

**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 18, 2015 at 5:00 p.m. thereof.

MEMBERS PRESENT: Carl Bailey, Chairman  
Larry Mosley  
Tina Rowe  
Charles Slemph, Jr.

MEMBERS ABSENT: Jason Crabtree

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

OTHERS ABSENT: None

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**INVOCATION**

Emery Minton Jr., Pastor Christian Life Fellowship Church of Jonesville, led in the invocation.

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**PLEDGE TO THE FLAG**

Tina Rowe led the Pledge to the Flag.

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**MEETING CALLED TO ORDER**

The meeting was called to order at 5:06 p.m.

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**DEPARTMENTAL REPORTS**

**ANIMAL CONTROL**

Allen Fortner, Animal Control Officer, reported that his department received 246 calls at the Pound and 71 calls from the Sheriff's Department, collected \$175 in

restitution, took in 37 strays, 33 owner surrenders and had one bite case. He is continuing to work with the LMU Veterinarian School on housing some of the animals, and with the citizens to get their dog's rabies tags.

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Mr. Mosley asked how the new employee was doing.

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Mr. Fortner stated that he is doing well.

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Mr. Bailey asked what percentage of dogs were being adopted.

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Mr. Fortner stated that the percentage of adoption was probably not even 10%, but since he has started using social media to get pictures of dogs out, the adoption rate is increasing. Last year there were around 1,000 animals picked up, 170 of those were reclaimed by the owner, 5% to 10% were adopted and about 75% went to Lee Fosters.

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### **LITTER CONTROL**

Josh Fleenor, Litter Control Coordinator, reported that there were 125 people in the Community Service Program with 76 participating; the participation rate is down since last month. He stated that he has submitted the DEQ grant, and has worked at Lee High School and would be putting recycling bins at the athletic fields. He conducted some roadside cleanups in the Sugar Run and Campground Road areas. He will be picking up old printer cartridges for recycling, and he met with Lee County Public School's cafeteria staff about recycling the cardboard that comes through the cafeterias.

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Mr. Crabtree entered the meeting at 5:14 p.m.

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Mr. Fleenor stated that he worked on the Outdoor Classroom and checked on several complaints.

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Mr. Mosley asked about the houses on Town Branch and Cane Creek.

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Mr. Fleenor stated that he is working on those.

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Mr. Slemp asked when the shredded paper and printer cartridges could be picked up from his office.

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Mr. Fleenor stated that was on his list to get next week.

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Ms. Rowe stated that there were several printer cartridges at her office that could be picked up also.

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### **TRANSFER STATION**

Gary Collingsworth, Transfer Station Superintendent, reported that there was 1,324.29 tons of garbage and 8.38 tons of tires picked up in July. He stated that once the open position is filled, his department would be able to get to the additional projects that have been on the schedule. He added that there have been dumpster fires and a lot of clean up at the Hurricane Bridge site. His department has been working at the Airport to prep for the RAM event next month.

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Mr. Bailey stated that there was gravel on top of the roof at the Thomas Walker Pool from people slinging them by doing donuts in the parking lot and asked if the security cameras would have been able to pick that up.

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Mr. Collingsworth stated that as long as he has a date he could go back and review the video.

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### **FORESTRY DEPARTMENT BUILDING**

Mr. Poe reported that the building used for offices by the Forestry Department and the building used to store their equipment are some distance apart. Mr. Collingsworth has proposed to building a new pole building near the offices for them to store their equipment, and the Transfer Station use the other building to park their trucks, with the cost of materials being around \$13,800 and all labor done in house.

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Mr. Slemph asked the size of the building.

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Mr. Collingsworth stated that it is 30' x 40' and has two bays.

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Mr. Poe stated that the cost to construct a new building would be added to the construction cost of the new Transfer Station.

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It was moved by Mr. Mosley, seconded by Mr. Slemph, to construct a new building for the Forestry Department with the cost not to exceed \$14,000. 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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## **CONSTITUTIONAL OFFICERS**

### **TREASURER'S REPORT**

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

Revenues	\$ 4,100,112.55
Expenditures	\$ 3,006,643.16
General Fund	\$ 6,204,670.72
Total Assets and Liabilities	\$ 12,425,666.31

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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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There was no public comment.

