

**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 March 17, 2015 at 5:00 p.m. thereof.

MEMBERS PRESENT: Carl Bailey, Chairman  
Jason Crabtree  
Larry Mosley  
Charles Slemp, Jr.  
Tina Rowe

MEMBERS ABSENT: None

OTHERS PRESENT: Dane Poe, County Administrator  
C.M. Callahan, Jr., County Attorney  
Jeny Hughes, Administrative Assistant

OTHERS ABSENT: None

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**INVOCATION**

Fred Cagle, Pastor of Friendship Baptist Church, led in the invocation.

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**PLEDGE TO THE FLAG**

Charles Slemp led the Pledge to the Flag.

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**MEETING CALLED TO ORDER**

The meeting was called to order at 5:05 p.m.

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**DEPARTMENTAL REPORTS**

**ECONOMIC DEVELOPMENT**

Mike James, Community Development Director, reported that one of the primary focuses for the IDA is assisting local businesses and the first loan made last year was to Moving Forward Physical Therapy, and they have met all the first year terms of the

performance agreement. The IDA's priority will continue to be assisting local businesses. He reported that the construction on the Research and Development plant at Lone Mountain has begun, and the O'Reilly Auto Parts opened over the weekend. His department issued 10 Zoning Permits and 1 Variance.

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## **TOURISM**

Ashley Seals, Tourism Director, reported that the Tourism brochure is completed and that the website is 90% complete. There will be 10,000 brochures sent out to 91 different locations throughout Virginia, Kentucky and Tennessee. The Tourism Committee has purchased two billboards for advertisements, one in Kingsport and the other in Kentucky. She added that she is continuing to work on the Crooked Road event scheduled for June 12 to June 20, and she is working with the Tri-State Regional Trails.

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Ms. Rowe stated that the County has needed someone that gets excited about the County for a long time.

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Ms. Seals stated that she has spoken with Wilderness Road State Park about trying to coordinate an event to go along with the Raid on Martin's Station Reenactment but because of the reenactment schedules, it may be hard to do.

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## **CONSTITUTIONAL OFFICERS**

### **TREASURER'S REPORT**

The Treasurer's Report for the month of February 2015 was submitted as follows:

Revenues	\$ 4,354,313.26
Expenditures	\$ 4,438,391.95
General Fund	\$ 13,637,110.09
Total Assets and Liabilities	\$ 17,634,524.00

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## **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, five minutes for a group.

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Jerry Burgin, Ocoonita, addressed the Board about trash being thrown in the creek.

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Mr. Bailey asked Mr. Poe to have the Litter Control Coordinator look into this matter.

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There was no further public comment.

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The Chairman closed the floor for public comment.

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**AMEND AGENDA**

It was moved by Mr. Bailey, seconded by Mr. Mosley, to amend the agenda to hear a presentation from the Robinson, Farmer, Cox and Associates. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**FISCAL YEAR 2014 AUDIT REPORT  
CORBIN STONE  
ROBINSON, FARMER, COX AND ASSOCIATES**

Corbin Stone presented the audit brief, stating that the General Fund balance is up at a comfortable level from a low point in 2007. The debt per capita ratio is very low, which is good. Local Revenues have been growing at a rate of -.3% while State revenue is declining at a rate of 3%. Expenditures for the period have shown a decrease of .4% and he added that he has not seen a locality keep expenditures down at this rate.

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**APPROVAL OF MINUTES**

Mr. Poe stated that there needs to be a change to page 9 under Sheriff Department Supplemental Appropriations, the DMV Overtime Grant should be fund 4-001-31200-1350 instead of 4-001-31200-1345.

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It was moved by Mr. Mosley, seconded by Mr. Crabtree, to approve the minutes of the February 17, 2015 Regular Meeting and the March 9, 2015 Called Meeting. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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### **PAYROLL**

The County Administrator reports that payroll warrants have been issued.

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### **APPROVAL OF REFUNDS**

It was moved by Mr. Mosley, seconded by Ms. Rowe, to approve the request for refund for AEH Rentals, LLC, in the amount of \$168.92. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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It was moved by Mr. Mosley, seconded by Ms. Rowe, to approve the request for refund for Anthony Briggs in the amount of \$162.94. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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### **APPROVAL OF DISBURSEMENTS**

It was moved by Mr. Mosley, seconded by Ms. Rowe, to approve the disbursements for the month of March in the amount of \$145,302.30. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**DELEGATIONS**

**RESCUE SQUAD FUNDING  
FREEMAN VANDERGRIFF  
LEE COUNTY RESCUE SQUAD**

Mr. Vandergriff, First Lieutenant Pennington Gap Rescue Squad, stated that the Addendum to the Lee County Emergency Medical Services Response Plan, as required by Office of Emergency Medical Services, has to include response time and the service area. He needs the Board approval prior to submittal to the State.

