

SCOTT

VIRGINIA

At a meeting of the Scott County Board of Supervisors begun and held in the Supervisors' meeting room located at the Community Services Building in Gate City, Virginia on Wednesday the 8th day of February, 2023 at 8:30 a.m.

PRESENT: Darrel W. Jeter
 Marshall D. Tipton
 Jeremy P. Herron
 Danny P. Mann – Chairman
 Michael K. Brickey- Vice-Chairman
 Selma G. Hood
 Stefanie C. Addington

ABSENT: None.

Chairman Danny P. Mann called the meeting to order.

Supervisor Darrel W. Jeter gave the Invocation and led the Pledge of Allegiance.

On a motion by Selma G. Hood, duly seconded by Darrel W. Jeter, this Board hereby amends the agenda by removing item 7 Spearhead Trails Update and replacing with Opioid Resolution and adding items 11b Baker Tilly, 11c Sheriff's Request, and 11d Inmate Holding.

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann, Michael K. Brickey, Selma G. Hood, and Stefanie C. Addington.

Voting nay: None.

On a motion by Stefanie C. Addington, duly seconded by Michael K. Brickey, this Board hereby approves the January 4, 2023 minutes.

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann, Michael K. Brickey, Selma G. Hood, and Stefanie C. Addington.

Voting nay: None.

Chairman Danny P. Mann opened Citizen Expression Period to receive public comments.

Peggy Tyus spoke about the condition of Snowflake Road. Ms. Tyus noted that she has been in contact with the office of Delegate Terry Kilgore. Ms. Tyus explained that Virginia Department of Transportation scraped the road, but did not gravel it. Ms. Tyus stated that she called back again. The road was graveled, but there are spots that still need gravel. She mentioned that there is a wet weather spring at 4500 Snowflake Road that creates mud. She went on to say that the ditches need work and the drain tile at Laura Bledsoe's driveway has not been

fixed. Ms. Tyus stated that she has not heard anything from the meeting Terry Kilgore had regarding the Virginia Department of Transportation.

Chairman Mann replied that a meeting was held, and there is some good news that he cannot be specific about right now. He went on to say that it was helpful for Peggy Tyus and others attending Citizen Expression Period about road conditions. It was noted that County Administrator Freda Starnes, Chairman Danny Mann, along with Supervisors Michael Brickey and Marshall Tipton attended the meeting about road conditions in Scott County.

Ms. Tyus reiterated that she wants Snowflake Road on the Six Year Plan.

Supervisor Marshall Tipton echoed what Chairman Mann stated. He went on to say that they did not hold anything back, and he believes there will be results.

Supervisor Brickey stated that he was impressed with this trip and got more results than before. There was a lot of information provided to them. He went on to say that it has to start in Richmond.

Ms. Tyus inquired about the Affordable Energy Act.

Chairman Mann replied that is all about going green and getting rid of fossil fuel. It is not cheaper.

Hearing no further comments, Chairman Mann closed Citizen Expression Period.

County Administrator Freda Starnes presented an Opioid Resolution.

On a motion by Michael K. Brickey, duly seconded by Stefanie C. Addington, this Board hereby adopts the following:

RESOLUTION NO: 2023 - 01

A RESOLUTION OF THE SCOTT COUNTY BOARD OF SUPERVISORS APPROVING OF THE COUNTY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE COUNTY ATTORNEY AND/OR THE COUNTY'S OUTSIDE COUNSEL TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts Scott County by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health, and substance abuse services, and other services by the County's various departments and agencies; and

WHEREAS, the County has been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy, and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the County; and

WHEREAS, the County has filed suit against Teva, Allergan, Walmart, Walgreens, CVS, and certain of their related corporate entities for their role in the distribution, manufacture, and sale of the pharmaceutical opioid products that have fueled the opioid epidemic that has harmed the County; and

WHEREAS, the County's suit seeks recovery of the public funds previously expended and to be expended in the future to abate the consequences and harms of the opioid epidemic; and

WHEREAS, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, the County has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that these pending settlements with Teva, Allergan, Walmart, CVS, and Walgreens shall be considered "Settlements" that are subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with the Distributors and Janssen; and

WHEREAS, the County's outside opioid litigation counsel has recommended that the County participate in the settlements in order to recover its share of the funds that the settlement would provide; and

WHEREAS, the County Attorney has reviewed the available information about the proposed settlements and concurs with the recommendation of outside counsel;

NOW THEREFORE BE IT RESOLVED that the Scott County Board of Supervisors, this 8th day of February, 2023, approves of the County's participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and directs the County Attorney and/or the County's outside counsel to execute the documents necessary to effectuate the County's participation in the settlements, including the required release of claims against settling entities.