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The Chairman closed the floor for public comment.  
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### **APPROVAL OF MINUTES**

It was moved by Mr. Mosley, seconded by Mr. Slempp, to approve the minutes of the July 21, 2015 Regular Meeting and August 5, 2015 Recessed Meeting. Upon the question being put the vote was as follows.

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

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### **PAYROLL**

The County Administrator reports that payroll warrants have been issued.

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### **APPROVAL OF DISBURSEMENTS**

It was moved by Ms. Rowe, seconded by Mr. Mosley, to approve the disbursements for the month of August in the amount of \$201,499.67. Upon the question being put the vote was as follows.

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

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### **FINANCE**

### **MONTHLY APPROPRIATIONS**

It was moved by Mr. Mosley, seconded by Mr. Slempp, 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. Slempp

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**RESOLUTION**  
**MONTHLY APPROPRIATIONS**  
**15-024**

**WHEREAS**, the Lee County Board of Supervisors has approved the Lee County Public School Budget and Virginia Public Assistance Budget for FY2015-16; 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 September 30, 2015;

Federal/State Funds	\$ 7,082,972
Local Funds	<u>1,292,948</u>
<b>TOTAL VIRGINIA PUBLIC ASSISTANCE</b>	<b>\$ 8,375,920</b>

**LEE COUNTY PUBLIC SCHOOLS**

Categorical Appropriation:

Instruction	\$ 24,512,881
Administration, Attendance and Health	2,038,267
Pupil Transportation	1,862,995
Operation and Maintenance	3,213,825
School Food Services	1,589,425
Facilities	449,000
Technology	1,262,110
Partially Self-Funded Insurance Fund	<u>4,200,000</u>
<b>TOTAL</b>	<b>\$39,128,503</b>

Source of Revenue:

Federal Funds	\$ 4,639,454
State Funds	24,889,483
Other Funds	39,100
Self Insured Health Fund	3,750,000
Local Funds	5,040,466
Textbook Carryover Funds	<u>770,000</u>

TOTAL PUBLIC SCHOOLS \$ 39,128,503

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 Public School and Virginia Public Assistance funds and will not exceed the foregoing one month appropriations.

The Lee County Treasurer is also directed to revert all unexpended balances of the Public School and Virginia Public Assistance Funds to the General Fund as of the beginning and ending of Fiscal Year 2015-2016.

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### **SUPPLEMENTAL APPROPRIATIONS**

Mr. Poe reported that St. Charles Elementary School received a grant award of \$17,000 in recognition of being named a Title I Distinguished School for the 2014-2015 school year. The School Board is requesting that a supplemental appropriation to the 2015-2016 budget in the instruction category in the amount of \$17,000.

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It was moved by Ms. Rowe, seconded by Mr. Slemp, 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 15-025**

#### **LEE COUNTY SCHOOL BOARD SUPPLEMENTAL APPROPRIATION**

**WHEREAS**, St. Charles Elementary School has received a grant award of \$17,000.00 in recognition of being named a Title I Distinguished school;

**NOW, THEREFORE, BE IT RESOLVED**, the Lee County Board of Supervisors grants a supplemental appropriation to the 2015-16 School Budget in the amount of \$17,000.00 to the Instruction category with no local matching funds required;

**BE IT FURTHER RESOLVED**, that the revised total Lee County School Board appropriation for the 2015-16 fiscal year be increased from Thirty Nine Million, Four Hundred One Thousand, Eight Hundred Thirty Seven Dollars and Eighty Six Cents

(\$39,401,837.86) to Thirty Nine Million, Four Hundred Eighteen Thousand, Eight Hundred Thirty Seven Dollars and Eighty Six Cents (\$39,418,837.86).

