would yield any better. The tower representative got back with the manufacturer and did some additional research and they may be able to work with a similar foundation that will be used at the Ewing site.

Mr. Leonard stated that he did let the engineers know that the County would sign a waiver agreement because he had met with another engineer who is in complete disagreement with the figures.

CLOSED SESSION

It was moved by Mr. Slemph, seconded by Mr. Leonard, to enter Closed Session pursuant to Section 2.2-3711 A.3. 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. 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. Leonard, to exit Closed Session. Upon the question being put the vote was as follows.

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

It was moved by Mr. Mosley, seconded by Mr. Leonard, to recess to April 30, 2019 at 5:00 p.m. Upon the question being put the vote was as follows.

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

CHAIRMAN OF THE BOARD

CLERK OF THE BOARD