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann, Michael K. Brickey, Selma G. Hood, and Stefanie C. Addington.

Voting nay: None.

Heart of Appalachia Executive Director Kim Smith gave an update (Report being attached to the minutes of this meeting; Minute Book 33 Attachment No: 81).

On a motion by Stefanie C. Addington, duly seconded by Jeremy P. Herron, this Board hereby approves Personnel Policy Updates (Said Personnel Policy being attached to the minutes of this meeting; Minute Book 33 Attachment No: 78).

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann, Michael K. Brickey, Selma G. Hood, and Stefanie C. Addington.

Voting nay: None.

On a motion by Selma G. Hood, duly seconded by Marshall D. Tipton, this Board hereby authorizes a refund for an unused zoning & single wide mobile home permit in the amount of \$70.00 to the following (Said permit refund being attached to the minutes of this meeting; Minute Book 33 Attachment No: 80).

Mark Sampson
162 Warm Springs Road
Weber City, VA 24290

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann,
Michael K. Brickey, Selma G. Hood, and Stefanie C. Addington.

Voting nay: None.

On a motion by Jeremy P. Herron, duly seconded by Marshall D. Tipton, this Board hereby authorizes the County Administrator to send letters to Delegate Terry Kilgore and Senator Todd Pillion requesting assistance with funding for the maintenance division of the Virginia Department of Transportation for gravel roads (Said letters being attached to the minutes of this meeting; Minute Book 33 Attachment No: 79).

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann,
Michael K. Brickey, Selma G. Hood, and Stefanie C. Addington.

Voting nay: None.

On a motion by Marshall D. Tipton, duly seconded by Darrel W. Jeter, this Board hereby selects the following comparable peers for Baker Tilly to collect base pay information for a compensation study.

City of Bristol, TN
City of Johnson City, TN
City of Kingsport, TN
Lee County
Page County
Russell County
Washington County, VA
Wise County
Town of Abingdon
Prince Edward County

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann,
Michael K. Brickey, Selma G. Hood, and Stefanie C. Addington.

Voting nay: None.

On a motion by Darrel W. Jeter, duly seconded by Michael K. Brickey, this Board hereby authorizes \$5,250.00 from Board Contingency for the Sheriff's Office to purchase a cargo container to move files from the former jail and store them.

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann,
Michael K. Brickey, Selma G. Hood, and Stefanie C. Addington.

Voting nay: None.

On a motion by Jeremy P. Herron, duly seconded by Marshall D. Tipton, this Board hereby authorizes up to \$30,000 from American Rescue Plan Act funds to purchase a customized storage container for inmate holding.

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann, Michael K. Brickey, Selma G. Hood, and Stefanie C. Addington.

Voting nay: None.

On a motion by Selma G. Hood, duly seconded by Darrel W. Jeter, this Board hereby appropriates the following:

\$8,155.20 to 31200-6009 Sheriff's Office – Repairs/Maintenance of Vehicles

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann, Michael K. Brickey, Selma G. Hood, and Stefanie C. Addington.

Voting nay: None.

On a motion by Selma G. Hood, duly seconded by Darrel W. Jeter, this board hereby appropriates the following:

\$21,820.00 to 31200-8001 Sheriff – Vehicle Replacement

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann, Michael K. Brickey, Selma G. Hood, and Stefanie C. Addington.

Voting nay: None.

On a motion by Selma G. Hood, duly seconded by Darrel W. Jeter, this Board hereby appropriates the following:

\$13,219.42 to 29-21655-8102 Circuit Court Clerk's Technology Trust Fund – Capital Outlay/Office Equipment

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann, Michael K. Brickey, Selma G. Hood, and Stefanie C. Addington.

Voting nay: None.

On a motion by Selma G. Hood, duly seconded by Darrel W. Jeter, this Board hereby appropriates the following:

\$324.72 to 31200-5540 Sheriff's Department – Travel/Conferences

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann, Michael K. Brickey, Selma G. Hood, and Stefanie C. Addington.

Voting nay: None.

On a motion by Selma G. Hood, duly seconded by Darrel W. Jeter, this Board hereby appropriates the following:

\$1,803.55 to 21600-5540 Circuit Court Clerk's – Travel/Training

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann, Michael K. Brickey, Selma G. Hood, and Stefanie C. Addington.

Voting nay: None.