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**NEW BUSINESS**

**BOARD APPOINTMENTS**

**AIRPORT AUTHORITY**

It was moved by Mr. Crabtree, seconded by Mr. Mosley, to appoint Gary Collingsworth to a four-year term on the Airport Authority. Mr. Collingsworth's term will expire July 31, 2019. 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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**BOARD OF ZONING APPEALS**

It was moved by Mr. Slemph, seconded by Mr. Mosley, to table both appointments until next month. 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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**INDUSTRIAL DEVELOPMENT AUTHORITY**

It was moved by Mr. Mosley, seconded by Ms. Rowe, to table this appointment until next month. 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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**PLANNING COMMISSION**

It was moved by Mr. Mosley, seconded by Mr. Slemph, to appoint Reba Nelson to an un-expired term on the Planning Commission. Ms. Nelson's term will expire February 28, 2016. 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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**NEW TRANSFER STATION PAY REQUEST NUMBER 3**

Mr. Poe reported that he received Green Construction Company's Pay Request No. 3 in the amount of \$110,511.24 for work performed to date on the new Transfer Station project. The wet summer has slowed the grading and initial foundation work but it is beginning to move a little faster. The architect has reviewed and approved the request for payment and Mr. Poe recommends it to be approved.

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It was moved by Mr. Crabtree, seconded by Mr. Mosley, to approve Green Construction Company's Pay Request Number 3 in the amount of \$110,511.24. 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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**VICTIM WITNESS PROGRAM GRANT AWARD**

Mr. Poe stated the County received the notice of renewal of the Victim Witness Program grant award in the amount of \$50,929.00. There is no local match required for this grant and the program is fully funded by the grant. A motion to accept the grant is needed.

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It was moved by Mr. Slemph, seconded by Ms. Rowe, to approve the Victim Witness Grant in the amount of \$50,929.00. 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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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ATTORNEY**

None.

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**REPORTS AND RECOMMENDATIONS OF THE COUNTY ADMINISTRATOR**

**KEOKEE SCHOOL DEED**

Mr. Poe reported that the deed for the Keokee School property has been prepared. He stated that the only remaining issue is the sewer treatment plant, and the Public Service Authority would like to check the motor and other items to see if those could be salvaged, then the tank can be pumped and taken out. The area would then have to be semi-reclaimed and that could be accomplished by filling it in with rock, and the outflow line from the school will have to be capped.

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Mr. Bailey asked if there was a clause for voting rights on the school property.

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Mr. Callahan stated there is a provision for use by the County for the three days prior to election day and the three days after.

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Mr. Mosley asked if the tank could be used for any type of pump and haul.

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Mr. Poe stated that it is not set up for that type of use.

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It was the consensus of the Board to allow the County Administrator to proceed with demolition of the package sewer treatment plant on the Keokee School property.

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It was moved by Ms. Rowe, seconded by Mr. Slemp, to authorize a deed of transfer the Keokee School property to the Keokee Alumni Association, Inc. and to authorize Mr. Bailey to execute the deed on behalf of the Board. 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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**COAL ROAD COMMITTEE**

Mr. Poe reported that the Coal Road Committee passed a resolution that gives each Board of Supervisor member \$1,942.24 to be used on public or private roads serving

at least three occupied houses per section of road that are needy of gravel in order to assist in safe passage. He stated that the Board would need to pass a resolution to implement this, and also re-appropriate the amount from last year.

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It was moved by Mr. Mosley, seconded by Mr. Slemph, to adopt the following resolution and supplemental appropriation in the amount of \$9,711.20. 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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**RESOLUTION**  
**APPROVED ANNUAL PLAN FOR THE IMPROVEMENT OF**  
**COAL HAUL ROADS FOR PERIOD ENDING JUNE 30, 2016**  
**15-026**

**WHEREAS**, the Lee County Severance Tax Ordinance as adopted and amended provides that the Coal Road Improvement Advisory Committee shall prepare a plan for the improvements of coal haul road; and,

**WHEREAS**, such a plan has been submitted for approval to the Lee County Board of Supervisors;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors distribute \$1,942.24 to each Board of Supervisors Member to be used on public or private roads that are in need of gravel and serve at least three occupied houses;

**BE IT FURTHER RESOLVED**, the Board hereby supplementally appropriates 9,711.20 to Fund 001, Board of Supervisors, with \$1,942.24 to be distributed to each district's gravel fund.