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It was moved by Mr. Mosley, seconded by Ms. Rowe, to approve the Addendum to the Lee County Emergency Medical Services Response Plan. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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Mr. Vandergriff stated that the Rescue Squad needs help; the service area has greatly increased and with the closure of the hospital and longer transportation routes the cost for fuel and repairs have greatly increased. The Rescue Squad is asking for additional funding from the County to help with operational costs. He also stated that the Pennington Gap Squad is answering all calls in the St. Charles service area and he asked if Pennington could receive the funds designated for St. Charles.

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Mr. Bailey asked for financial statements to show the extra costs the Squad has incurred.

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Mr. Poe stated that the Pennington unit does have additional County funds available at this time, and advised Mr. Vandergriff to send in the needed financial information for release of the funds.

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**FINANCE**

**MONTHLY APPROPRIATIONS**

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

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**RESOLUTION  
MONTHLY AND QUARTERLY APPROPRIATIONS  
15-006**

**WHEREAS**, the Lee County Board of Supervisors has approved the Headstart Budget, Lee County Public School Budget and Virginia Public Assistance Budget for FY2014-15; and

**WHEREAS**, it is now necessary to appropriate sufficient funds for the contemplated expenditures as they are contained in the Headstart, Lee County Public School and Virginia Public Assistance Budgets;

**NOW, THEREFORE, BE IT RESOLVED**, that the following activities, 25% of the amount shown is appropriated for a 3-month period ending June 30, 2015

**HEADSTART**

Federal Funds	\$ <u>1,283,218</u>
TOTAL HEADSTART	\$ 1,283,218

**WHEREAS**, the Lee County Board of Supervisors has approved the Lee County Public School Budget and Virginia Public Assistance Budget for FY2014-15; and

**WHEREAS**, it is now necessary to appropriate sufficient funds for the contemplated expenditures as they are contained in the Lee County Public School and Virginia Public Assistance Budgets;

**NOW, THEREFORE, BE IT RESOLVED**, that the following activities 1/12 of the amount shown is appropriated for a 1-month period ending April 30, 2015;

Federal/State Funds	\$ 6,205,658
Local Funds	<u>1,061,545</u>
TOTAL VIRGINIA PUBLIC ASSISTANCE	\$ 7,267,203

**LEE COUNTY PUBLIC SCHOOLS**

Categorical Appropriation:

Instruction	\$ 24,784,965
Administration, Attendance and Health	2,045,217
Pupil Transportation	2,013,034
Operation and Maintenance	3,344,950
School Food Services	1,573,100
Facilities	449,000
Technology	805,390
Partially Self-Funded Insurance Fund	<u>4,200,000</u>
 TOTAL	 \$39,215,656

Source of Revenue:

Federal Funds	\$ 4,249,948
State Funds	25,474,642
Other Funds	75,600
Self Insured Health Fund	3,750,000
Local Funds	5,040,466
Textbook Carryover Funds	<u>625,000</u>
 TOTAL PUBLIC SCHOOLS	 \$ 39,215,656

1. The Lee County Treasurer is hereby authorized and directed to transfer sums as needed to meet expenses already incurred. The transfer will be from the General Fund to the Headstart, Public School and Virginia Public Assistance funds and will not exceed the foregoing one and three months appropriations.

The Lee County Treasurer is also directed to revert all unexpended balances of the Headstart, Public School and Virginia Public Assistance Funds to the General Fund as of the beginning and ending of Fiscal Year 2014-2015.

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**PUBLIC EXPRESSION**

David Wagner, Seminary, addressed the Board about his concerns on the new site for the Convenience Center the Board is considering, and suggested the new site be located on the four lane or on the other side of the road from where it is located now. He expressed concern that this may be wetlands due to the number of springs in the area.

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Mr. Slemp stated that the four-lane area has been looked into but there was no suitable place for the site.

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Mr. Poe stated that the County has not yet acquired the property, VDOT has given verbal approval for an entrance permit but the site still needs to be evaluated for stormwater management requirements.