On a motion by Selma G. Hood, duly seconded by Darrel W. Jeter, this Board hereby appropriates the following:

\$1,647.56 to 22100-5510 Commonwealth's Attorney – Conference Travel

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann, Michael K. Brickey, Selma G. Hood, and Stefanie C. Addington.

Voting nay: None.

On a motion by Selma G. Hood, duly seconded by Darrel W. Jeter, this Board hereby appropriates the following:

\$256.00 to 32200-5645 State Paid Contributions from VA Department of Fire Programs Fund FY2023 Disbursement

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann, Michael K. Brickey, Selma G. Hood, and Stefanie C. Addington.

Voting nay: None.

On a motion by Marshall D. Tipton, duly seconded by Michael K. Brickey, this Board hereby accepts Sheriff's Office DCJS 2023 Operation Ceasefire Grant # 2023-OCGP-GRANT, if accepted please establish the following expense codes for 31305:

31305-1105 Grant Salaries
 31305-2100 Employer's FICA
 31305-2210 Employer's VRS
 31305-2300 Employer's Share Health Insurance
 31305-2400 Employer's Life Insurance
 31305-2600 Unemployment Insurance
 31305-2720 Workers Comp
 31305-6001 Office Supplies

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann, Michael K. Brickey, Selma G. Hood, and Stefanie C. Addington.

Voting nay: None.

Appointment – Crooked Road Board

Jeremy P. Herron nominated John Kilgore

On a motion by Marshall D. Tipton, duly seconded by Darrel W. Jeter, this Board hereby ceases nominations and, by acclamation, appoints John Kilgore to serve a one-year term on the Crooked Road Board.

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann, Michael K. Brickey, Selma G. Hood, and Stefanie C. Addington.

Voting nay: None.

Appointment – Southwest Regional Recreation Authority

Michael K. Brickey nominated Eugene McClellan

On a motion by Darrel W. Jeter, duly seconded by Marshall D. Tipton, this Board hereby ceases nominations and, by acclamation, appoints Eugene McClellan to serve a three-year term on the Southwest Regional Recreation Authority.

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann, Michael K. Brickey, Selma G. Hood, and Stefanie C. Addington.

Voting nay: None.

County Administrator Freda Starnes presented the claims and related reports (Said claims being attached to the minutes of this meeting; Minute Book 33 Attachment No: 82).

On a motion by Stefanie C. Addington, duly seconded by Selma G. Hood, this Board orders that:

- (a) Social Services be allowed the sum of \$365,989.71 for voucher numbers 4080783 – 4080904 and payroll electronic tax with voucher numbers 4080763 and 4080824 voided.
- (b) General Fund be allowed the sum of \$1,944,360.94 for vouchers 2098592 – 2098608, 2098610 – 2098617, 2098619 – 2098633, 2098635 – 2098685, 2098660, 2098662 – 2098687, 2098689 – 2098703, 2098704 – 2098720, 2098722 – 2098727, 2098728, 20987430 – 2098733, 2098735 – 2098745, 2098746 -2098759, and payroll electronic tax.
- (c) Fund 11 be allowed the sum of \$2,424.47 for payroll electronic tax payment.
- (d) Fund 42 be allowed the sum of \$379.66 for voucher numbers 2098609 and 2098729, and payroll electronic tax.
- (e) Fund 35 be allowed the sum of \$58,583.00 for voucher numbers 2098618, 2098642, 2098661, and 2098688 and payroll electronic tax.
- (f) Fund 45 be allowed the sum of \$1,734.53 for voucher number 2098721 and payroll electronic tax.
- (g) Fund 16 be allowed the sum of \$591.32 for voucher numbers 2098659 and 2098668.
- (h) Fund 27 be allowed the sum of \$83.86 for voucher number 2098734.
- (i) Fund 17 be allowed the sum of \$900.00 for voucher numbers 2098621n 2098634, 2098636 and payroll electronic tax.
- (j) Fund 37 be allowed the sum of \$402.00 for voucher number 2098634.

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann, Michael K. Brickey, Selma G. Hood, and Stefanie C. Addington.

Voting nay: None.

County Administrator Freda Starnes gave an update on SMART Scale Projects. She reported that No. 4 is the Kingsport MPO application for the first part of the Weber City corridor from the Tennessee state line to the bridge in the amount of \$9,191,094.00. She added that was a Kingsport MPO project with Scott County as a partner. Ms. Starnes went on to say that No. 8 is U.S. Highway 23 from the Weber City Bridge to Addington Oil that includes changes with Chapel Street and other railroad crossings in the amount of \$7,389,395.00. Ms. Starnes pointed out that both projects were among the 14 received for funding, and those will be finalized in June at the Commonwealth's Transportation Board meeting. She went on to say that it looks like both Scott County projects will be funded. Ms. Starnes added that she will keep the Board of Supervisors updated.