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Revenue Source		
3-001-41050-0099	Budget Supplements from Reserve	\$9,711.20
Expenditure		
4-001-11010-8121	District 1 Gravel	\$1,942.24
4-001-11010-8122	District 2 Gravel	\$1,942.24
4-001-11010-8123	District 3 Gravel	\$1,942.24
4-001-11010-8124	District 4 Gravel	\$1,942.24
4-001-11010-8125	District 5 Gravel	\$1,942.24

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**SUPPLEMENTAL RE-APPROPRIATION**

It was moved by Ms. Rowe, seconded by Mr. Mosley, to approve a supplemental re-appropriation from the prior year in the amount of \$4,035.83 to the Board of Supervisors as follows. Upon the question being put the vote was as follows.

Revenue Source		
3-001-41050-0099	Budget Supplements from Reserve	\$4,035.83
Expenditure		
4-001-11010-8121	District 1 Gravel	(\$592.42)
4-001-11010-8122	District 2 Gravel	\$2,599.58
4-001-11010-8123	District 3 Gravel	(\$193.23)
4-001-11010-8124	District 4 Gravel	\$ 623.07
4-001-11010-8125	District 5 Gravel	\$1,598.83

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

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**HOUSE BILL 2**

Mr. Poe reported that House Bill 2 was adopted in November and it changed the process of allocating funds for primary roads across the state. The County will now be competing for two pots of money, one state wide and one district wide, and they have to be approved on a regional level. The projects are rated on five different factors and each district sets the weighting of the factors. The deadline for application is in September and Mr. Sumpter with VDOT suggested to go ahead and put high costs projects in on the state level. Mr. Poe will have more information on this at the next Board meeting.

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**COYOTE BOUNTY**

Mr. Poe stated that the Board did not budget money this year, however there was still \$100 unexpended at the end of June.

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**SUPPLEMENTAL APPROPRIATION**

It was moved by Mr. Bailey, seconded by Mr. Mosley to approve a supplemental re-appropriation in the amount of \$100.00 to the Board of Supervisors as follows. Upon the question being put the vote was as follows.

Revenue Source		
3-001-41050-0099	Budget Supplements from Reserve	\$100.00
Expenditure		
4-001-11010-5820	Coyote Bounty	\$100.00

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

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## **REPORTS AND RECOMMENDATIONS OF THE BOARD**

### **K-12 FUNDING**

Mr. Mosley asked if Mr. Poe had drafted a Resolution in support of increasing the K-12 funding.

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Mr. Poe stated that he had not yet done so, and explained to the Board that this comes from the VACO meeting encouraging the Governor and General Assembly to increase funding for K-12 education.

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It was moved by Mr. Mosley, seconded by Ms. Rowe, to adopt a resolution in support of increasing the funding to K-12 education. 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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### **COMCAST**

Ms. Rowe asked if Mr. Poe had set meeting dates with Comcast.

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Mr. Poe stated that he has not, and suggested Ms. Rowe get a list of meeting dates and he would send them to Comcast and get a date.

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**BUILDING IN DRYDEN**

Mr. Slemp asked if Mr. Poe had checked on the Dryden building.

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Mr. Poe stated that he was told there is no recycling of materials going on in the building.

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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.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 2.23711 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. Bailey, Mr. Crabtree, Mr. Mosley, Ms. Rowe, Mr. Slemp

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Ms. Rowe left the meeting at 6:35 p.m.

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

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

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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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**BO COPE BRIDGE**

It was moved by Mr. Mosley, seconded by Mr. Crabtree, to reaffirm the previous action of the Board to name the Route 833 bridge in memory of Bo Cope. Upon the question being put the vote was as follows.

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

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**ASSISTANT ANIMAL CONTROL OFFICER**

It was moved by Mr. Mosley, seconded by Mr. Crabtree, to raise the salary of the Assistant Animal Control Officer to \$26,000 upon successful completion of training and the subsequent test. Upon the question being put the vote was as follows.

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

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

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

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CHAIRMAN OF THE BOARD

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CLERK OF THE BOARD