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**NEW BUSINESS**

**BOARD APPOINTMENTS**

**BUILDING CODE APPEALS**

It was moved by Mr. Slemp, seconded by Mr. Mosley, to appoint Greg Rasnic to a four-year term on the Building Code Appeals Board. Mr. Rasnic's term will expire February 28, 2019. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**BUILDING CODE APPEALS**

It was moved by Mr. Bailey, seconded by Mr. Mosley, to re-appoint David Graham to a four-year term on the Building Code Appeals Board. Mr. Graham's term will expire March 31, 2019. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**BUILDING CODE APPEALS**

It was moved by Mr. Crabtree, seconded by Ms. Rowe, to re-appoint Robert Hines to a four-year term on the Building Code Appeals Board. Mr. Hines' term will expire March 31, 2019. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**BUILDING CODE APPEALS**



It was moved by Mr. Mosley, seconded by Mr. Crabtree, to re-appoint Wayne Bonham to a four-year term on the Building Code Appeals Board. Mr. Bonham's term will expire March 31, 2019. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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### **DRYDEN WATER AUTHORITY**

It was moved by Mr. Slemp, seconded by Ms. Rowe, to re-appoint Roger Gates, to a four-year term on the Dryden Water Authority. Mr. Gates' term will expire on March 31, 2019. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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### **PLANNING COMMISSION**

It was moved by Mr. Crabtree, seconded by Mr. Mosley, to appoint Donnie Brooks to a four year term on the Planning Commission. Mr. Brooks' term will expire February 28, 2019. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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### **PLANNING COMMISSION**

It was moved by Mr. Bailey, seconded by Mr. Mosley, to re-appoint Mike Brindle to a four-year term on the Planning Commission. Mr. Brindle's term will expire March 31, 2019. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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### **SOCIAL SERVICE BOARD**

It was moved by Mr. Crabtree, seconded by Mr. Slemp, to appoint Jason Crabtree to a term on the Social Services Board. Mr. Crabtree's term will expire December 31, 2015. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Crabtree, Ms. Rowe, Mr. Slemp

VOTING NO: Mr. Bailey, Mr. Mosley

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### **SOCIAL SERVICE BOARD**

It was moved by Ms. Rowe, seconded by Mr. Slemp, to appoint Michelle Warner to a four-year term on the Social Services Board. Ms. Warner's term will expire March 31, 2019. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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### **THE CROOKED ROAD**

It was moved by Ms. Rowe, seconded by Mr. Crabtree, to re-appoint Ashley Seals to a one-year term on the Crooked Road. Ms. Seals' term will expire March 31, 2016. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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### **RABIES CLINIC SCHEDULE**

Mr. Poe stated that Section 2.3-6521 of the Code of Virginia requires that all rabies clinics conducted within a county require approval of the local governing body and the Health Department. Lee County Animal Hospital has proposed the following rabies clinics in Lee County:

Saturday, May 2, 2015  
Saturday, May 9, 2015  
Saturday, May 16, 2015

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It was moved by Ms. Rowe, seconded by Mr. Crabtree, to approve the Rabies Clinic Schedule as presented. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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### **SHERIFF'S VEHICLES FINANCING**

Mr. Poe stated that the County currently has five new Sheriff's Department cruisers on order with delivery expected late this month or early April. Three of these vehicles will be partially funded by a Rural Development Community Facilities grant. The remaining two vehicles will be fully at County expense. There will need to be a down payment of 25% on these two vehicles and finance the remainder over a three year period. The County recently request financing proposals from local banks and received the following responses:

Lee Bank and Trust Company	2% interest
Farmers and Miners Bank	1.475% interest if tax exempt 1.925% interest if not
Powell Valley National Bank	3.25% interest

All three proposals provide for a three year payback with the first payment due one year from the closing date of the loan. Mr. Poe recommends accepting the proposal from Farmers and Miners Bank.

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It was moved by Mr. Crabtree, seconded by Mr. Mosley, to accept the proposal from Farmers and Miners Bank. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**ACCRUED LEAVE TIME DUE CLERK OF CIRCUIT COURT CHIEF DEPUTY**

Mr. Poe stated that the death of the former Clerk, the Chief Deputy for that office was appointed Clerk until a special election could be held. The Chief Deputy accrues leave time in accordance with State Compensation Board and County policies. Upon accepting the interim appointment as Clerk, she was no longer eligible for leave time but her previous position was required to be left vacant so that, in the event she did not seek election to the office, the position would still be available to her after a special election to the office. Accordingly, her accrued leave time in the Chief Deputy position was not paid at the time as she could have potentially returned to the position. She has since been elected to the office and the County needs to pay the accrued leave due at the time of her interim appointment. That amount is as follows:

Accrued Vacation Leave	276.69 hours
Accrued Compensatory Leave	<u>4.25 hours</u>
Total Accrued Leave Time	278.94 hours
	<u>@ 16.78</u>
Total Due Employee	\$4,680.78

Employer's FICA & Medicare	<u>358.07</u>
Total Cost of Leave Accrual	\$5,038.68

This will require a supplemental appropriation as follows:

<u>Revenue Source</u>		
3-001-41050-0099	Budget Supplements from Reserve	\$5,038.68
 <u>Expenditure</u>		
4-001-21600-1150	Salaries	\$4,680.61
4-001-21600-2100	FICA	\$ 358.07

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Mr. Mosley asked if this was State policy.