Park and Recreation Director Derrick France gave an update (Said update being attached to the minutes of this meeting; Minute Book 33 Attachment No: 83).

Economic Development Director John Kilgore gave an update (Said update being attached to the minutes of this meeting; Minute Book 33 Attachment No: 84).

Supervisor Darrel Jeter reported that the inmate count is down from 2200 to 1500. The budget will be reduced for the Regional Jail.

Supervisor Tipton inquired about the rates.

County Administrator Freda Starnes replied \$40 per day.

Supervisor Tipton thanked the staff for all they do.

Supervisor Tipton acknowledged the Board of Supervisors photo that was placed in the Board of Supervisors meeting room. He went on to say that the Ann Goode Cooper Highway is in bad shape. Supervisor Tipton added that the Veterans Memorial Tank has faded and needs to be redone. The American Legion is fundraising for that project, and he suggested that the Board think about the county assisting with that funding. Supervisor Tipton inquired about a committee for the lottery fund and opioid fund.

County Administrator Starnes replied that there are a lot of strings attached to the opioid funds. County Administrators have met with behavioral health and LENWOSICO about a large project with those funds. There is a committee set up for regional improvement funds from the casino. Supervisor Jeremy Herron and Chairman Danny Mann are serving on that committee and have met one time.

Supervisor Michael Brickey expressed appreciation for the presence of law enforcement at the Board meetings.

Supervisor Stefanie Addington inquired about a Treasurer's report.

County Administrator Freda Starnes replied that \$11,690.46 has been collected with a total of 255 DMV stops that have been completed since July 2022. Ms. Starnes reported that a tax sale is planned at the end of April and one in the fall.

Supervisor Jeter inquired about investing.

Ms. Starnes reported that she met with Davenport, and they propose that we invest some money in the bank. Right now, the rate is four percent. If \$3,000,000 is invested, that would provide interest in the amount of \$145,000 in one year. Ms. Starnes stated that she met with the Treasurer, and that office is working to provide Davenport with a history of bank statements for investing. She went on to say that would help our debt service.

Supervisor Stefanie Addington was excused from the meeting.

Chairman Mann pointed out that a Revenue Anticipation Note has been done in the past.

County Administrator Freda Starnes replied yes, and that is expensive.

Supervisor Tipton noted that this is a positive move. Another person was added to the Treasurer's office, and it would be great to capture that revenue before it rolls off the books. I think a lot of people are unaware, and they come to the Board of Supervisors. It is a team effort. I expect to see more from the extra employee being helpful to our county.

Chairman Mann expressed appreciation to the ones attending the Legislative Reception in Richmond. He went on to say that it was very productive especially the meeting with the Virginia Department of Transportation. He thanked the staff for all they do and law enforcement for attending the meeting.

On a motion by Michael K. Brickey, duly seconded by Marshall D. Tipton, this Board hereby enters into closed session pursuant to Virginia Code Section 2.2-3711 A.1 Personnel being County Administrator and A.8 Consultation with Legal Counsel being tax record errors.

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann, Michael K. Brickey, and Selma G. Hood.

Voting nay: None.

Absent: Stefanie C. Addington.

Stefanie C. Addington returned to the meeting.

On a motion by Michael K. Brickey, duly seconded by Marshall D. Tipton, this Board hereby returns to open session.

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann, Michael K. Brickey, Selma G. Hood and Stefanie C. Addington.

Voting nay: None.

On a motion by Marshall D. Tipton, duly seconded by Darrel W. Jeter, this Board hereby gives the following:

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Scott 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 2.2-3712 of the Code of Virginia requires a certification by the Scott County Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE, BE IT RESOLVED that the Scott County Board of Supervisors hereby certifies 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 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 Scott County Board of Supervisors.

Voting aye: Darrel W. Jeter
Marshall D. Tipton
Jeremy P. Herron
Danny P. Mann
Michael K. Brickey
Selma G. Hood
Stefanie C. Addington.

Voting nay: None.

On a motion by Darrel W. Jeter, duly seconded by Michael K. Brickey, this Board hereby authorizes the Chairman to negotiate the County Administrator's contract.

Voting aye: Darrel W. Jeter, Marshall D. Tipton, Jeremy P. Herron, Danny P. Mann, Michael K. Brickey, Selma G. Hood, and Stefanie C. Addington.

Voting nay: None.

Chairman Danny P. Mann adjourned the meeting until March 1, 2023.

CHAIRMAN

CLERK