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Ms. Rowe asked if there is a limit to leave time employees can accrue.

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Mr. Poe stated that accrued leave time depends on the years of service an employee has with the maximum being 288 hours.

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Mr. Bailey asked why the County is having to pay this amount if it is a State position.

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Mr. Poe stated that the salaries in the Clerk's Office are reimbursed by the State but the benefits are not, and the County is required to provide the Constitutional Office employees with the same benefits that are offered to the County employees.

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It was moved by Mr. Mosley, seconded by Mr. Crabtree, to approve the Supplemental Appropriation for the Accrued Leave Time due Clerk of Circuit Court Chief Deputy as follows. Upon the question being put the vote was as follows.

<u>Revenue Source</u>		
3-001-41050-0099	Budget Supplements from Reserve	\$5,038.68
 <u>Expenditure</u>		

4-001-21600-1150	Salaries	\$4,680.61
4-001-21600-2100	FICA	\$ 358.07

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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### **TRANSFER STATION CONTRACT CHANGE ORDER NUMBER 1**

Mr. Poe stated that due to changes in the State Stormwater Management regulations the County will incur additional costs to construct the stormwater management system basin. After submitting an initial proposed cost, a request was made to relocate the basin to allow the best utilization of the property for our needs. We expect the additional costs to meet the new stormwater regulations to be approximately \$84,626.69.

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It was moved by Mr. Mosley, seconded by Ms. Rowe, to approve Green Construction Company, Inc. Change Order Number 1 in the amount of \$81,780.69. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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### **REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY**

None.

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### **REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR**

#### **HEALTH INSURANCE RENEWAL RATES**

Mr. Poe reported that the insurance rates did not increase this year for renewal.

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It was moved by Ms. Rowe, seconded by Mr. Mosley, to accept the renewal rates for Anthem Local Choice. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**BAILEYTOWN WATER PROJECT**

Mr. Poe stated that with the recent award of the Community Development Block Grant funds for the Baileytown Water Project, certain documents are required to be adopted by the Board of Supervisors in order to complete contract negotiation with the Department of Housing and Community Development. These are standard documents required for all block grant projects and have been adopted for numerous projects in the past.

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It was moved by Mr. Bailey, seconded by Ms. Rowe, to adopt Resolution 15-007 and 15-008. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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**RESOLUTION FOR COMPLIANCE  
BAILEYTOWN WATER PROJECT  
15-007**

**WHEREAS**, Lee County anticipates a Department of Housing and Community Development Block Grant award to install 3,935 lf of 6-inch waterline, 825 lf of 4-inch waterline and additional appurtenances to provide public water service to eight (8) residential connections in the Baileytown Community; and

**WHEREAS**, adoption of the following documents is a requirement of the Department of Housing and Community Development Block Grant Program:

- (a) Fair Housing Compliance Certification as required by Title VII of the Civil Rights Act of 1968
- (b) Residential Anti-Displacement and Relocation Assistance Plan
- (c) Lee County Local Business and Employment Plan
- (d) Section 504 Grievance Procedures and Site Accessibility Check List
- (e) Non-Discrimination Policy
- (f) Resolution to Appropriate Funds

**NOW, THEREFORE, BE IT RESOLVED**, the Lee County Board of Supervisors hereby adopts the above-mentioned items as required, showing that Lee County will be in conformance with all requirements set forth by the Virginia Department of Housing and Community Development.

Adopted this the 17<sup>th</sup> day of March, 2015.

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**RESOLUTION  
15-008**

**County of Lee**

County of Lee does hereby resolve to appropriate \$100,000 from the Virginia Department of Housing and Community Development Block Grant funds to the Construction of the Baileytown Water Project.

County of Lee is in no way committed to spend the \$100,000 if funds from the Virginia Department of Housing and Community Development Block Grant funds are not received.

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**REPORTS AND RECOMMENDATIONS OF THE BOARD**

**COMCAST**

Ms. Rowe stated that she is still trying to get in touch with Comcast about expanding services.

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**CLOSED SESSION**

It was moved by Ms. Rowe, seconded by Mr. Mosley, to enter Closed Session pursuant to 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.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. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemph

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It was moved by Mr. Bailey, seconded by Mr. Crabtree, to come out of Closed Session. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemph  
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### **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.

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### **LOAN FOR HOSPITAL AUTHORITY**

It was moved by Ms. Rowe, seconded by Mr. Mosley, to guarantee a loan up to \$1,700,000 for the Lee County Hospital Authority. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemph  
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It was moved by Mr. Mosley, seconded by Ms. Rowe, to adjourn. Upon the question being put the vote was as follows.

VOTING AYE: Mr. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemph



